NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 21, 2023

Assembly called to order at 11:50 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywomen González and Thomas, who were excused.

Prayer by the Chaplain, Pastor Peggy Locke.

The Bible says in 2 Chronicles 16:9a, "For the eyes of the Lord run to and fro throughout the whole earth, to show Himself strong on behalf of those whose heart is loyal to Him."

You, O Lord, are Most High over all the earth; You are exalted far above all gods. Show Yourself strong and be a refuge and fortress to all who put their trust in You.

We give You thanks for this beautiful day, for our loved ones, for those we work with. We ask for Your divine protection for each one. We also ask for Your continued grace and strength for those serving in harm's way.

You are our Father who art in heaven, Hallowed be thy name. Thy kingdom come, Thy will be done on earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil: For Thine is the kingdom, and the power, and the glory, forever.

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.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 12:07 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 216, 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 270, 415, 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 Government Affairs, to which was referred Assembly Bill No. 219, 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 was referred Assembly Bill No. 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 456, 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 Health and Human Services, to which were referred Assembly Bills Nos. 7, 132, 156, 237, 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 154, 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 75, 244, 253, 292, 369, 381, 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*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bill No. 242; Assembly Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 162, 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

April 20, 2023

SPEAKER STEVE YEAGER, Nevada State Capitol, 101 N Carson St., Carson City, NV 89701

MAJORITY LEADER NICOLE CANNIZZARO, Majority Leader, Nevada State Capitol, 101 N Carson St., Carson City, NV 89701

DEAR SPEAKER YEAGER & MAJORITY LEADER CANNIZZARO,

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Wednesday, May 3, 2023.

As the Representative for Nevada's 4th Congressional District, I look forward to sharing information from the United States Capitol and discussing opportunities to improve and grow our state's economy and improve Nevada's future. I hope my address will provide an opportunity to identify areas in which we can partner for all of us to better serve the people of the Silver State.

I am honored and grateful for this opportunity. Thank you in advance for your consideration.

Sincerely,
STEVEN HORSFORD
Congressman Steven Horsford
4th District, Nevada

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 83, 171, 180, 247, 262, 272, 363, 371.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 21, 196, 257, 258, 259, 289, 299, 322, 338, 386, 418, 424.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 50.

SARAH COFFMAN
Fiscal Analysis Division

April 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 143.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 159.

WAYNE THORLEY
Fiscal Analysis Division

April 21, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 156.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that, through Monday, April 24, 2023, all bills and resolutions reported out of committee be immediately placed on the appropriate reading file.

Motion carried.

Assembly Joint Resolution No. 8.

Resolution read.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 484.

ASSEMBLYMEN D'SILVA**, ~~[AND]~~** BRITTNEY MILLER **; ANDERSON, BROWN-MAY, CARTER, COHEN, CONSIDINE, DELONG, DICKMAN, GALLANT, GONZÁLEZ, GORELOW, LA RUE HATCH, C.H. MILLER, MONROE-MORENO, MOSCA, NEWBY, NGUYEN, O'NEILL, ORENTLICHER, PETERS, SUMMERS-ARMSTRONG, TAYLOR, THOMAS, TORRES, WATTS AND YEAGER**

JOINT SPONSORS: SENATORS DONATE, FLORES, HAMMOND, D. HARRIS, NEAL, NGUYEN, OHRENSCHALL, SPEARMAN AND STONE

ASSEMBLY JOINT RESOLUTION—Urging the Congress of the United States to deschedule marijuana as a schedule I controlled substance.

WHEREAS, Under Nevada law, cannabis and marijuana share an identical meaning; and

WHEREAS, Under the Controlled Substance Act, drugs, substances and certain chemicals used to make drugs are classified into five distinct schedules depending upon the acceptable medical use of the drug and the potential of the drug for abuse; and

WHEREAS, Schedule I drugs, substances or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse; and

WHEREAS, Cannabis is classified as a schedule I drug, alongside heroin, although marijuana has many well documented medical uses; and

WHEREAS, According to the National Academy of Medicine, modern medical research has confirmed the beneficial uses for marijuana in treating or alleviating the pain, nausea and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis and HIV/AIDS; and

WHEREAS, Marijuana has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 350,000 patients in states with medical marijuana laws; and

WHEREAS, Marijuana's medical utility has been recognized by a wide range of medical and public health organizations, including, without limitation, the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association and the Leukemia and Lymphoma Society; and

WHEREAS, In 1998 and 2000, Nevada voters approved the *Nevada Medical Marijuana Act*, a referendum initiative intended to amend the Nevada

Constitution to legalize marijuana for medical use in Nevada, which passed in two consecutive elections, as is required for a constitutional amendment; and

WHEREAS, The medical value of cannabis was enshrined into Nevada's constitution through the addition of Article 4, Section 38 of the Nevada Constitution, which requires the Nevada Legislature to provide by law for the use by a patient, upon the advice of his physician, of a plant of the genus Cannabis for the treatment or alleviation of cancer, glaucoma, acquired immunodeficiency syndrome, severe, persistent nausea of cachexia resulting from these or other chronic or debilitating medical conditions, epilepsy and other disorders characterized by seizure, multiple sclerosis and other disorders characterized by muscular spasticity, or other conditions approved pursuant to law for such treatment; and

WHEREAS, In 2016, Nevada voters voted upon and approved the Initiative to Regulate and Tax Marijuana, which legalized possession of marijuana for recreational purposes; and

WHEREAS, A district court in Nevada has already held that cannabis is no longer a schedule I controlled substance in Nevada; and

WHEREAS, There are approximately 5.4 million state-legal patients in the United States and its territories who are unable to receive medical insurance prescription health coverage for medical marijuana, primarily because of marijuana's federal designation as a schedule I controlled substance; and

WHEREAS, In its State of the States 2021 report, the advocacy group Safe Access Now estimated that medical marijuana customers at state dispensaries were likely to pay as much as $350 before they could access and pay for the cost of marijuana; and

WHEREAS, Marijuana is not an eligible health savings account expense because of its current federal designation as a schedule I controlled substance; and

WHEREAS, Because of marijuana's current federal designation as a schedule I controlled substance, tracing money back to a state marijuana operation could result in criminal prosecution for aiding and abetting a federal crime or money laundering, and most financial institutions are therefore unwilling to accept the legal risks associated with offering financial services to the medical marijuana industry, resulting in medical marijuana distributors having limited access to traditional banking and financial services and forcing them to operate using only cash; and

WHEREAS, Operating a business with large amounts of cash on hand is a public safety threat, causing such a business to become a target for crime, thereby putting the safety of staff and patients at risk; and

WHEREAS, Marijuana does not belong in schedule I of the Controlled Substances Act, a classification intended for exceptionally dangerous substances with high potential for abuse and no currently accepted medical use; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 82nd Session of the Nevada Legislature hereby urge Congress to support legislation to remove cannabis from schedule I of the Controlled Substances Act; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 21.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 83.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 171.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 180.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 196.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 247.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 257.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 258.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Senate Bill No. 259.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 262.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Senate Bill No. 272.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 289.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 299.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 322.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 388.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 363.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 371.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 386.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 418.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 424.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 53.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 480.

AN ACT relating to tobacco products; revising penalties for sales of certain tobacco products to persons under 21 years of age; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing of persons engaged in the manufacture, distribution and sale of cigarettes and other tobacco products, including manufacturers, wholesale dealers of cigarettes, wholesale dealers of other tobacco products, tobacco retail dealers, logistics companies and persons who operate a warehouse or distribution center. (NRS 370.531-370.597) Existing law prohibits a person from selling, distributing or offering to sell cigarettes, cigarette paper, any product containing, made or derived from tobacco, any vapor product, any alternative nicotine product or any product containing, made or derived from nicotine to a person under the age of 21 years. (NRS 370.521) Existing law establishes certain penalties which a licensee is liable for if an employee or agent of the licensee violates this prohibition, including a warning for a first or second violation within a 24-month period at the same premises and certain civil penalties for subsequent violations within a 24-month period at the same premises. (NRS 370.521)

This bill provides that, for violations which occur within a 24-month period at the same premises, a licensee is liable for a civil penalty of: (1) ~~[$500]~~ **$2,500** for a first violation; (2) ~~[$1,000]~~ **$5,000** for a second violation; ~~[and]~~

(3) ~~[$2,500]~~ **$7,500** for a third **violation;** and **(4) $10,000 for a fourth and** any subsequent violation. ~~[Additionally, this bill requires the Department of Taxation to suspend the license of a licensee for 30 days for a second violation and for not more than 180 days for a third or any subsequent violation within a 24-month period at the same premises.]~~

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

Section 1. NRS 370.521 is hereby amended to read as follows:

370.521 1. Except as otherwise provided in subsections 2, 4 and 5, a person shall not sell, distribute or offer to sell cigarettes, cigarette paper, any product containing, made or derived from tobacco, any vapor product, any alternative nicotine product or any product containing, made or derived from nicotine to any person under the age of 21 years.

2. A person shall be deemed to be in compliance with the provisions of subsection 1 if, before the person sells, distributes or offers to sell to another any item described in subsection 1, the person:

(a) Demands that the other person present a valid driver's license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is 21 years of age or older;

(b) Is presented a valid driver's license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is 21 years of age or older; and

(c) Reasonably relies upon the driver's license, permanent resident card, tribal identification card or other written or documentary evidence presented by the other person.

3. A person shall not sell, distribute or offer to sell cigarettes, cigarette paper or other tobacco products to any person under 40 years of age without first performing age verification through enhanced controls that utilize a scanning technology or other automated, software-based system to verify that the person is 21 years of age or older. A person who violates this subsection is liable for a civil penalty of $100 for each offense.

4. The employer of a person who is under 21 years of age may, for the purpose of allowing the person to handle or transport any item described in subsection 1 in the course of the person's lawful employment, provide an item described in subsection 1 to the person under 21 years of age.

5. The provisions of this section do not apply to any product regulated by the United States Food and Drug Administration under Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

6. A person who violates subsection 1 is liable for a civil penalty of:

(a) For the first violation within a 24-month period, $100.

(b) For the second violation within a 24-month period, $250.

(c) For the third and any subsequent violation within a 24-month period, $500.

7. If an employee or agent of a licensee has violated subsection 1:

(a) For the first ~~[and second]~~ violation **,** within a 24-month period at the same premises, the licensee ~~[must be issued a warning.~~

~~(b) For the third violation within a 24-month period at the same premises, the licensee]~~ is liable for a civil penalty of ~~[$500.~~

~~(c)]~~ ***$2,500.***

(b) For the ~~[fourth]~~ ***second*** violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of ~~[$1,250.~~

~~(d)~~ ~~$***1000*** ***and the Department shall suspend the license of the licensee for 30 days.]*** ***$5,000.***

(c) For the ~~[fifth]~~ ***third*** ~~[and any subsequent]~~ violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of ~~[$2,500~~ ~~***. and the Department shall suspend the license of the licensee for not more than 180 days.]***~~*** ***$7,500.***

(d) For the fourth and any subsequent violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of $10,000.

8. A peace officer or any person performing an inspection pursuant to NRS 202.2496 may issue a notice of infraction for a violation of this section. A notice of infraction must be issued on a form prescribed by the Department and must contain:

(a) The location at which the violation occurred;

(b) The date and time of the violation;

(c) The name of the establishment at which the violation occurred;

(d) The signature of the person who issued the notice of infraction;

(e) A copy of the section which allegedly is being violated;

(f) Information advising the person to whom the notice of infraction is issued of the manner in which, and the time within which, the person must submit an answer to the notice of infraction; and

(g) Such other pertinent information as the peace officer or person performing the inspection pursuant to NRS 202.2496 determines is necessary.

9. A notice of infraction issued pursuant to subsection 8 or a facsimile thereof must be filed with the Department and retained by the Department and is deemed to be a public record of matters which are observed pursuant to a duty imposed by law and is prima facie evidence of the facts alleged in the notice.

10. A person to whom a notice of infraction is issued pursuant to subsection 8 shall respond to the notice by:

(a) Admitting the violation stated in the notice and paying to the State of Nevada the applicable civil penalty set forth in subsection 3, 6 or 7.

(b) Denying liability for the infraction by notifying the Department and requesting a hearing in the manner indicated on the notice of infraction. Upon receipt of a request for a hearing pursuant to this paragraph, the Department

shall provide the person submitting the request an opportunity for a hearing pursuant to chapter 233B of NRS.

11. Any money collected by the State of Nevada from a civil penalty pursuant to this section must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2493 and 202.2494.

12. As used in this section, "licensee" means a person who holds a license issued by the Department pursuant to this chapter.

Sec. 2. **This act becomes effective on January 1, 2024.**

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 73.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 139.

AN ACT relating to education; establishing the right of public school pupils to wear traditional tribal regalia or recognized objects of religious or cultural significance at school graduation ceremonies; **establishing a process for a pupil to appeal a decision that prohibits the wearing of such adornments;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, each pupil of a public school is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution. Any such expression by pupils must not be disruptive to instruction or used to engage in discrimination based on race or bullying and must not be organized, broadcast or endorsed by a public school. (NRS 388.077) This bill establishes that the pupils of a public school are entitled to wear traditional tribal regalia or recognized objects of religious or cultural significance **as an adornment** at school graduation ceremonies. This bill provides that the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils may nonetheless prohibit an item that is likely to cause a substantial disruption of, or material interference with, such a ceremony. **This bill authorizes a pupil who is prohibited from wearing such an item to appeal that decision to the Superintendent of Public Instruction, who must consult with certain groups before rendering a decision on such an appeal. This bill further provides that, if the Superintendent of Public Instruction does not render a decision within 5 business days after an appeal is submitted, the appeal is deemed to be decided in favor of the pupil.**

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pupil of a public school, including, without limitation, a pupil of a university school for profoundly gifted pupils, is entitled to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at a school graduation ceremony.

2. Nothing in this section shall be construed to prohibit the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils from prohibiting an item that is likely to cause a substantial disruption of, or material interference with, such a ceremony.

3. If the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils prohibits a pupil from wearing an item as an adornment at a school graduation ceremony, the pupil may submit a written appeal to the Superintendent of Public Instruction which includes an explanation of the religious or cultural significance of the item. Before rendering a decision on such an appeal, the Superintendent of Public Instruction shall consult with the Nevada Indian Commission created by NRS 233A.020 and the Nevada Commission on Minority Affairs created by NRS 232.852. If an appeal is decided in favor of the pupil, the board of trustees or governing body shall allow the pupil to wear the item as an adornment at the school graduation ceremony. If the Superintendent of Public Instruction fails to render a decision within 5 business days after the appeal is submitted, the appeal is deemed to be decided in favor of the pupil.

4. As used in this section:

(a) "Adornment" means something attached to, or worn with, but not replacing, the cap and gown customarily worn at school graduation ceremonies.

(b) "Cultural" means recognized practices and traditions of a certain group of people.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 91.

Bill read second time.

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

Amendment No. 491.

AN ACT relating to water; revising provisions relating to sinking or boring certain wells for water already appropriated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to submit an application for a permit to change the place of diversion of water already appropriated. (NRS 533.325-533.345) Existing law provides an exception for a person to sink or bore a replacement well without submitting such an application for a permit if: (1) both the original site of the well and the site of the replacement well are located on property owned by the same person for whom the water has already been appropriated; and (2) the site of the replacement well is located not more than 300 feet from the original place of diversion described on the permit to appropriate water. (NRS 534.065) This bill: (1) expands the exception for a person to sink or bore a replacement well without submitting an application for a permit if both the original site of the well and the site of the replacement well are on public lands; and (2) requires the site of the replacement well to be located anywhere on public lands or on the property of the person who holds the permit to appropriate water that is not more than 300 feet from the original place of diversion described on the permit to appropriate water. **This bill further requires a person who is seeking to sink or bore a replacement well on public lands to notify any relevant federal agency that is charged with administering such public lands and to comply with all applicable federal laws.**

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

Section 1. NRS 534.065 is hereby amended to read as follows:

534.065 1. If a person is seeking to sink or bore a replacement well to divert groundwater already appropriated and:

(a) The original site of the well and the site of the replacement well are on ***public lands or on*** property owned by the same person for whom the groundwater has already been appropriated; and

(b) The site of the replacement well is located not more than 300 feet from the original place of diversion described on the permit to appropriate water,

➥ the person is not required to file an application to change the place of diversion pursuant to NRS 533.345.

2. If a change to the site of a replacement well meets the requirements of subsection 1, the site of the replacement well must be located anywhere on ***public lands or on*** the property of the person who holds the permit to appropriate water that is not more than 300 feet from the original place of diversion described on the permit to appropriate water.

3. The person who holds the permit to appropriate water must:

(a) Record the site of the replacement well in the office of the county recorder of each county in which the water is applied to beneficial use and in each county in which the water is diverted from its natural source; and

(b) Inform the State Engineer of the site of the replacement well.

➥ Compliance with the provisions of this subsection shall be deemed to impart notice of the site of the replacement well to all persons.

4. If a person is seeking to sink or bore a replacement well on public lands, the person must notify any relevant federal agency that is charged with administering such public lands and comply with all applicable federal laws.

5. As used in this section, "public lands" has the meaning ascribed to it in NRS 408.078.

Sec. 2. 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. 218.

Bill read second time.

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

Amendment No. 183.

AN ACT relating to real property; **requiring a landlord or his or her agent to provide a tenant at least one method of paying rent or any other fee or charge that meets certain requirements;** prohibiting ~~[certain landlords]~~ **a landlord** from charging a tenant a fee to make a payment through an Internet website or online portal that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of such service; requiring a written rental agreement to separately identify such a fee under certain circumstances; **requiring a landlord or his or her agent to provide, upon request, a copy of a written rental agreement to a prospective tenant;** requiring ~~[any reference in a written rental agreement]~~ **certain references** to the amount of rent due under ~~[the]~~ **a rental** agreement to be set forth in a certain manner; establishing certain practices as deceptive trade practices; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement. Existing law requires any written agreement for the use and occupancy of a dwelling unit or premises to contain provisions relating to the amount of rent due and the manner and time of its payment. (NRS 118A.200) **Section 4** of this bill requires **that, in each place where a landlord lists the amount of rent due under a rental agreement and in** any reference to the

amount of rent due in a written rental agreement ~~[to]~~ **, the rent must** be set forth as a single figure representing the total amount of periodic rent that includes the amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent. **Section 4** prohibits a landlord from charging a tenant an amount for periodic rent that exceeds the amount of rent due under the written rental agreement, as set forth in the manner required by **section 4**. **Section 3.5 of this bill requires a landlord or his or her agent, upon request, to provide a prospective tenant with a copy of the written rental agreement, if any, to which the prospective tenant would be subject if he or she were to become a tenant.**

Section 2 of this bill **requires a landlord to provide a tenant at least one method to pay rent or any other fee or charge which does not require the tenant to: (1) pay any fee or charge to use the method; or (2) provide information concerning a bank account of the tenant. Section 2 also** prohibits a landlord or his or her agent who ~~[requires]~~ **allows** a tenant to pay rent or any other fee or charge ~~[exclusively]~~ through an Internet website or online portal ~~[or by means which require the tenant to provide direct access to his or her bank account]~~ from charging the tenant a fee to make a payment through the Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal. **Section 2** ~~[also]~~ requires the amount of any fee to be charged to the tenant by the landlord or his or her agent for the use of an Internet website or online portal to make a payment to be separately identified in any written rental agreement **.** ~~[, in addition to including the amount of the fee in the calculation of the amount of rent due pursuant to section 4, if applicable.]~~

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) **Section 3** of this bill makes it a deceptive trade practice to: (1) ~~[charge a tenant a fee to make a payment through an Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal, in violation of section 2;]~~ **violate the requirements of section 4 concerning the manner in which rent must be listed or referenced in a written rental agreement;** and (2) charge a tenant an amount for periodic rent that exceeds the amount of rent due under a written rental agreement in violation of **section 4**.

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

Section 1. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **,** ~~[and]~~ 3 **and 3.5** of this act.

Sec. 2. ***1. A landlord or his or her agent shall provide a tenant at least one method of paying rent or any other fee or charge which does not require the tenant to:***

(a) Pay any fee or charge for using the method; or

(b) Provide information concerning a bank account of the tenant.

2. If a landlord or his or her agent [requires] allows a tenant to pay rent or any other fee or charge [exclusively] through an Internet website or online portal : [or by means which require the tenant to provide direct access to his or her bank account:

1.] (a) The landlord or his or her agent shall not charge the tenant a fee to make a payment through [an] the Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal; and

[2.] (b) The amount of any fee charged to the tenant by the landlord or his or her agent for the use of the Internet website or online portal [, in addition to being included in the calculation of the amount of rent due pursuant to subsection 6 of NRS 118A.200, if applicable,] must be separately identified in any written rental agreement.

Sec. 3. ***1. A violation of subsection 6 or 7 of NRS 118A.200 [or subsection 1 of section 2 of this act] constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. A tenant injured by such a violation may bring a civil action in any court of competent jurisdiction for such violation.***

2. If a tenant prevails in an action brought pursuant to subsection 1, the court shall award the tenant:

(a) Any damages the tenant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The tenant's costs in the action and reasonable attorney's fees.

Sec. 3.5. A landlord or his or her agent shall, upon request, provide to a prospective tenant a copy of the written rental agreement, if any, to which the tenant would be subject if he or she were to become a tenant.

Sec. 4. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent ***, set forth in the manner required by subsection 6,*** and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. ***~~[Any]~~ In each place where a landlord lists the amount of rent due under a rental agreement and in any reference in a written rental agreement to the amount of rent due under the agreement , the rent must be set forth as a single figure representing the total amount of periodic rent that includes the amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent.***

7. A landlord shall not charge a tenant an amount for periodic rent that exceeds the amount of rent due under a written rental agreement as set forth in the manner required by subsection 6.

8. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

~~[7.]~~ *9.* As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

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. 224.

Bill read second time.

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

Amendment No. 117.

AN ACT relating to collective bargaining; authorizing collective bargaining for certain state employees; providing for the recognition of professional organizations; providing for the establishment of bargaining units and the designation of exclusive representatives; establishing certain rights for professional organizations and professional employees; establishing procedures for collective bargaining and for making collective bargaining agreements; authorizing the Government Employee-Management Relations Board to collect certain fees; prohibiting certain practices relating to collective bargaining; authorizing a state professional employer to use the services of the

Division of Human Resource Management of the Department of Administration and the Attorney General for certain purposes; authorizing the Board of Regents of the University of Nevada to conduct collective bargaining negotiations and enter into collective bargaining agreements with certain employees; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes collective bargaining between: (1) local government employers and local government employees; and (2) the State and certain state employees. (Chapter 288 of NRS) This bill authorizes collective bargaining between state professional employers and professional employees. **Section 5** of this bill defines "state professional employer" to mean a board, commission or similar body within the Executive Department of the State Government, including, without limitation, the Board of Regents of the University of Nevada, that employs 400 or more professional employees. **Section 13** of this bill defines "professional employee" to mean a person who, with various exceptions, is employed by a state professional employer and who is: (1) in the unclassified service of the State; or (2) paid in accordance with any arrangement other than the pay plan for the classified service of the State.

Sections 2, 57 and 59 of this bill expand the powers and duties of the Government Employee-Management Relations Board to include hearing and deciding disputes between state professional employers and professional employees.

Section 17 of this bill sets forth certain legislative findings and declarations. **Section 18** of this bill authorizes professional employees to organize, form, join and assist professional organizations and engage in collective bargaining activity or refrain from engaging in such activity. **Sections 1 and 22** of this bill authorize an officer of a state professional employer to, upon written authorization by a professional employee, withhold money from the salary or wages of the employee to pay dues or fees to a professional organization.

Section 19 of this bill provides for the recognition of a professional organization by a state professional employer. **Sections 19 and 58** of this bill set forth the conditions under which a state professional employer is authorized to withdraw such recognition. **Section 23** of this bill: (1) authorizes a recognized professional organization to, with certain limitations, represent a professional employee with respect to any condition of the employment of the employee; and (2) provides that only an exclusive representative may engage in collective bargaining on behalf of the professional employees of the applicable bargaining unit.

Section 24 of this bill authorizes, with certain conditions, a professional employee to act for himself or herself with respect to conditions of his or her employment. **Section 20** of this bill establishes certain rights of professional organizations. **Section 21** of this bill requires, upon request by an exclusive representative, a state professional employer to furnish to the representative

certain personal contact information relating to each professional employee represented by the representative. **Section 25** of this bill requires a professional employee who could be subject to certain adverse employment actions to be provided with certain notice and afforded certain rights.

Section 26 of this bill provides for the creation and organization of bargaining units. **Sections 27-31** of this bill set forth procedures for a professional organization to be designated by the Board, either with or without an election, as an exclusive representative of a bargaining unit. **Sections 29 and 62** of this bill: (1) require the Board to verify each showing of interest filed by a professional organization against the employment records of the state professional employer; and (2) provide that a showing of interest by a professional employee or a petition requesting an election relating to exclusive representation submitted to the Board is confidential and not a public record.

Section 32 of this bill requires each state professional employer that has recognized one or more professional organizations and each professional organization to file certain reports with the Board annually.

Section 33 of this bill sets forth certain subjects that constitute the scope of mandatory bargaining. **Section 34** of this bill requires negotiations between an exclusive representative and a state professional employer to commence not later than 60 **calendar** days after one party gives notice to the other party. **Section 35** of this bill sets forth certain duties of an exclusive representative. **Section 36** of this bill requires a state professional employer to designate a representative to engage in collective bargaining with an exclusive representative. **Section 36** further requires a state professional employer to **comply with reasonable requests to** furnish certain data to the exclusive representative**.** ~~[upon request.]~~ **Section 39** of this bill authorizes a professional organization to be represented by a licensed attorney in negotiations with a state professional employer.

Sections 37, 38, 41 and 42 of this bill set forth various requirements and limitations relating to the provisions of a collective bargaining agreement. **Section 64** of this bill provides that in the event of a conflict between certain policies and procedures for personnel adopted by the Board of Regents of the University of Nevada and the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement prevail.

Section 40 of this bill requires any new or modified collective bargaining agreement between a state professional employer and an exclusive representative to be: (1) submitted to the members of the professional organization for a ratification vote; and (2) approved at a public hearing by, depending on the state professional employer, either the State Board of Examiners or the Board of Regents. **Sections 46 and 63** of this bill provide that certain meetings convened for the purpose of collective bargaining and resolving disputes relating to collective bargaining are exempt from the provisions of existing law requiring open and public meetings of public bodies.

Sections 43-45 of this bill provide for the mediation and arbitration of disputes between state professional employers and exclusive representatives.

Section 47 of this bill prohibits certain practices in the context of collective bargaining. **Section 48** of this bill sets forth procedures to establish that a party has committed such a prohibited practice.

Section 49 of this bill establishes certain provisions relating to actions brought by or against state professional employers or professional organizations.

Existing law requires the Government Employee-Management Relations Board to annually assess a fee on local government employers and the Executive Department for the support of the Board based on the number of employees employed by the local government employer or the Executive Department in the first pay period of the immediately preceding year. (NRS 288.139, 288.475) **Section 50** of this bill requires the Board to assess a similar fee on each state professional employer based on the number of professional employees in a bargaining unit that had an exclusive representative in the first pay period of the immediately preceding year.

Sections 51 and 52 of this bill authorize: (1) a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General to provide support to the state professional employer to carry out the provisions of **sections 6-52** of this bill; and (2) the Division of Human Resource Management and the Attorney General to charge the state professional employer for any such services provided.

Section 61 of this bill authorizes the Governor to request the drafting of as many legislative measures as are necessary to carry out the provisions of **sections 6-52**. **Sections 56 and 60** of this bill revise provisions of existing law prohibiting strikes against the State or a local government employer by an employee organization or labor organization for the purpose of also prohibiting strikes by a professional organization.

Sections 4, 5 and 7-16 of this bill define certain words and terms applicable to the provisions of this bill. **Sections 54 and 55** of this bill revise certain definitions relating to collective bargaining that are applicable to employee organizations and labor organizations to also include professional organizations. **Section 53** of this bill makes a conforming change to indicate the proper placement of **sections 4 and 5** in the Nevada Revised Statutes.

Section 65 of this bill grants the Board of Regents the authority to conduct collective bargaining negotiations and to enter into collective bargaining agreements with the professional employees of the Nevada System of Higher Education.

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

Section 1. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(3) Except as otherwise provided in paragraph (c), insurers;

(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) Except as otherwise provided in NRS 288.545 ~~[,]~~ ***and section 22 of this act,*** employee organizations ***,*** ~~[and]~~ labor organizations ~~[.]~~ ***and professional organizations.***

(b) May, in accordance with an agreement entered into pursuant to NRS 701A.450 between the Director of the Office of Energy and the officer or employee specifying amounts, withhold those amounts and pay them to the Director of the Office of Energy for credit to the Renewable Energy Account created by NRS 701A.450.

(c) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the Executive Department.

Sec. 2. NRS 281.755 is hereby amended to read as follows:

281.755 1. Except as otherwise provided in subsections 2 and 5, a public body shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If the public body determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the public body, the public body may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the public body may require the employee to accept a reasonable alternative selected by the public body and the employee may appeal the decision by filing a complaint in the manner set forth in subsection 4.

3. An officer or agent of a public body shall not retaliate, or direct or encourage another person to retaliate, against an employee of the public body because the employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 2 to express breast milk; or

(b) Taken any action to require the public body to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

4. An employee who is aggrieved by the failure of a public body to comply with the provisions of this section may:

(a) If the employee is employed by the Executive Department of State Government, is not an employee of an entity described in NRS 284.013 and is not an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, ***or sections 6 to 52, inclusive, of this act,*** file a complaint with the Employee-Management Committee in accordance with the procedures provided pursuant to NRS 284.384;

(b) If the employee is employed by the Legislative Department of State Government, file a complaint with the Director of the Legislative Counsel Bureau;

(c) If the employee is employed by the Judicial Department of State Government, file a complaint with the Court Administrator; and

(d) If the employee is employed by a political subdivision of this State or any public or quasi-public corporation organized under the laws of this State or if the employee is employed by the Executive Department of State Government and is an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, ***or sections 6 to 52, inclusive, of this act,*** file a complaint with the Government Employee-Management Relations Board in the manner set forth in NRS 288.115.

5. The requirements of this section do not apply to the Department of Corrections. The Department is encouraged to comply with the provisions of this section to the extent practicable.

6. As used in this section, "public body" means:

(a) The State of Nevada, or any agency, instrumentality or corporation thereof;

(b) The Nevada System of Higher Education; or

(c) Any political subdivision of this State or any public or quasi-public corporation organized under the laws of this State, including, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

Sec. 3. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 52, inclusive, of this act.

Sec. 4. ***"Professional organization" means an organization of any kind that:***

1. Has, as one of its purposes, the improvement of the terms and conditions of employment of professional employees, as defined in section 13 of this act; and

2. Provides the service of representation to professional employees, including, without limitation, in collective bargaining with state professional employers.

Sec. 5. *"State professional employer" means a board, commission or similar body within the Executive Department, including, without limitation, the Board of Regents of the University of Nevada on behalf of the Nevada System of Higher Education, that employs 400 or more professional employees as defined in section 13 of this act.*

Sec. 6. *As used in sections 6 to 52, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 7. *"Arbitration" means a process of dispute resolution in which the parties involved in an impasse or grievance submit their dispute to a third party for a final and binding decision.*

Sec. 8. *"Bargaining unit" means a group of professional employees recognized by a state professional employer as having sufficient community of interest for representation by a professional organization for the purpose of collective bargaining.*

Sec. 9. *"Confidential employee" means an employee who provides administrative support to an employee who assists in the formulation, determination and effectuation of managerial personnel policies concerning collective bargaining.*

Sec. 10. *"Exclusive representative" means a professional organization that, as a result of its designation as such by the Board, has the exclusive right to:*

1. Represent all the professional employees within a bargaining unit; and

2. Engage in collective bargaining with a state professional employer pursuant to sections 6 to 52, inclusive, of this act concerning wages, hours and other terms and conditions of employment for those professional employees.

Sec. 11. *"Grievance" means an act, omission or occurrence that a professional employee or an exclusive representative believes to be an injustice relating to any condition arising out of the relationship between a state professional employer and a professional employee, including, without limitation, working hours, working conditions, membership in a professional organization or the interpretation of any law, regulation or agreement.*

Sec. 12. *1. "Managerial employee" means an employee whose primary function is to administer and control the business of any state professional employer and who is vested with discretion and independent*

judgment with regard to the general conduct and control of the state professional employer.

2. The term includes, without limitation:

(a) A chief administrative officer, the chief administrative officer's deputy and immediate assistants, department heads and their deputies and immediate assistants, appointed officials and others who are primarily responsible for formulating and administering management policies and programs;

(b) Administrators of an academic institution, including, without limitation:

(1) Chancellors, presidents, provosts and deans;

(2) Vice, associate and assistant chancellors, presidents, provosts and deans; and

(3) Other employees who are primarily responsible for formulating and administering management policies and programs; and

(c) Attorneys who serve a state professional employer or advise other managerial employees.

3. With respect to professional employees of an academic institution:

(a) A professional employee shall not be deemed a managerial employee solely because the professional employee participates in decisions with respect to courses, curriculum, personnel or other matters of educational policy through shared governance mechanisms or peer review.

(b) A chair or head of a department or similar academic unit or program who performs the duties described in paragraph (a) primarily on behalf of the members of the academic unit or program shall not be deemed a managerial employee solely because of those duties.

Sec. 13. *1. "Professional employee" means a person who is employed by a state professional employer and:*

(a) Is in the unclassified service of the State; or

(b) Is paid in accordance with any arrangement other than the pay plan for the classified service of the State.

2. The term does not include:

(a) A local government employee;

(b) A person who is employed in the classified service of the State pursuant to chapter 284 of NRS;

(c) A person who is employed by the Nevada System of Higher Education:

(1) In the classified service of the State; or

(2) Who is required to be paid in accordance with the pay plan for the classified service of the State;

(d) A person employed by the Public Employees' Retirement System who is required to be paid in accordance with the pay plan for the classified service of the State;

(e) An elected official or any person appointed to fill a vacancy in an elected office;

(f) A person who is employed in neither the classified nor the unclassified service of the State pursuant to NRS 223.085;

(g) A person whose employment is the result of an appointment by the Governor to a position which deems the person to be a civil officer of the State pursuant to NRS 232A.030 or 616C.340;

(h) A managerial employee;

(i) A confidential employee;

(j) A temporary, intermittent or seasonal worker who is employed for less than 90 calendar days in a [365-day] period [,] of 365 calendar days;

(k) A commissioned officer or an enlisted member of the Nevada National Guard; or

(l) A person who is employed within the office of a statewide elected constitutional officer.

Sec. 14. *"Recognition" or "recognized" means the formal acknowledgment by a state professional employer that a particular professional organization has the right to represent professional employees of the state professional employer.*

Sec. 15. *"Showing of interest" means written or electronic documentation that provides evidence of the membership of a professional employee in or his or her support for a professional organization for the purpose of exclusive representation. The term includes any electronic signature pursuant to chapter 719 of NRS.*

Sec. 16. *1. "Supervisory employee" means a person who does not have the responsibility for the general conduct and control of a state professional employer, but who:*

(a) Performs management duties, including, without limitation:

(1) Establishing performance standards for subordinate employees;

(2) Scheduling, assigning, overseeing or reviewing the work of subordinate employees under established performance standards; or

(3) Effectively recommending the performance of the duties described in subparagraphs (1) and (2) and the manner in which such duties are performed; or

(b) Has the authority to adjust grievances, apply established personnel policies and procedures, enforce the provisions of a collective bargaining agreement or effectively recommend such action,

➥ if the exercise of the duties or authority described in paragraph (a) or (b) is not of a merely routine or clerical nature but requires the use of independent judgment and occupies a regular and significant portion of the employee's workday.

2. With respect to professional employees of an academic institution:

(a) A professional employee shall not be deemed to be a supervisory employee solely because the professional employee participates in decisions with respect to courses, curriculum, personnel or other matters of educational policy through shared governance mechanisms or peer review.

(b) A chair or head of a department or similar academic unit or program who performs the duties described in paragraph (a) primarily on behalf of the members of the academic unit or program shall not be deemed a supervisory employee solely because of those duties.

Sec. 17. *1. The Legislature hereby finds and declares that there is a great need to:*

(a) Promote harmonious and constructive relations between state professional employers and their professional employees; and

(b) Increase the efficiency of state professional employers . ~~[; and~~

~~*(c) Provide the means by which relations between state professional employers and their professional employees are carried out in an atmosphere which permits the fullest participation by professional employees in the determination of conditions of employment that affect them.]*~~

2. It is therefore in the public interest that the Legislature enact provisions:

(a) Granting certain professional employees the right to associate with others in organizing and choosing exclusive representatives for the purpose of engaging in collective bargaining;

(b) Requiring state professional employers to recognize professional organizations and to negotiate wages, hours and other terms and conditions of employment with exclusive representatives and to enter into written agreements evidencing the result of collective bargaining; and

(c) Establishing standards and procedures that protect the rights of professional employees, state professional employers and the people of the State.

3. The Legislature further finds and declares that:

(a) Joint decision making and consultation between administration and faculty or academic professional employees is a long-accepted manner of shared governance in institutions of higher education and is essential to the advancement of the educational missions of those institutions;

(b) It is a purpose of sections 6 to 52, inclusive, of this act to preserve and encourage the practice and mechanisms of shared governance with respect to professional employees of public institutions of higher education in this State; and

(c) The provisions of sections 6 to 52, inclusive, of this act are not intended to restrict, limit or prohibit the full exercise of the functions of faculty in any shared governance mechanism or practice, including, without limitation, the establishment and function of faculty senates and the principle of peer review in the appointment, retention and tenure of faculty in an institution of higher education.

Sec. 18. *1. For the purposes of collective bargaining and other mutual aid or protection, every professional employee has the right to:*

(a) Organize, form, join and assist professional organizations, engage in collective bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such an activity.

2. A state professional employer shall not discriminate in any way among its professional employees on account of membership or nonmembership in a professional organization.

3. Professional employees have the right to communicate with one another and with representatives of professional organizations concerning organization, representation, issues in the workplace, collective bargaining and the business and programs of a professional organization, including, without limitation, communicating by means of electronic mail, text messages and other electronic communications, telephone, paper documents and other means of communications of the workplace subject to the reasonable regulations of a state professional employer or such limitations as may be set forth in a collective bargaining agreement.

Sec. 19. *1. A state professional employer shall recognize a professional organization that presents to the state professional employer:*

(a) A copy of the bylaws, charter or constitution of the professional organization, which demonstrates that the organization has as one of its purposes the improvement of the terms and conditions of employment of professional employees;

(b) A roster of its officers, if any, and representatives; and

(c) An identification of the professional employees that the professional organization seeks to represent.

2. If a state professional employer first receives the written permission of the Board, the state professional employer may withdraw recognition from a professional organization that fails to:

(a) Present a copy of each change in its bylaws, charter or constitution, if any; or

(b) Give notice of any change in the roster of its officers and representatives, if any.

Sec. 20. *1. Except as otherwise provided in subsection 2 and subject to such reasonable regulations as a state professional employer may prescribe or such conditions and limitations as may be set forth in a collective bargaining agreement, a professional organization that has been recognized shall have the right to:*

(a) At reasonable times, access areas in which professional employees work;

(b) Use bulletin boards, mailboxes, electronic mail and other means of communication to communicate with professional employees at their workplace;

(c) At reasonable times, use the facilities of a workplace for the purpose of meetings concerned with the exercise of any rights guaranteed under the provisions of sections 6 to 52, inclusive, of this act; and

(d) Provide information to professional employees during the orientation or on-boarding of new employees.

2. If a professional organization has been designated as the exclusive representative of a bargaining unit, no professional organization other than the professional organization designated as the exclusive representative may exercise the rights set forth in subsection 1 with respect to professional employees in the bargaining unit except to the extent that such access is otherwise provided to the general public.

Sec. 21. *1. Unless a professional employee has directed a state professional employer not to furnish that employee's personal contact information to an exclusive representative, a state professional employer shall, upon the request of an exclusive representative but not more than once each calendar quarter, furnish to the exclusive representative the following personal contact information, as contained in the records of the state professional employer, for each professional employee who is represented by the exclusive representative:*

(a) Home address;

(b) Home telephone number or other personal telephone number; and

(c) Personal electronic mail address.

2. The furnishing of an employee's personal contact information pursuant to subsection 1 does not make that information a public record for the purposes of chapter 239 of NRS.

Sec. 22. *1. Except as otherwise provided in subsection 4, an officer of a state professional employer shall, upon written authorization by a professional employee, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to a recognized professional organization.*

2. If applicable, a written authorization provided pursuant to subsection 1 must comply with the provisions of chapter 719 of NRS.

3. Except as otherwise provided in this subsection, a written authorization provided pursuant to subsection 1 is binding for the period specified in the authorization. An authorization may be revoked by the professional employee by notifying the professional organization in accordance with the terms of the authorization. The professional organization shall process a revocation of an authorization in a timely manner.

4. If the Board designates a professional organization as the exclusive representative of a bargaining unit pursuant to sections 6 to 52, inclusive, of this act, an officer of a state professional employer shall not, pursuant to NRS 281.129, withhold any amount of money from the salary or wages of a professional employee within the bargaining unit to pay dues or similar fees

to a professional organization other than the professional organization that is the exclusive representative of the bargaining unit.

Sec. 23. ***1. Except as otherwise provided in this section, a recognized professional organization may represent a professional employee of a state professional employer that has recognized the professional organization with respect to any condition of the employment of the professional employee, including, without limitation, representation in disciplinary proceedings and investigations and proceedings for the adjustment of grievances, regardless of whether the professional employee is a member of the professional organization.***

2. If a professional employee is in a bargaining unit that has an exclusive representative, no professional organization other than the professional organization designated as the exclusive representative for the bargaining unit may represent the professional employee.

3. Only the professional organization which has been designated by the Board as the exclusive representative of a bargaining unit pursuant to sections 6 to 52, inclusive, of this act may engage in collective bargaining on behalf of the professional employees of that bargaining unit.

Sec. 24. ***1. Except as otherwise provided in this section, the recognition of a professional organization or the designation of a professional organization as an exclusive representative does not preclude a professional employee from acting for himself or herself with respect to any condition of his or her employment. Such a professional employee has the right to present grievances to a state professional employer at any time and to have those grievances adjusted.***

2. If a professional employee, acting for himself or herself, presents a grievance to a state professional employer pursuant to subsection 1:

(a) Any action taken in the adjustment of a grievance must be consistent with the terms of an applicable collective bargaining agreement in effect, if any; and

(b) If the professional employee is in a bargaining unit that has an exclusive representative, the exclusive representative must be given an opportunity to be present at any meetings or hearings related to the adjustment of the grievance and be provided a copy of the adjustment of the grievance.

Sec. 25. ***1. Subject to the conditions imposed by section 23 of this act and any other conditions and limitations as may be set forth in a collective bargaining agreement, a professional employee who is the subject of an internal administrative investigation that could lead to dismissal, involuntary demotion, suspension, reduction of pay, payment of restitution or other similar adverse employment action against the professional employee must be:***

(a) Provided notice in writing of the allegations against the professional employee within 30 calendar days after the date on which the state

professional employer becomes aware, or reasonably should have become aware, of the allegations. The notice must be provided before the professional employee is questioned regarding the allegations.

(b) Afforded the right to have a lawyer or other representative of the professional employee's choosing present with the professional employee at any time that the professional employee is questioned regarding the allegations. The professional employee must be given not less than 2 business days to obtain such representation, unless the professional employee waives, in writing, his or her right to be represented.

2. If, during any questioning by a state professional employer, a professional employee who does not have a representative present has a reasonable belief that the questioning could lead to dismissal, involuntary demotion, suspension, reduction of pay, payment of restitution or similar adverse employment action against the professional employee and makes a clear request for representation by a recognized professional organization, the state professional employer must:

(a) Grant the request and delay the questioning by not less than 2 business days to allow a representative of the professional organization to be present and to provide an opportunity for the professional employee to consult with the representative; or

(b) Deny the request and end the questioning immediately.

3. A state professional employer must not retaliate in any way against a professional employee for asserting his or her rights under subsection 2.

4. A state professional employer shall annually inform its professional employees of the rights afforded to professional employees under subsection 2.

Sec. 26. *1. Each state professional employer which has recognized a professional organization shall determine, in consultation with the recognized organization, which group or groups of its professional employees constitute an appropriate bargaining unit or bargaining units. The primary criterion for that determination must be the community of interest among the employees concerned. Without restricting the rights of the parties to make their determination pursuant to this subsection, for the Nevada System of Higher Education, there is a presumption that the contact, interests and working conditions of employees within a branch university, college or other branch create a sufficient community of interest.*

2. Managerial employees must be excluded from any bargaining unit.

3. Confidential employees must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

4. A supervisory employee must not be a member of the same bargaining unit as the professional employees under the supervision of the supervisory employee. Any dispute between the parties as to whether a professional

employee is a supervisor must be submitted to the Board. A professional organization which is negotiating on behalf of two or more bargaining units may select members of each unit to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.

5. If any professional organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the state professional employer and any professional organization involved. The Board shall apply the same criterion as specified in subsection 1.

Sec. 27. ~~*[1.]*~~ *If no professional organization is designated as the exclusive representative of a bargaining unit and a recognized professional organization files with the Board a showing of interest for the professional organization by more than 50 percent of the professional employees in a bargaining unit which is verified by the Board pursuant to section 29 of this act, the Board shall designate the professional organization as the exclusive representative of the bargaining unit without ordering an election.*

~~*[2. Upon the designation of a professional organization as the exclusive representative of a bargaining unit without an election pursuant to subsection 1, the Board shall require the state professional employer to distribute a notice to all professional employees in the bargaining unit advising the professional employees:*~~

~~*(a) That the professional organization has been designated as the exclusive representative of the bargaining unit; and*~~

~~*(b) Of the rights afforded to the professional employees under sections 18, 23, 24 and 25 of this act.]*~~

Sec. 28. *1. If no professional organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit if:*

(a) A recognized professional organization files with the Board a written request for an election which includes a showing of interest for the professional organization by at least 30 percent but not more than 50 percent of the professional employees within the bargaining unit which is verified by the Board pursuant to section 29 of this act; and

(b) No other election to choose, change or discontinue exclusive representation has been conducted within the bargaining unit during the immediately preceding 12 months.

2. ~~*[Upon ordering an election pursuant to subsection 1, the Board shall require the state professional employer to distribute a notice to all professional employees in the bargaining unit:*~~

~~*(a) Identifying:*~~

~~*(1) The bargaining unit for which representation is sought; and*~~

~~*(2) The professional organization which seeks to be the exclusive representative of the bargaining unit;*~~

~~*(b) Explaining the election process; and*~~

~~*(c) Advising the professional employees of the rights afforded to the professional employees under sections 18, 23, 24 and 25 of this act.*~~

~~*3.]*~~ *If the Board has designated a professional organization as the exclusive representative of a bargaining unit following an election pursuant to subsection 1 or without an election pursuant to section 27 of this act, the Board shall order an election:*

(a) If:

(1) Another recognized professional organization files with the Board a written request for an election which includes a showing of interest for the professional organization by more than 50 percent of the professional employees within the bargaining unit; or

(2) A group of professional employees within the bargaining unit files with the Board a written request for an election which includes a petition or other evidence showing that more than 50 percent of the professional employees within the bargaining unit have requested that an election be conducted to change or discontinue exclusive representation;

(b) If applicable, the written request filed pursuant to paragraph (a) is filed at least 225 calendar days but not more than 270 calendar days before the date on which the current collective bargaining agreement in effect for the bargaining unit expires; and

(c) If no other election to choose, change or discontinue exclusive representation has been conducted within the bargaining unit during the immediately preceding 12 months.

Sec. 29. *1. The Board shall verify each showing of interest filed by a professional organization pursuant to section 27 or 28 of this act and the identity of each professional employee identified in a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection ~~[3]~~ 2 of section 28 of this act by comparing the name of a professional employee included in the showing of interest or written request, as applicable, with the employment records of the state professional employer.*

2. A showing of interest filed by a professional organization pursuant to section 27 or 28 of this act or a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection ~~[3]~~ 2 of section 28 of this act is confidential and is not a public record.

3. The Board shall not disclose to any person the identity of any professional employee who has participated in a showing of interest filed by a professional organization pursuant to section 27 or 28 of this act or a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection ~~[3]~~ 2 of section 28 of this act.

Sec. 30. *1. If the Board orders an election within a bargaining unit pursuant to section 28 or 31 of this act, the Board shall order that each of the following be placed on the ballot for the election:*

(a) If applicable, a choice for the recognized professional organization that requested the election pursuant to section 28 of this act;

(b) If applicable, a choice for the recognized professional organization that is currently designated as the exclusive representative of the bargaining unit;

(c) A choice for any other recognized professional organization that, on or before the date that is prescribed by the rules adopted by the Board pursuant to NRS 288.110 and section 31 of this act, files with the Board a written request to be placed on the ballot for the election and includes with the written request a showing of interest for that other professional organization by at least 30 percent of the professional employees within the bargaining unit; and

(d) A choice for "no exclusive representation."

2. If a ballot for an election contains more than two choices and none of the choices on the ballot receives a majority of the votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

3. If the choice for "no exclusive representation" receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the bargaining unit as being without an exclusive representative.

4. If a recognized professional organization receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate that professional organization as the exclusive representative of the bargaining unit.

Sec. 31. *1. The Board shall preside over all elections that are conducted pursuant to this section or section 28 or 30 of this act and shall determine the eligibility requirements for professional employees to vote in any such election.*

2. An election conducted pursuant to this section or section 28 or 30 of this act must be conducted by secret ballot. The Board may adopt rules prescribing the manner in which voting in such an election may be conducted, which may include, without limitation, voting in person, by mail or by secure electronic means.

3. A professional organization that is placed as a choice on the ballot for an election or any professional employee who is eligible to vote at an election may file with the Board a written objection to the results of the election. The objection must be filed not later than 10 business days after the date on which the notice of the results of the election is given by the Board.

4. In response to a written objection filed pursuant to subsection 3 or upon its own motion, the Board may invalidate the results of an election and

order a new election if the Board finds that any conduct or circumstances raise substantial doubt that the results of the election are reliable.

Sec. 32. *1. Each state professional employer that has recognized one or more professional organizations shall, on or before November 30 of each year, file with the Board:*

(a) A list of each professional organization recognized by the state professional employer;

(b) A list of each professional organization designated as the exclusive representative for a bargaining unit within the state professional employer; and

(c) A description of each bargaining unit within the state professional employer.

2. Each professional organization recognized by a state professional employer shall file a report with the Board on or before November 30 of each year. The report must include:

(a) The full name of the professional organization;

(b) The name of each state professional employer which has recognized the professional organization;

(c) The names of the officers of the professional organization;

(d) If applicable, the total number of professional employees in each bargaining unit for which the professional organization has been designated as the exclusive representative;

(e) Copies of all changes to the bylaws, charter or constitution of the professional organization that were adopted during the preceding year;

(f) The name, address and telephone number of the person designated by the professional organization to receive communications from the Board on business relating to the professional organization; and

(g) A copy of any collective bargaining agreement in effect between the professional organization and a state professional employer.

3. A professional organization which has not previously been recognized by a state professional employer shall file the report required by subsection 2 not later than 30 calendar days after recognition.

Sec. 33. *1. Collective bargaining entails a mutual obligation between a state professional employer and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:*

(a) The subjects of mandatory bargaining set forth in subsection 2;

(b) The negotiation of an agreement;

(c) The resolution of any question arising under an agreement; and

(d) The execution of a written contract incorporating the provisions of an agreement.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Maternity or paternity leave and family medical leave.

(f) Other paid or nonpaid leaves of absence.

(g) Except as otherwise provided in subsection 3, insurance and health care benefits provided by the state professional employer.

(h) Total hours of work required of a professional employee on each workday or workweek.

(i) Total number of days of work required of a professional employee in a work year.

(j) Discharge and disciplinary procedures.

(k) Recognition clause.

(l) The method for determining the classification and titles of professional employees in the bargaining unit.

(m) Deduction of dues for the recognized professional organization.

(n) Protection of professional employees in the bargaining unit from discrimination because of participation in recognized professional organizations consistent with the provisions of sections 6 to 52, inclusive, of this act.

(o) No-strike provisions consistent with the provisions of ~~[sections 6 to 52, inclusive, of this act.]~~ this chapter.

(p) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(q) General savings clauses.

(r) Except as otherwise provided in section 38 of this act, the duration of collective bargaining agreements.

(s) Safety of professional employees . ~~[and safety in the workplace.]~~

(t) Facilities for meeting with students for professional employees who have teaching or advising responsibilities.

(u) Policies for the transfer and reassignment of professional employees.

(v) Procedures for reduction in or addition to the workforce consistent with the provisions of sections 6 to 52, inclusive, of this act.

3. The following are not subject to negotiation pursuant to this section:

(a) Pension or retirement benefits provided by the Public Employees' Retirement System pursuant to chapter 286 of NRS to persons employed by this State, state agencies, as described in subsection 2 of NRS 286.070, and the Public Employees' Retirement System.

(b) Benefits provided by the Public Employees' Benefits Program pursuant to NRS 287.0402 to 287.049, inclusive, to persons employed by a participating state agency as defined in NRS 287.04054.

(c) Provisions governing participation in the Public Employees' Deferred Compensation Program pursuant to NRS 287.250 to 287.370, inclusive.

4. The following are not subjects within the scope of mandatory bargaining and are reserved to the state professional employer without negotiation:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee. This right does not include the right to assign or transfer an employee as a form of discipline.

(b) The right to determine the quality and quantity of services to be offered to the public.

(c) Safety of the public.

5. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of sections 6 to 52, inclusive, of this act, a state professional employer is entitled to take whatever actions may be necessary to carry out its responsibilities during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070. Those actions may include the suspension of any such collective bargaining agreement or any portion thereof for the duration of the emergency or disaster to the extent necessary to carry out the responsibilities of the state professional employer. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

~~[5.]~~ 6. This section does not preclude, but the provisions of sections 6 to 52, inclusive, of this act, do not require, a state professional employer to negotiate subject matters outside of the scope of mandatory bargaining or consult with any professional employee or professional organization on any such matter. A state professional employer shall discuss subject matters outside the scope of mandatory bargaining but is not required to negotiate those matters.

Sec. 34. *1. Whenever an exclusive representative or a state professional employer desires to negotiate any matter which is subject to negotiation pursuant to the provisions of sections 6 to 52, inclusive, of this act, it shall give written notice to the other party.*

2. The parties shall commence negotiations not later than 60 calendar days following the notification provided for in subsection 1.

Sec. 35. *1. An exclusive representative shall:*

(a) Act as the representative of all professional employees within each bargaining unit that it represents; and

(b) In good faith and on behalf of each bargaining unit that it represents, individually or collectively, bargain with a state professional employer concerning the wages, hours and other terms and conditions of employment for the professional employees within each bargaining unit that it represents.

2. A professional organization may serve as an exclusive representative for multiple bargaining units.

Sec. 36. *1. A state professional employer shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the state professional employer. For the Nevada System of Higher Education, where a bargaining unit has been determined pursuant to section 26 of this act and that bargaining unit is unique to an institution within the System, a representative of that institution may be, but*

is not required to be, designated as the representative to conduct negotiations concerning collective bargaining agreements on behalf of the Nevada System of Higher Education for that institution.

2. A representative designated pursuant to subsection 1 shall, on behalf of the state professional employer, negotiate in good faith with an exclusive representative concerning a collective bargaining agreement, as required by section 33 of this act.

3. ~~[Upon request by an exclusive representative, a]~~ A state professional employer shall comply with reasonable requests by an exclusive representative to furnish ~~[to an exclusive representative information]~~ data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of the subjects of mandatory bargaining described in section 33 of this act. This subsection shall not be construed to require a state professional employer to furnish to the exclusive representative any advice or training received by representatives of the state professional employer concerning collective bargaining.

Sec. 37. *1. Each collective bargaining agreement negotiated between a state professional employer and an exclusive representative pursuant to sections 6 to 52, inclusive, of this act must be in writing and must include, without limitation:*

(a) A procedure to resolve grievances that applies to all professional employees in the bargaining unit and culminates in ~~[final and]~~ binding arbitration ~~[.]~~ as the final stage of appeal by either party. Such a procedure:

(1) Must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreements, the applicability of any law, rule or regulation relating to the employment and appeal of discipline and other adverse personnel actions; and

(2) May, for professional employees of academic institutions, incorporate established shared governance mechanisms, including, without limitation, oversight by a faculty senate and peer review.

(b) A nonappropriation clause that provides that any provision of the collective bargaining agreement which requires the Legislature to appropriate money is effective only:

(1) To the extent of the legislative appropriation; and

(2) Until the collective bargaining agreement is reopened and the provision is renegotiated.

2. A professional employee in a bargaining unit who is aggrieved by the failure of the state professional employer or its designated representative to comply with the requirements of NRS 281.755 may pursue a grievance related to that failure through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 288.115,

➥ but once the professional employee has properly filed a grievance in writing under the procedure described in paragraph (a) or filed a complaint under the procedure described in paragraph (b), the professional employee may not proceed in an alternative manner.

3. If there is a conflict between any provision of a collective bargaining agreement between a state professional employer and an exclusive representative and:

(a) Any policy, procedure or regulation adopted by the state professional employer, the provision of the agreement prevails unless the provision of the agreement is outside the lawful scope of collective bargaining.

(b) An existing statute, the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

Sec. 38. *If the parties to collective bargaining cannot agree to a new collective bargaining agreement before the end of the term of a collective bargaining agreement, the terms of the existing collective bargaining agreement remain in effect until a new collective bargaining agreement takes effect.*

Sec. 39. *Whenever a professional organization enters into negotiations with a state professional employer pursuant to sections 6 to 52, inclusive, of this act, the professional organization may , at the sole expense of the professional organization, be represented by an attorney licensed to practice law in this State.*

Sec. 40. *1. The draft of any new collective bargaining agreement or similar agreement or of any proposed modifications to an existing collective bargaining agreement or similar agreement between a state professional employer and an exclusive representative must be submitted in writing by the professional organization to the members of the organization within the relevant bargaining unit before a vote on the ratification of the agreement is taken.*

2. A vote on the ratification of a collective bargaining agreement must be conducted in accordance with the internal rules and procedures of the professional organization.

3. Any new or modified collective bargaining agreement or similar agreement between a state professional employer and an exclusive representative must be approved, at a public hearing, by:

(a) If the agreement concerns professional employees of the Nevada System of Higher Education, the Board of Regents of the University of Nevada; or

(b) If the agreement does not concern professional employees of the Nevada System of Higher Education, the State Board of Examiners.

4. Not less than 3 business days before the date of the hearing conducted pursuant to subsection 3, the Board of Regents of the University of Nevada or the State Board of Examiners, as applicable, shall cause the following

documents to be posted and made available on the Internet website used by the Board of Regents or the State Board of Examiners, as applicable, to provide public notice of meetings:

(a) The proposed collective bargaining agreement and any exhibits or other attachments to the proposed agreement;

(b) If the proposed collective bargaining agreement is a modification of a previous agreement, a document showing any language added to or deleted from the previous agreement; and

(c) Any supporting material prepared for the Board of Regents or the State Board of Examiners, as applicable, relating to the financial impact of the agreement.

Sec. 41. *If a provision of a collective bargaining agreement:*

1. Does not require an act of the Legislature to be given effect, the provision becomes effective in accordance with the terms of the agreement.

2. Requires an act of the Legislature to be given effect:

(a) The state professional employer shall request that the Governor request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision;

(b) The Governor shall request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision; and

(c) The provisions become effective, if at all, on the date on which the act of the Legislature becomes effective.

Sec. 42. *1. If a provision of a collective bargaining agreement requires the Legislature to appropriate money to implement the provision:*

(a) The state professional employer that is a party to the agreement shall include the full amount necessary to fund the provision in the proposed budget of the state professional employer submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210.

(b) The Governor may include in the biennial proposed executive budget of the State any amount of money the Governor deems appropriate for the state professional employer. If such amount is not sufficient to fully fund the provision of the collective bargaining agreement, the Governor shall submit to the Legislature and the state professional employer a statement setting forth the reasons for not including the amount necessary to fully fund the provision.

2. If the Legislature does not appropriate the amount of money that is necessary to implement fully a provision of a collective bargaining agreement, any such agreement may be opened by either party to that agreement solely for the purpose of renegotiating the provision that was not fully funded by the appropriation. All other terms and conditions of the collective bargaining agreement remain in full force and effect.

Sec. 43. *1. Either party may request mediation through the Federal Mediation and Conciliation Service if the parties do not reach a collective bargaining agreement:*

(a) Not later than 120 calendar days after the date on which the parties began negotiations; or

(b) On or before any later date set by the agreement of the parties in writing.

2. The mediator shall bring the parties together as soon as possible after his or her appointment and shall attempt to settle each issue in dispute not later than 21 calendar days after his or her appointment or any later date set by the agreement of the parties.

Sec. 44. *1. If a mediator appointed pursuant to section 43 of this act determines that his or her services are no longer helpful, or if the parties do not reach a collective bargaining agreement through mediation within 21 calendar days after the appointment of the mediator or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall attempt to agree upon an impartial arbitrator.*

2. If the parties do not agree upon an impartial arbitrator within 5 business days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date set by agreement of the parties, the parties shall request from the Federal Mediation and Conciliation Service a list of seven potential arbitrators. Not later than 5 business days after receipt of the list of arbitrators, the parties shall select an arbitrator from the list by alternately striking one name until the name of only one arbitrator remains, and the parties must accept that arbitrator to hear the dispute in question. The party who will strike the first name must be determined by a coin toss.

3. The arbitrator shall begin arbitration proceedings not later than 15 calendar days after the appointment or any later date set by agreement of the parties.

4. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

5. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

6. The arbitrator shall render a decision not later than 15 calendar days after beginning arbitration proceedings or any later date set by agreement of the parties.

7. The state professional employer and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 45. *1. For issues in dispute after arbitration proceedings are held pursuant to section 44 of this act, the arbitrator shall incorporate either the final offer of the state professional employer or the final offer of the*

exclusive representative into his or her decision. The decision of the arbitrator must be limited to a selection of one of the two final offers of the parties. As incorporated in his or her decision, the arbitrator shall not revise or amend the selected final offer of the applicable party on any issue.

2. To determine which final offer to incorporate into his or her decision, the arbitrator shall assess the reasonableness of:

(a) The position of each party as to each issue in dispute; and

(b) The proposed contractual terms and provisions contained in each final offer.

3. In assessing reasonableness pursuant to subsection 2, the arbitrator shall:

(a) Compare the salaries, wages, hours and other terms and conditions of employment for the professional employees within the bargaining unit with the salaries, wages, hours and other terms and conditions of employment for other employees performing similar services and for other employees generally:

(1) In public employment in comparable communities or institutions; and

(2) In private employment in comparable communities or institutions.

(b) Consider, without limitation:

(1) The financial ability of the state professional employer to pay the costs associated with the proposed collective bargaining agreement, with due regard for the primary obligation of the state professional employer to safeguard the health, safety and welfare of the people of this State [.] and to fulfill the mission of the state professional employer;

(2) Any legal or contractual restrictions on funds based on the sources of those funds, including, without limitation, legislative appropriations, fees, gifts and federal, state, local and private grants and contracts;

(3) The average prices paid by consumers for goods, services and housing in the geographic location where the professional employees work; and

[(3)] (4) Such other factors as are normally or traditionally used as part of collective bargaining, mediation, arbitration or other methods of dispute resolution to determine the wages, hours and other terms and conditions of employment for professional employees in public or private employment.

4. The decision of the arbitrator is final and binding upon the parties.

Sec. 46. ***The following proceedings, required by or conducted pursuant to this chapter, are not subject to any provision of NRS which requires a meeting to be open or public:***

1. Any negotiation or informal discussion between a state professional employer and a professional organization or professional employees as individuals.

2. Any meeting of a mediator with either party or both parties to a negotiation.

3. Any meeting or investigation conducted by a mediator or arbitrator.

4. Any meeting of a state professional employer with its management representative or representatives.

5. Deliberations of the Board toward a decision on a complaint, appeal or petition for declaratory relief.

Sec. 47. *1. It is a prohibited practice for a state professional employer or its designated representative to willfully:*

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 6 to 52, inclusive, of this act.

(b) Dominate, interfere or assist in the formation or administration of any professional organization.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any professional organization.

(d) Discharge or otherwise discriminate against any professional employee because the professional employee has:

(1) Signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter; or

(2) Formed, joined or chosen to be represented by any professional organization.

(e) Refuse to bargain collectively in good faith with an exclusive representative as required by sections 33, 35 and 36 of this act.

(f) Deny to any professional organization the rights guaranteed to it under sections 6 to 52, inclusive, of this act.

(g) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin or because of political or personal reasons or affiliations.

(h) Fail to provide the ~~[information]~~ data required by subsection 3 of section 36 of this act.

(i) Fail to comply with the requirements of NRS 281.755.

2. It is a prohibited practice for a professional organization or its designated agent to willfully:

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 6 to 52, inclusive, of this act.

(b) If the professional organization is an exclusive representative, refuse to bargain collectively in good faith with a state professional employer, as required by sections 33, 35 and 36 of this act.

(c) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin or because of political or personal reasons or affiliations.

3. As used in this section:

(a) "Bargain collectively" includes the entire bargaining process, including mediation and arbitration, as provided in sections 6 to 52, inclusive, of this act.

(b) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(c) "Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 48. *1. To establish that a party committed a prohibited practice in violation of section 47 of this act, the party aggrieved by the practice must file a complaint with the Board in accordance with procedures prescribed by the Board.*

2. Except as otherwise provided in this section, the Board shall hear a complaint filed pursuant to subsection 1 in accordance with the provisions of NRS 288.110 and any rules adopted by the Board pursuant to that section.

3. The Board shall conduct any hearing on the complaint in accordance with:

(a) The provisions of chapter 233B of NRS that apply to a contested case; and

(b) Any rules adopted by the board pursuant to NRS 288.110.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 4 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 business days after being served with the order or decision of the Board.

Sec. 49. *1. Except as otherwise provided by specific statute, a professional organization and a state professional employer may sue or be sued as an entity pursuant to sections 6 to 52, inclusive, of this act.*

2. If any action or proceeding is brought by or against a professional organization pursuant to sections 6 to 52, inclusive, of this act, the district court in and for the county in which the professional organization maintains its principal office or the county in which the claim arose has jurisdiction over the claim.

3. A natural person and his or her assets are not subject to liability for any judgment awarded pursuant to sections 6 to 52, inclusive, of this act, against a state professional employer or a professional organization.

Sec. 50. *1. On or before July 1 of each year, the Board shall charge and collect a fee from each state professional employer that has recognized one or more professional organizations in an amount not to exceed $10 for each professional employee who was, in the first pay period of the immediately preceding fiscal year:*

(a) Employed by the state professional employer; and

(b) In a bargaining unit that had an exclusive representative.

2. A state professional employer shall pay the fee imposed pursuant to subsection 1 on or before July 31 of each year. A state professional employer shall not impose the fee against its employees.

3. If a state professional employer fails to pay the fee assessed pursuant to subsection 1 on or before July 1 of that year, the Board shall impose a civil penalty not to exceed $10 for each professional employee employed by the state professional employer for whom the fee was not paid.

4. A state professional employer may not receive a reduction in the amount of the fee imposed pursuant to subsection 1 or a refund of that amount if a professional employee is not employed for a full calendar year. The fee must be imposed whether or not the professional employee is a member of a professional organization.

5. To carry out the provisions of this section, the Board may, by any reasonable means, verify the identities and number of professional employees employed by a state professional employer in bargaining units that have an exclusive representative.

Sec. 51. *1. Except as otherwise provided in subsection 5, a state professional employer may use the services of the Division of Human Resource Management of the Department of Administration to provide support to the state professional employer to carry out the provisions of sections 6 to 52, inclusive, of this act.*

2. If a state professional employer uses the services of the Division of Human Resource Management pursuant to subsection 1, the Division may charge an annual fee to the state professional employer for each professional employee who is within a bargaining unit with a designated exclusive representative. The state professional employer shall pay the annual fee to the Division on or before the date on which the payment is due, as specified by the Division. The Division may specify a different due date for the annual fee for each state professional employer.

3. Any money received from the fees collected pursuant to subsection 2 must be accounted for separately for each state professional employer and may only be used by the Division of Human Resource Management to provide support to the state professional employer to carry out the provisions

of sections 6 to 52, inclusive, of this act, including, without limitation, the personnel and operating costs of the Division in providing such support.

4. To carry out the provisions of this section, the Division of Human Resource Management may verify by any reasonable means the number of professional employees of the state professional employer within bargaining units that are represented by a professional organization as the exclusive representative.

5. As the entity with the authority to fix salaries and establish policies and procedures of the unclassified personnel of the Nevada System of Higher Education pursuant to chapter 396 of NRS, the Board of Regents of the University of Nevada shall conduct its own negotiations pursuant to the provisions of sections 6 to 52, inclusive, of this act.

Sec. 52. ***1. A state professional employer may use the services of the Attorney General to provide support to the state professional employer to carry out the provisions of sections 6 to 52, inclusive, of this act.***

2. If a state professional employer uses the services of the Attorney General pursuant to subsection 1, the Attorney General may charge the state professional employer for those services pursuant to NRS 228.113.

Sec. 53. NRS 288.015 is hereby amended to read as follows:

288.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.029 to 288.074, inclusive, ***and sections 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 54. NRS 288.032 is hereby amended to read as follows:

288.032 "Collective bargaining" means a method of determining conditions of employment by negotiation between representatives of the Executive Department ***, state professional employer*** or local government employer and an employee organization ***, professional organization*** or labor organization, entailing a mutual obligation of the Executive Department ***, state professional employer*** or local government employer, as applicable, and the representative of the state or local government employees to meet at reasonable times and bargain in good faith with respect to:

1. Wages, hours and other terms and conditions of employment;
2. The negotiation of an agreement;
3. The resolution of any question arising under a negotiated agreement; or
4. The execution of a written contract incorporating any agreement reached if requested by either party,

➥ but this obligation does not compel either party to agree to a proposal or require the making of a concession.

Sec. 55. NRS 288.065 is hereby amended to read as follows:

288.065 "Mediation" means assistance by an impartial third party to reconcile differences between the Executive Department ***, a state professional employer*** or a local government employer and an exclusive representative through interpretation, suggestion and advice.

Sec. 56. NRS 288.074 is hereby amended to read as follows:

288.074 "Strike" means any concerted:

1. Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees;

2. Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact; or

3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization ***, professional organization*** or labor organization.

Sec. 57. NRS 288.080 is hereby amended to read as follows:

288.080 1. The Government Employee-Management Relations Board is hereby created, consisting of five members, broadly representative of the public and not closely allied with any employee organization, ***any professional organization,*** any labor organization, the Executive Department ***, any state professional employer*** or any local government employer.

2. Not more than three of the members of the Board may be members of the same political party, and at least three of the members must reside in southern Nevada. The term of office of each member is 4 years.

3. The Governor shall appoint the members of the Board.

Sec. 58. NRS 288.090 is hereby amended to read as follows:

288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. Except as otherwise provided in this section, any three members of the Board constitute a quorum, and a majority of a quorum present at any meeting may exercise all the power and authority conferred on the Board.

2. Except by a majority vote of the entire membership of the Board, the Board may not:

(a) Elect a Chair or Vice Chair;

(b) Appoint the Commissioner or Secretary of the Board, or terminate the employment of the Commissioner or Secretary;

(c) Adjust the fee charged to local government employers pursuant to NRS 288.139 or impose a civil penalty for failure to pay the fee;

(d) Make or adopt any rule or regulation; ~~[or]~~

(e) ***Grant permission to a state professional employer to withdraw recognition from a professional organization pursuant to section 19 of this act; or***

(f) Grant permission to a local government employer to withdraw recognition from an employee organization or order an election pursuant to NRS 288.160.

3. Whenever less than five members of the Board are present at any meeting, not more than two of the members present may be members of the same political party.

4. The Board may, within the limits of legislative appropriations and any other available money:

(a) Appoint a Commissioner and a Secretary, who are in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.

Sec. 59. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding ~~[:]~~ ***, mediation and arbitration;***

(c) ***The recognition, as defined in section 14 of this act, of professional organizations;***

(d) The recognition, as defined in NRS 288.136, of employee organizations;

~~[(d)]~~ ***(e) The designation of the exclusive representative, as defined in section 10 of this act, of a bargaining unit of professional employees in accordance with sections 27 to 31, inclusive, of this act;***

(f) The designation of the exclusive representative ***, as defined in NRS 288.430,*** of a bargaining unit in accordance with the provisions of NRS 288.520, 288.525 and 288.530; and

~~[(e)]~~ ***(g)*** The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by the Executive Department, ***any state professional employer,*** any local government employer, any employee, as defined in NRS 288.425, ***any professional employee, as defined in section 13 of this act,*** any local government employee, any employee organization ***, any professional organization*** or any labor organization. Except as otherwise provided in this subsection and NRS 288.115, 288.280 and 288.625 ~~[,]~~ ***and section 48 of this act,*** the Board shall conduct a hearing within 180 days after it decides to hear a complaint. If a complaint alleges a violation of paragraph (a) of subsection 1 of NRS 288.620 ***,*** ~~[or]~~ paragraph (b) of subsection 2 of NRS 288.620, ***subsection 1 of section 47 of this act or paragraph (b) of subsection 2 of section 47 of this act,*** the Board shall conduct a hearing not later than 45 days after it decides to hear the complaint, unless the parties agree to waive this requirement. The Board, after a hearing, if it finds that the complaint is well taken, may order any person or entity to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. Except when an expedited hearing is conducted pursuant to NRS 288.115, the Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

7. As used in this section ~~[, "bargaining unit"]~~ ***:***

(a) "Arbitration" has the meaning ascribed to it in NRS 288.410 or section 7 of this act, as applicable.

(b) "Bargaining unit" has the meaning ascribed to it in NRS 288.134 or 288.415 ~~[.]~~ ***or section 8 of this act, as applicable.***

Sec. 60. NRS 288.710 is hereby amended to read as follows:

288.710 1. If a strike is commenced or continued in violation of an order issued pursuant to NRS 288.705, the court may:

(a) Punish each employee organization ***, professional organization*** or labor organization guilty of such violation by a fine of not more than $50,000 against each employee organization ***, professional organization*** or labor organization for each day of continued violation.

(b) Punish any officer of an employee organization ***, professional organization*** or labor organization who is wholly or partly responsible for such violation by a fine of not more than $1,000 for each day of continued violation, or by imprisonment as provided in NRS 22.110.

(c) Punish any employee of the State or of a local government employer who participates in such strike by ordering the dismissal or suspension of such employee.

2. Any of the penalties enumerated in subsection 1 may be applied alternatively or cumulatively, in the discretion of the court.

Sec. 61. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. Except as otherwise provided in subsection 2, for a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 110 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceding the regular session.

2. The Governor or the Governor's designated representative may request at any time before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary to carry out the provisions of NRS 288.400 to 288.630, inclusive ~~[.]~~ ***, or sections 6 to 52, inclusive, of this act.***

3. The Director of the Office of Finance may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative

measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

4. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	3
Secretary of State	6
State Treasurer	5
State Controller	5
Attorney General	20

5. In addition to the requests authorized by subsection 4, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 31 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 4 must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 62. 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 sections 21, 29 and 46 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. 63. 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 46 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. 64. NRS 396.251 is hereby amended to read as follows:

396.251 1. The Board of Regents may establish policies and procedures for personnel which govern student employees, physicians engaged in a program for residency training and postdoctoral fellows of the System and which are separate from the policies and procedures established for the unclassified personnel of the System. Any such policy or procedure does not diminish the eligibility of those persons for coverage as employees under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

2. ***Except as otherwise provided in sections 6 to 52, inclusive, of this act:***

(a) In establishing policies and procedures pursuant to subsection 1, the Board of Regents is not bound by any of the other provisions of this chapter or the provisions of title 23 of NRS. ~~[~~Those~~]~~

(b) The provisions ***of this chapter and the provisions of title 23 of NRS*** do not apply to a student employee, a physician engaged in a program for residency training or a postdoctoral fellow of the System unless otherwise provided by the Board of Regents.

3. In the event of a conflict between the policies and procedures established pursuant to subsection 1 and the provisions of a collective bargaining agreement entered into pursuant to sections 6 to 52, inclusive, of this act, the provisions of the agreement prevail.

Sec. 65. NRS 396.280 is hereby amended to read as follows:

396.280 The Board of Regents shall have ~~[~~the~~]~~ ***:***

1. The power to fix the salaries of the academic staff of the System.

2. The authority to conduct collective bargaining negotiations and to enter into collective bargaining agreements with the professional employees of the System pursuant to sections 6 to 52, inclusive, of this act to establish the terms and conditions of employment of the academic staff and other professional employees of the System. As used in this subsection, "professional employee" has the meaning ascribed to it in section 13 of this act.

Sec. 66. 1. ~~[~~Insofar~~]~~ **Except as otherwise provided in subsection 2, insofar** as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before July 1, 2023, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after July 1, 2023.

2. **If a collective bargaining agreement entered into before July 1, 2023, has a provision authorizing the reopening of negotiations, the amendatory provisions of this act do not apply to the reopened negotiations of the provisions of that collective bargaining agreement if a renegotiated collective bargaining agreement is entered into before January 1, 2024.**

3. If a state professional employer has established a bargaining unit for any of its professional employees or has designated a professional organization as

the exclusive representative for a bargaining unit as of July 1, 2023, such bargaining unit or exclusive representative shall be deemed the bargaining unit or exclusive representative representing the same professional employees on and after July 1, 2023, until such time, if any, the bargaining unit or exclusive representative is changed or modified in accordance with the provisions of this act.

~~[3.]~~ **4.** As used in this section:

(a) "Bargaining unit" has the meaning ascribed to it in section 8 of this act.

(b) "Exclusive representative" has the meaning ascribed to it in section 10 of this act.

(c) "Professional employee" has the meaning ascribed to it in section 13 of this act.

(d) "Professional organization" has the meaning ascribed to it in section 4 of this act.

(e) "State professional employer" has the meaning ascribed to it in section 5 of this act.

Sec. 67. This act becomes effective on July 1, 2023.

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. 228.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 369.

ASSEMBLYMEN LA RUE HATCH, GONZÁLEZ; ANDERSON, BROWN-MAY, D'SILVA, GURR, KASAMA ~~,~~ ~~[AND]~~ BRITTNEY MILLER **AND THOMAS**

AN ACT relating to education; revising requirements relating to social studies courses in high school; requiring the adoption of certain regulations prescribing the requirements to receive a standard high school diploma; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each pupil enrolled in a public high school to enroll in at least three units of credit in social studies, including, without limitation: (1) one-half unit of credit in American government; (2) two units of credit in American history, world history or geography; and (3) one-half unit of credit in economics. (NRS 389.018) Beginning in the 2028-2029 school year, this bill: (1) increases the required enrollment in social studies from at least three units of credit to at least four units of credit; and (2) additionally requires the completion of one unit of credit in geography.

Existing regulations of the State Board of Education require a pupil to complete 1 unit of credit in American government and 1 unit of credit in American history in order to receive a standard high school diploma. Existing

regulations do not require a pupil to complete credit in economics **, world history or geography** to receive a standard high school diploma. (NAC 390.440) **Section 2** of this bill requires the State Board to adopt regulations as soon as possible to update the requirements to receive a standard high school diploma to reflect the requirements prescribed by existing law. **Section 2** also requires the State Board to adopt regulations on or before July 1, ~~[2028,]~~ **2025,** to update those requirements to reflect the revisions made by **section 1** of this bill, without increasing the total number of credits required to receive a standard high school diploma.

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

Section 1. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) ~~[Three]~~ ***Four*** units of credit in social studies, including, without limitation:

(1) One-half unit of credit in American government;

(2) ~~[Two units]~~ ***One unit*** of credit in American history ~~[.]~~ ***;***

(3) One unit of credit in world history ~~[or]~~ ***;***

(4) One unit of credit in geography; and

~~[(3)]~~ ***(5)*** One-half unit of credit in economics.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable. A school district may authorize one or more public high schools in the school

district to offer a combined course in American government and economics for one unit of credit which satisfies the requirements of subparagraphs (1) and ~~[(3)]~~ ***(5)*** if the curriculum of an advanced placement course is used for American government in the combined course.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

Sec. 2. 1. As soon as possible after the effective date of this section, the State Board of Education shall adopt regulations pursuant to NRS 390.600 that, at a minimum, require a pupil to successfully earn the units of credit in which a pupil is required to enroll by subsection 2 of NRS 389.018, as that section exists on the effective date of this section, to receive a standard high school diploma.

2. On or before July 1, ~~[2028,]~~ **2025,** the State Board of Education shall adopt regulations pursuant to NRS 390.600 that, at a minimum, require a pupil to successfully earn the units of credit in which a pupil is required to enroll by subsection 2 of NRS 389.018, as amended by section 1 of this act, to receive a standard high school diploma. Those regulations must not increase the total number of credits that a pupil must complete to receive a standard high school diploma.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and sections 2 and 3 of this act become effective upon passage and approval.

2. Section 1 of this act becomes 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 July 1, 2028, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time.

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

Amendment No. 201.

AN ACT relating to agriculture; authorizing the use of hemp in certain commercial feed under certain circumstances; prohibiting, with certain exceptions, the manufacture, distribution or sale in this State of commercial feed containing hemp for consumption by any livestock other than horses; **authorizing a research facility to submit an application to the State Department of Agriculture to conduct a study concerning animal feed and the use and impact of hemp products on livestock other than horses; authorizing the Department to adopt regulations establishing the application process;** authorizing the ~~[State]~~ Department ~~[of Agriculture]~~ and the Director of the Department to take certain actions against an applicant for a license to manufacture, distribute or be a guarantor of commercial feed or a licensee for certain violations relating to commercial feed containing hemp; providing that certain commercial feed containing hemp shall not be deemed adulterated under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions for the manufacture, distribution and labeling of commercial feed for animals. (NRS 587.841-587.899) **Section 3** of this bill: (1) authorizes the use of hemp in pet food, specialty pet food and other commercial feed intended for consumption by horses if the commercial feed is manufactured, distributed and sold exclusively in this State for use in this State; and (2) requires the State Department of Agriculture to adopt regulations relating to such commercial feed. **Section 3** prohibits the manufacture, distribution and sale in this State of commercial feed containing hemp for consumption by any livestock other than horses.

Section 3.5 of this bill: (1) authorizes a research facility to submit an application to the Department to conduct a study concerning animal feed that includes research on the use and impact of hemp products on livestock other than horses; (2) requires any such research to comply with applicable federal laws and requirements prescribed by the Department;

and (3) provides that an animal fed with feed containing hemp, or any products from such an animal, may not be distributed or sold into interstate commerce. Section 3.5 also authorizes the Department to adopt regulations establishing the application process. **Section 2** of this bill defines the term "hemp." **Section 4** of this bill makes conforming changes to indicate the proper placement of **sections 2 , ~~[and]~~ 3 and 3.5** in the Nevada Revised Statutes.

Section 5 of this bill provides that the provisions of **section 3** do not apply to customer-formula feed or a contract feeder. **Section 6** of this bill authorizes the Department to refuse to issue or renew or to suspend, revoke or place conditions on an applicant for a license to manufacture, distribute or be a guarantor of commercial feed or a licensee for a violation of **section 3**. **Section 8** of this bill authorizes the Director of the Department or a representative of the Department to take certain actions against a licensee who does not comply with the provisions of **section 3**. **Sections 9 and 10** of this bill provide that certain civil penalties may be imposed for violations of **section 3**.

Existing law provides it is unlawful for a person to adulterate commercial feed. (NRS 587.889) **Section 7** of this bill provides that pet food, specialty pet food and other commercial feed intended for consumption by horses shall not be deemed adulterated solely because the commercial feed contains hemp if the commercial feed is manufactured and distributed in accordance with the provisions of **section 3** and any regulations adopted pursuant thereto.

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

Section 1. Chapter 587 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 , ~~[and]~~ 3 **and 3.5** of this act.

Sec. 2. ***"Hemp" has the meaning ascribed to it in NRS 557.160.***

Sec. 3. ***1. Pet food, specialty pet food and other commercial feed that is intended for consumption by horses may contain hemp if such commercial feed is manufactured, distributed and sold exclusively in this State for use in this State.***

2. Commercial feed containing hemp shall not be manufactured, distributed or sold in this State for consumption by any livestock other than horses.

3. The Department shall adopt regulations to carry out the provisions of this section, which may include, without limitation, specific requirements for the labeling and inspection of commercial feed containing hemp.

Sec. 3.5. 1. A research facility may submit an application to the Department to conduct a study concerning animal feed that includes research on the use and impact of hemp products on livestock other than horses. The application must include a detailed description of the study, including, without limitation:

(a) The goals of the study;

(b) The scope of the study;

(c) The methods to be used in conducting the study;

(d) The duration of the study; and

(e) Any other information that is requested by the Department.

2. Any research conducted pursuant to this section must comply with any applicable federal laws and any requirements prescribed by the Department, including, without limitation, that an animal fed with feed containing hemp, or any products from such an animal, may not be distributed or sold into interstate commerce after the study is completed.

3. The Department may adopt regulations to carry out the provisions of this section.

Sec. 4. NRS 587.841 is hereby amended to read as follows:

587.841 As used in NRS 587.841 to 587.899, inclusive, ***and sections 2 , [and] 3 and 3.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 587.843 to 587.861, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 587.863 is hereby amended to read as follows:

587.863 1. The provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , [and] 3 and 3.5 of this act*** do not apply to customer-formula feed, or a manufacturer, distributor or guarantor thereof, or a contract feeder.

2. As used in this section:

(a) "Contract feeder" means a person who as an independent contractor feeds commercial feed to animals pursuant to a contract whereby the commercial feed is supplied, furnished or otherwise provided to the person and whereby the person's remuneration is determined in whole or in part by feed consumption, mortality, profits or the amount or quality of the product.

(b) "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds or ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

Sec. 6. NRS 587.869 is hereby amended to read as follows:

587.869 1. Except as otherwise provided in subsection 2 and NRS 587.871, the Department shall issue a license to or renew the license of an applicant who files with the Department a complete application and pays the fee established by the Department pursuant to NRS 587.867.

2. The Department may refuse to issue or renew or may suspend, revoke or place conditions on a license for a violation of any provision of NRS 587.841 to 587.899, inclusive, ***and sections 2 , [and] 3 and 3.5 of this act,*** but no license may be refused, suspended or revoked or have conditions imposed upon its issuance pursuant to this section until the Department has provided the applicant or licensee an opportunity for a hearing.

Sec. 7. NRS 587.889 is hereby amended to read as follows:

587.889 1. It is unlawful for a person to adulterate commercial feed.

2. For the purposes of subsection 1, commercial feed is adulterated if:

(a) It contains a poisonous or deleterious substance which may cause it to be injurious to the health of an animal;

(b) It contains a poisonous, deleterious or nonnutritive substance which is unsafe pursuant to section 406 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346;

(c) It contains a food additive which is unsafe pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;

(d) It is a raw agricultural commodity that contains a pesticide which is unsafe pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a, unless:

(1) The raw agricultural commodity has been processed using a method such as canning, cooking, freezing, dehydrating or milling;

(2) The residue of the pesticide has been removed to the extent possible through such a method;

(3) The concentration of the pesticide in the commercial feed is not greater than the tolerance prescribed for the raw agricultural commodity; and

(4) Feeding the commercial feed to an animal is not likely to result in a pesticide residue in any edible product of the animal which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a;

(e) It contains any color additive which is unsafe pursuant to section 721 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 379e;

(f) It contains an animal drug which is unsafe pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360b;

(g) It contains any filthy, putrid or decomposed substance or is for any other reason unfit to be used as commercial feed;

(h) It has been prepared, packaged or held under unsanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to the health of an animal;

(i) It contains the product of a diseased animal or an animal which has died in a manner which is unsafe within the meaning of section 402 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 342;

(j) The container of the commercial feed is composed, in whole or in part, of any poisonous or deleterious substance which may render the commercial feed injurious to the health of an animal;

(k) It has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;

(l) Any valuable component of the commercial feed has been, in whole or in part, omitted or abstracted;

(m) The composition or quality of the commercial feed is below or differs from that which is listed on the label;

(n) It contains a drug and the methods, facilities or controls used to manufacture, process or package the commercial feed do not conform to

current practices of good manufacturing, unless the Department determines that such a practice is not appropriate for use in this State; or

(o) It contains viable weed seeds in an amount which exceeds the limits established by the Department. As used in this paragraph, "weed seeds" has the meaning ascribed to it in NRS 587.073.

3. Pet food, specialty pet food and other commercial feed that is intended for consumption by horses shall not be deemed adulterated solely because it contains hemp if such commercial feed is manufactured and distributed pursuant to section 3 of this act and any regulations adopted pursuant thereto.

Sec. 8. NRS 587.893 is hereby amended to read as follows:

587.893 1. If the Director or a representative of the Department has reasonable cause to believe that any commercial feed does not comply with the provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** the Director or a representative of the Department may issue an order that:

(a) Prohibits the licensee from disposing of the lot of commercial feed until written permission is provided by the Director; and

(b) Requires the licensee to allow the Director or a representative of the Department to inspect the commercial feed.

2. If the Director or representative of the Department determines that the commercial feed:

(a) Complies with the provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** the Director or representative of the Department must immediately rescind the order issued pursuant to paragraph (a) of subsection 1.

(b) Does not comply with the provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** the Director or representative of the Department must provide to the licensee an explanation of how the commercial feed does not comply with the provisions of NRS 587.841 to 587.899, inclusive ~~[.]~~ ***, and sections 2 , ~~[and]~~ 3 and 3.5 of this act.*** If the licensee does not demonstrate compliance with the provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act*** within 30 days after receipt of the explanation, the Director must begin proceedings to condemn the lot of commercial feed pursuant to the requirements established by the Department.

Sec. 9. NRS 587.895 is hereby amended to read as follows:

587.895 1. A person who violates the provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** or any regulation adopted pursuant thereto, is subject to a civil penalty not to exceed:

(a) For a first offense, $250.

(b) For a second offense, $500.

(c) For a third or subsequent offense, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds created by NRS 555.035.

Sec. 10. NRS 587.900 is hereby amended to read as follows:

587.900 1. The Director may, after notice and an opportunity for a hearing, impose a civil penalty of not more than $500 for each violation of this chapter other than a violation of NRS 587.841 to 587.899, inclusive ~~[.]~~ ***, and sections 2 , ~~[and]~~ 3 and 3.5 of this act.***

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, 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, for all other purposes.

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. 298.

Bill read second time.

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

Amendment No. 290.

AN ACT relating to real property; requiring, under certain circumstances, a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to return such fees; **prohibiting a landlord from collecting certain application fees for a minor in the household of a prospective tenant;** requiring any written agreement for the use and occupancy of a dwelling unit or premises to contain separate appendices relating to fees and tenant rights; making it unlawful for a landlord or certain other persons to charge a tenant certain fees; ~~[temporarily exempting certain transfers, assignments or conveyances of real property from the real property transfer~~

~~tax;]~~ temporarily prohibiting a landlord from entering into a rental agreement with certain existing tenants that increases the rent due from the tenant by more than a certain amount; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement for the use and occupancy of a dwelling unit or premises, including, without limitation, that the agreement contain provisions relating to fees which are required and the purposes for which they are required. (NRS 118A.200) **Section 2** of this bill: (1) provides that such a rental agreement also include a separate appendix that contains a clear and concise explanation of each fee that may be charged during the term of the rental agreement and the purpose for which the fee may be charged; ~~[and]~~ (2) **requires such appendix to state with specificity for each fee that is variable, that the tenant pays the actual cost incurred by the tenant, and, for each fee that is fixed or provided by a third-party vendor, the tenant pays the current amount of the fee; and (3)** makes it unlawful for a landlord or other person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount or for any purpose that is not set forth in such an appendix. **Section 2** further requires such a rental agreement to include a separate appendix that contains a clear and concise explanation of the rights of the tenant pursuant to federal and state law and local ordinances.

Section 1 of this bill requires a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to refund the fee if the landlord: (1) rents the dwelling unit to a different prospective tenant; and (2) does not conduct the activity for which the fee was collected.

~~[Section 3 of this bill exempts from the real property transfer tax between July 1, 2023, and December 31, 2024, a transfer, assignment or other conveyance of real property to a bona fide resident who attests, under penalty of perjury, that he or she will use the real property as his or her primary residence.]~~ **Section 1 further prohibits a landlord from collecting an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.**

Section 4 of this bill provides that during the period beginning July 1, 2023, and ending on December 31, 2024, a landlord shall not renew the rental agreement or enter into a new rental agreement for a dwelling unit with the existing tenant that increases the rent payable by the existing tenant for the dwelling unit in an amount that is more than 10 percent of the rent payable by the existing tenant pursuant to the rental agreement that is in effect on June 30, 2023. **Section 4** further defines "tenant" to mean a person who is entitled under a rental agreement that exists on June 30, 2023, between the person and the landlord to occupy a dwelling unit to the exclusion of others and: (1) is 62 years of age or older; or (2) relies on payments received pursuant to the federal Social Security Act.

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

Section 1. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit, including, without limitation, an application fee, a fee to obtain a credit report or a fee to obtain a background check, shall refund the fee to the prospective tenant if the landlord:

~~[1.]~~ (a) Rents the dwelling unit to a different prospective tenant; and

~~[2.]~~ (b) Does not conduct the activity for which the fee was collected, including, without limitation, processing the application or obtaining a credit report or background check of the prospective tenant.

2. A landlord shall not collect an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

3. As used in this section:

(a) "Household" means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.

(b) "Minor" means a person who is under 18 years of age.

Sec. 2. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

(o) A separate appendix that contains a clear and concise explanation of each fee that may be charged during the term of the rental agreement and the purpose for which the fee may be charged. The appendix must state with specificity:

(1) For each fee that is variable, that the cost to be paid by the tenant is the actual cost incurred and that no additional fee will be added unless the fee is for a charge incurred by the tenant, including, without limitation, a late fee; and

(2) For each fee that is fixed or provided by a third-party vendor, the current amount of the fee.

(p) A separate appendix that contains a clear and concise explanation of the rights of the tenant pursuant to federal and state laws and local ordinances.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

7. ***It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount or for any purpose that is not set forth in the appendix to the rental agreement that is required pursuant to paragraph (o) of subsection 3.***

8. As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 3. ~~[NRS 375.090 is hereby amended to read as follows:~~

~~375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:~~

~~1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.~~

~~2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.~~

~~3. A transfer of title recognizing the true status of ownership of the real property, including, without limitation, a transfer by an instrument in writing pursuant to the terms of a land sale installment contract previously recorded and upon which the taxes imposed by this chapter have been paid.~~

~~4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.~~

~~5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.~~

~~6. A transfer of title between former spouses in compliance with a decree of divorce.~~

~~7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.~~

~~8. Transfers, assignments or conveyances of unpatented mines or mining claims.~~

~~9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.~~

~~10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.655 to 111.699, inclusive, and a Death of Grantor Affidavit recorded in the office of the county recorder pursuant to NRS 111.699.~~

~~11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:~~

~~(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;~~

~~(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or~~

~~(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,~~

~~→ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.~~

~~12. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.~~

~~13. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.~~

~~14. A transfer to a library foundation. As used in this subsection, "library foundation" has the meaning ascribed to it in NRS 379.0056.~~

~~*15. A transfer, assignment or other conveyance of real property to a bona fide resident who attests, under penalty of perjury, that he or she will use the real property as his or her primary residence. As used in this subsection, "bona fide resident" has the meaning ascribed to it in NRS 361.015.]*~~ **(Deleted by amendment.)**

Sec. 4. 1. During the period beginning July 1, 2023, and ending December 31, 2024, a landlord shall not renew the rental agreement or enter into a new rental agreement for a dwelling unit with the existing tenant of the dwelling unit that increases the rent payable by the existing tenant for the dwelling unit in an amount that is more than 10 percent of the rent payable by the existing tenant pursuant to the rental agreement that is in effect on June 30, 2023.

2. As used in this section:

(a) "Landlord" has the meaning ascribed to it in NRS 118A.100.

(b) "Tenant" means a person who is entitled under a rental agreement that exists on June 30, 2023, between the person and a landlord to occupy a dwelling unit to the exclusion of others and:

(1) Is 62 years of age or older; or

(2) Relies on payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Section 4 of this act becomes effective on July 1, 2023.

3. Section 3 of this act becomes effective on July 1, 2023, and expires by limitation on December 31, 2024.

4. Sections 1 and 2 of this act become effective on October 1, 2023.

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. 305.

Bill read second time.

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

Amendment No. 332.

ASSEMBLYWOMEN MONROE-MORENO **;** ~~[AND]~~ CONSIDINE **AND THOMAS**

AN ACT relating to public works; requiring a contractor or subcontractor to comply with certain requirements relating to the use of apprentices who are women on a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a contractor or subcontractor engaged in: (1) vertical construction who employs a worker on a public work to use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed; and (2) horizontal construction who employs a worker on a public work to use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. (NRS 338.01165) **Section 1** of this bill requires that **, to the extent practicable: (1)** at least ~~[5]~~ **2** percent of the hours of labor **for vertical construction** that is required to be performed by apprentices must be performed by women **; and (2) at least 1 percent of the hours of labor for horizontal construction** ~~[who are veterans or in a minority group.]~~ **that is required to be performed by apprentices must be performed by women.** **Section 2** of this bill provides that such requirements do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

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

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ~~*[At]*~~ ***To the extent practicable, at least*** ~~*[5]*~~ ***2 percent of the hours of labor that is required to be performed by apprentices must be performed by women .*** ~~*[who are veterans or in a minority group.]*~~

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ~~*[At]*~~ ***To the extent practicable, at least*** ~~*[5]*~~ ***1 percent of the hours of labor that is required to be performed by apprentices must be performed by women .*** ~~*[who are veterans or in a minority group.]*~~

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

6. A public body may, upon the request of a contractor or subcontractor, submit a request to the Labor Commissioner to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection 10.

7. The Labor Commissioner shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.

8. A public body, contractor or subcontractor may request a hearing on the determination of the Labor Commissioner within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

9. A contractor or subcontractor engaged on a public work shall enter into an apprenticeship agreement for all apprentices required to be used in the construction of a public work. If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection 10 and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.

10. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) "Good cause" means:

(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;

(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or

(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.

➥ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.

(e) "Journeyman" has the meaning ascribed to it in NRS 624.260.

(f) ~~***["Minority group" means:***~~

~~*(1) A racial or ethnic minority group; or*~~

~~*(2) A group of persons who identify as LGBTQ. As used in this subparagraph, "LGBTQ" means lesbian, gay, bisexual, transgender, queer, intersex or any other nonheterosexual or noncisgender orientation or gender identity or expression.*~~

~~*(g)*~~] "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

~~*[(h) "Veteran" has the meaning ascribed to it in NRS 417.005.]*~~

Sec. 2. The amendatory provisions of this act do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

Sec. 3. This act becomes effective on January 1, 2024.

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. 310.

Bill read second time.

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

Amendment No. 255.

AN ACT relating to affordable housing; requiring the Housing Division of the Department of Business and Industry to develop and implement a supportive housing grant program; creating the Nevada Supportive Housing Development Fund in the State Treasury; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law charges the Housing Division of the Department of Business and Industry with certain duties relating to low-income housing and affordable housing, including creating a statewide low-income housing database and administering the Account for Affordable Housing. (NRS 319.143, 319.500)

Section 2 of this bill requires the Division to, subject to the availability of funds appropriated for such a purpose, develop and implement a supportive housing grant program. The program must include a process for applying for a grant to: (1) procure and develop supportive housing; ~~[and]~~ (2) **train and build the capacity of a supportive housing partnership; (3)** fund the operation of a supportive housing partnership ~~[.]~~ **; and (4) analyze the progress of supportive housing in this State.** **Section 2** also requires the Division to: (1) consult with the Nevada Interagency Advisory Council on ~~[Homeless]~~ **Homelessness** to Housing before approving any application for a grant to procure and develop supportive housing; (2) adopt regulations to carry out the grant program which must include the criteria for eligibility to receive money and procedures for the submission and review of applications; and (3) submit an annual report containing certain information about the grant

program to the **Chair of the Nevada Interagency Advisory Council on Homelessness to Housing, the** Governor and the Director of the Legislative Counsel Bureau.

Section 3 of this bill creates the Nevada Supportive Housing Development Fund in the State Treasury and provides that the money in the Fund must be used to carry out the provisions of **section 2**.

Section 4 of this bill makes an appropriation to the Fund to carry out the supportive housing grant program.

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

Section 1. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Division shall, subject to the availability of funds appropriated for such a purpose, develop and implement a supportive housing grant program for the purpose of awarding grants for the development of supportive housing and the provision of supportive housing services. The program must include a process for applying for a grant to:***

(a) Procure and develop supportive housing; ~~[and]~~

(b) Train and build the capacity of a supportive housing partnership;

(c) Fund the operation of a supportive housing partnership ~~[.]~~ ; and

(d) Analyze the progress of supportive housing in this State.

2. Any recipient of a grant for supportive housing must agree in writing to comply with all applicable provisions of chapter 118A of NRS.

3. The Division shall consult with the Nevada Interagency Advisory Council on Homelessness to Housing created by NRS 232.4981 before approving any application for a grant pursuant to paragraph (a) of subsection 1.

~~[3.]~~ 4. The Division shall adopt regulations to carry out the provisions of this section. The regulations must prescribe , without limitation:

(a) The criteria for eligibility to receive money from the supportive housing grant program; and

(b) Procedures for the submission and review of applications to receive money from the supportive housing grant program.

~~[4.]~~ 5. On or before December 1 of each year that the supportive housing grant program is funded, the Division shall submit a report to the Chair of the Nevada Interagency Advisory Council on Homelessness to Housing, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Commission, if the Legislature is not in session. The report must include:

(a) Information on and feedback from grant recipients; and

(b) Information on the use of grant money and participation in the supportive housing grant program.

~~[5.]~~ 6. The Division may use a portion of the money in the Nevada Supportive Housing Development Fund created by section 3 of this act to prepare the report required by subsection ~~[4.]~~ 5.

~~[6.]~~ 7. As used in this section:

(a) "Supportive housing" means ~~[affordable]~~ subsidized housing that ~~[is combined with]~~ reduces barriers to retaining housing that are caused by a person's rental history, criminal history and income through the provision of onsite and offsite supportive services that are designed to assist ~~[people]~~ a person who ~~[are experiencing homelessness]~~ has:

(1) A disabling behavioral or physical health condition; and

(2) Experienced:

(I) Homelessness or been at imminent risk of homelessness ~~[.]~~ ; or

(II) Unnecessary institutionalization.

(b) "Supportive services" includes, without limitation, social services, community support services, case management services, employment services, health care and behavioral health treatment.

Sec. 3. ***1. There is hereby created as a special revenue fund in the State Treasury the Nevada Supportive Housing Development Fund.***

2. The Division may accept gifts, bequests, grants, appropriations and donations from any sources for deposit in the Fund.

3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The money in the Fund must be used to carry out the provisions of section 2 of this act.

Sec. 4. There is hereby appropriated from the State General Fund to the Nevada Supportive Housing Development Fund created by section 3 of this act the sum of $32,200,000 to carry out the supportive housing grant program developed ~~[by]~~ **pursuant to** section 2 of this act.

Sec. 5. 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. 6. 1. This section and section 5 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, 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, for all other purposes.

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. 313.

Bill read second time.

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

Amendment No. 283.

AN ACT relating to mining; ~~[requiring an operator of a mining operation to submit a revised plan for reclamation under certain circumstances;]~~ revising provisions relating to the reclamation of exploration projects and mining operations; revising requirements relating to a plan for reclamation; **requiring certain state agencies to prepare reports relating to certain impacts of pit lakes and mining;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who applies for a permit for a mining operation to file a plan for reclamation with the Division of Environmental Protection of the State Department of Conservation and Natural Resources. (NRS 519A.210) ~~[Section 3 of this bill requires an operator of a mining operation to submit a revised plan for reclamation if: (1) the operator is renewing a permit for the control of water pollution or requesting a major modification to a permit to engage in a mining operation; and (2) the renewal or modification will impact the plan for reclamation or, at the time of the renewal or modification, the plan is not consistent with the requirements for a plan for reclamation.]~~

Section 4 of this bill requires that if an open pit will be excavated below the premining water table, a plan for reclamation must, with certain exceptions, provide for the backfilling of the open pit to a level where no pit lake will form and no seasonal or permanent wetland will exist. **Section 2** of this bill defines "pit lake." **Section 4** also provides that an operator may apply to the Division for an exception from this requirement.

Section 6 of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Sections 14 and 15 of this bill make conforming changes to indicate that certain provisions governing violations and penalties relating to a plan for reclamation are applicable to the provisions of **sections 2 ~~[, 3]~~ and 4**.

Under existing law, a person who submits an application to engage in an exploration project or mining operation must agree to assume responsibility for the reclamation of any surface area or land, respectively, damaged as a result of the exploration project or mining operation. (NRS 519A.190, 519A.210) **Sections 9 and 10** of this bill require such a person to also agree to assume responsibility for the reclamation of any surface water and groundwater affected as a result of the exploration project or mining operation.

Section 12 of this bill requires a plan for reclamation to provide for the reclamation and restoration of affected surface water and groundwater.

Section 7 of this bill revises the definition of the term "affected" to include surface water and groundwater that is or will be used or disturbed by mining. **Section 8** of this bill revises the definition of the term "reclamation" to include actions performed during or after an exploration project or mining operation relating to surface water and groundwater.

Existing law requires the Division to develop a checklist to be completed by applicants for a permit to engage in a mining operation, which must include certain information relating to the plan for reclamation. (NRS 519A.220) **Section 11** of this bill requires the information relating to the plan for reclamation on the checklist to include: (1) the proposed subsequent use of any pit lake after the mining operation is completed; and (2) the monitoring and restoration of affected surface water and groundwater that will be performed by the operator.

Existing law authorizes an operator of a mining operation to request that the Division grant an exception from reclamation requirements for open pits and rock faces which may not be feasible to reclaim. (NRS 519A.230) **Section 12** provides that an operator may request an exception for open pits and rock faces only if no pit lake is anticipated to result from the mining operation.

~~[Under existing law, with certain exceptions, if a pit lake will have a predicted filled surface area of more than 200 acres, the plan for reclamation must provide for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. (NRS 519A.230) Section 12 instead provides that the plan for reclamation must provide for such public access if a pit lake will have a predicted filled surface area of more than 85 acres.]~~

Existing law requires each operator of a mining operation or exploration project to submit an annual report to the Administrator of the Division relating to the status and production of all mining operations and exploration projects in which the operator has engaged and identifying each acre of land affected and land reclaimed by that mining operation or exploration project through the preceding calendar year. (NRS 519A.260) **Section 13** of this bill requires an operator to map each such acre and include in the map all disturbances by such mining operations and exploration projects to: (1) the water balance; and (2) the quality and quantity of the surface water and groundwater.

Consistent with the changes of **sections 2-13** of this bill pertaining to reclamation of surface water and groundwater, **section 5** of this bill makes a conforming change to revise the legislative declaration to provide that proper reclamation is necessary to prevent undesirable land, surface water and groundwater conditions.

Section 16 of this bill requires, on or before August 1, 2025, a written report to be submitted to the Joint Interim Standing Committee on

Natural Resources by: (1) the Division of Minerals of the Commission on Mineral Resources in coordination with the Division of Environmental Protection regarding certain impacts of pit lakes; and (2) the Department of Wildlife regarding the impacts of mining on wildlife and habitats in this State.

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

Section 1. Chapter 519A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3]~~ and 4 of this act.

Sec. 2. ***"Pit lake" means a body of water that has resulted from an open pit from a mining operation or exploration project that has penetrated the water table of the area in which the pit is located.***

Sec. 3. ~~***[An operator of a mining operation must submit a revised plan for reclamation if:***~~

~~***1. The operator:***~~

~~***(a) Renews his or her permit for the control of water pollution issued pursuant to NRS 445A.300 to 445A.730, inclusive; or***~~

~~***(b) Requests a major modification to his or her permit to engage in a mining operation issued pursuant to NRS 519A.210; and***~~

~~***2. At the time of the renewal or modification of the permit, the plan for reclamation is:***~~

~~***(a) Impacted by the renewal or modification; or***~~

~~***(b) Not consistent with the requirements for a plan for reclamation set forth in NRS 519A.010 to 519A.280, inclusive, and sections 2, 3 and 4 of this act.]***~~ **(Deleted by amendment.)**

Sec. 4. ***1. In addition to the requirements of NRS 519A.230, if an open pit will be excavated below the premining water table, a plan for reclamation must, except as otherwise provided in subsection 2, provide for the backfilling of the open pit to a level where no pit lake will form and no seasonal or permanent wetland will exist.***

2. An operator of a mining operation may apply to the Division for an exception to the requirement of subsection 1. In submitting an application for an exception, the operator must demonstrate:

(a) For ~~***[a new]***~~ ***an application for a permit to engage in a mining operation*** ~~***[or a request for a major modification to an existing permit to engage in a mining operation,]***~~ ***submitted on or after January 1, 2025, by clear and convincing evidence that backfilling the open pit is technically not possible without indefinite long-term management to avoid groundwater degradation;*** ~~***[and]***~~ ***or***

(b) ~~***[If submitted at the time of a renewal of a permit for the control of water pollution pursuant to section 3 of this act:***~~

~~*(1) By clear and convincing evidence, that backfilling the open pit is technically not possible without indefinite long-term management to avoid groundwater degradation; or*~~

~~*(2)]*~~ ***By a preponderance of the evidence, that backfilling the open pit would result in undue hardship on the operator*** ~~*[,]*~~ ***because the plan for the mining operation would be unprofitable.***

3. In considering an application for an exemption pursuant to subsection 2, the Division:

(a) Shall hold at least one public hearing on the application; and

(b) May ~~*[not take the economics of the operator into consideration when determining whether to approve or deny the application.]*~~ ***contract with an independent consultant to assist in reviewing the application for an exception submitted pursuant to subsection 2.***

Sec. 5. NRS 519A.010 is hereby amended to read as follows:

519A.010 1. The Legislature hereby finds that:

(a) The extraction of minerals by mining is a basic and essential activity making an important contribution to the economy of the State of Nevada;

(b) Proper reclamation of mined land, areas of exploration and former areas of mining or exploration is necessary to prevent undesirable land ***,*** ~~[~~land~~]~~ surface water ***and groundwater*** conditions detrimental to the ecology and to the general health, welfare, safety and property rights of the residents of this state; and

(c) The success of reclamation efforts in this state is dependent upon cooperation among state and federal agencies.

2. The Legislature hereby directs that all agencies and political subdivisions of the State of Nevada which are involved in or whose work is related to the administration or enforcement of the provisions of this chapter shall cooperate fully with all other state and federal agencies in any related matter.

Sec. 6. NRS 519A.020 is hereby amended to read as follows:

519A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 519A.030 to 519A.130, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 519A.040 is hereby amended to read as follows:

519A.040 "Affected" means that the surface of the land ***, surface water or groundwater*** is or will be disturbed by mining, or that the land ***or water*** will be used:

1. As an evaporation or settling pond, leach dump, placer area or tailings pond or dump; or

2. In conjunction with any structure, facility, equipment, machine, tool, material or property incident to mining.

Sec. 8. NRS 519A.100 is hereby amended to read as follows:

519A.100 "Reclamation" means actions performed during or after an exploration project or mining operation to shape, stabilize, revegetate or

otherwise treat the land ***, surface water and groundwater*** in order to return it to a safe, stable condition consistent with the establishment of a productive postmining use of the land ***, surface water and groundwater*** and the abandonment of a facility in a manner which ensures the public safety, as well as the encouragement of techniques which minimize the adverse visual effects.

Sec. 9. NRS 519A.190 is hereby amended to read as follows:

519A.190 1. A person who desires to engage in an exploration project must:

(a) File with the Division, upon a form approved by it, an application for a permit. The application must include:

(1) The name and address of the applicant and, if the applicant is a corporation or other business entity:

(I) The name and address of each person who has a controlling interest in the corporation or business entity; and

(II) The name and address of the registered agent of the corporation or business entity for service of process;

(2) An exploration map or sketch in sufficient detail to enable the Division to locate the area to be explored and to determine whether significant environmental problems are likely to result;

(3) The kinds of prospecting and excavation techniques that will be used in the exploration project;

(4) An affidavit stating whether or not the applicant and, if applicable, each person who has a controlling interest in the corporation or business entity is in good standing with all agencies of other states and federal agencies in relation to the reclamation of exploration projects outside of this State; and

(5) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

(c) Agree in writing to assume responsibility for the reclamation of any surface area ~~[damaged]~~ ***, surface water and groundwater affected*** as a result of the exploration project.

(d) File with the Division a bond or other surety in a form approved by the Administrator and in an amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

2. Except as otherwise provided in subsections 3 and 4, the Division shall not issue a permit to engage in an exploration project pursuant to this section to an applicant if:

(a) The applicant has defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280;

(b) For an applicant who is a corporation or other business entity, any person who has a controlling interest in the corporation or business entity has

or previously had a controlling interest in another corporation or business entity that defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280; or

(c) The applicant or, if the applicant is a corporation or other business entity, a person who has a controlling interest in the corporation or business entity is not in good standing with an agency of another state or a federal agency in relation to the reclamation of an exploration project outside of this State.

3. The Division may issue a permit to engage in an exploration project pursuant to this section to an applicant described in paragraph (a) or (b) of subsection 2 if the applicant:

(a) Pays to the Division the full amount of the defaulted obligation described in paragraph (a) or (b) of subsection 2, as applicable, or provides evidence of satisfaction of that defaulted obligation; and

(b) Demonstrates to the Division that any conditions which led to the default have been remedied and that such conditions no longer exist.

4. The Division may issue a permit to engage in an exploration project pursuant to this section to an applicant described in paragraph (c) of subsection 2 if the applicant demonstrates to the Division that the applicant or person who has a controlling interest in the corporation or business entity has remedied all issues related to the reclamation of the exploration project outside of this State and becomes in good standing with all agencies of the other state and federal agencies in relation to the reclamation of the exploration project.

5. As used in this section, "person who has a controlling interest" means:

(a) The president, secretary, treasurer or equivalent thereof of the corporation or business entity;

(b) A partner, director or trustee of the corporation or business entity; or

(c) A person who, directly or indirectly, possesses the power to direct the management or determine the policy of the corporation or business entity resulting from, without limitation, his or her ownership of voting stock in the corporation or business entity, a contract or any other circumstance.

➥ The term does not include a person designated to act as a proxy, including, without limitation, an agent, bank, broker, nominee or custodian, for one or more persons who own voting stock unless the proxy otherwise has the power to direct the management or determine the policy of the corporation or business entity.

Sec. 10. NRS 519A.210 is hereby amended to read as follows:

519A.210 1. A person who desires to engage in a mining operation must:

(a) File with the Division, upon a form approved by it, an application for a permit for each location at which the person will conduct operations. The application must include:

(1) The name and address of the applicant and, if the applicant is a corporation or other business entity:

(I) The name and address of each person who has a controlling interest in the corporation or business entity; and

(II) The name and address of the registered agent of the corporation or business entity for service of process;

(2) A completed checklist developed by the Division pursuant to NRS 519A.220;

(3) An affidavit stating whether or not the applicant and, if applicable, each person who has a controlling interest in the corporation or business entity is in good standing with all agencies of other states and federal agencies in relation to the reclamation of mining operations outside of this State; and

(4) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

(c) Agree in writing to assume responsibility for the reclamation of any land ~~[damaged]~~ ***, surface water and groundwater affected*** as a result of the mining operation.

(d) File with the Division a bond or other surety in a form and amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

(e) File with the Division of Minerals of the Commission on Mineral Resources a copy of the plan for reclamation which is filed with the application pursuant to paragraph (a), on the same day the application is filed with the Division.

2. Except as otherwise provided in subsections 3 and 4, the Division shall not issue a permit to engage in a mining operation pursuant to this section to an applicant if:

(a) The applicant has defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280;

(b) For an applicant who is a corporation or other business entity, any person who has a controlling interest in the corporation or business entity has or previously had a controlling interest in another corporation or business entity that defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280; or

(c) The applicant or, if the applicant is a corporation or other business entity, a person who has a controlling interest in the corporation or business entity is not in good standing with an agency of another state or a federal

agency in relation to the reclamation of a mining operation outside of this State.

3. The Division may issue a permit to engage in a mining operation pursuant to this section to an applicant described in paragraph (a) or (b) of subsection 2 if the applicant:

(a) Pays to the Division the full amount of the defaulted obligation described in paragraph (a) or (b) of subsection 2, as applicable, or provides evidence of satisfaction of that defaulted obligation; and

(b) Demonstrates to the Division that any conditions which led to the default have been remedied and that such conditions no longer exist.

4. The Division may issue a permit to engage in a mining operation pursuant to this section to an applicant described in paragraph (c) of subsection 2 if the applicant demonstrates to the Division that the applicant or person who has a controlling interest in the corporation or business entity has remedied all issues related to the reclamation of the mining operation outside of this State and becomes in good standing with all agencies of the other state and federal agencies in relation to the reclamation of the mining operation.

5. As used in this section, "person who has a controlling interest" means:

(a) The president, secretary, treasurer or equivalent thereof of the corporation or business entity;

(b) A partner, director or trustee of the corporation or business entity; or

(c) A person who, directly or indirectly, possesses the power to direct the management or determine the policy of the corporation or business entity resulting from, without limitation, his or her ownership of voting stock in the corporation or business entity, a contract or any other circumstance.

➥ The term does not include a person designated to act as a proxy, including, without limitation, an agent, bank, broker, nominee or custodian, for one or more persons who own voting stock unless the proxy otherwise has the power to direct the management or determine the policy of the corporation or business entity.

Sec. 11. NRS 519A.220 is hereby amended to read as follows:

519A.220 The Division shall develop a checklist to be completed by applicants for a permit to engage in a mining operation. The information requested by the checklist must include:

1. Information relating to the plan for reclamation, including:

(a) The proposed subsequent use of the land ***and, if applicable, pit lake,*** after the mining operation is completed;

(b) The proposed schedule of reclamation that will be followed;

(c) The proposed topography of the land after the mining operation is completed;

(d) The treatment of slopes created or affected by the mining operation;

(e) The proposed use of impoundments;

(f) The kinds of access roads to be built and the manner of reclamation of road sites;

(g) The methods of drainage that will be used during the mining operation and reclamation;

(h) The revegetation of the land;

(i) The monitoring and maintenance of the reclaimed land that will be performed by the operator;

(j) ***The monitoring and restoration of affected surface water and groundwater that will be performed by the operator;***

(k) The reclamation that will be necessary as a result of instream mining;

~~[(k)]~~ ***(l)*** The effect that reclamation will have on future mining in that area; and

~~[(l)]~~ ***(m)*** The effect of the reclamation on public safety.

2. Information relating to the mining operation and maps of the area which is required by the regulations adopted by the Commission pursuant to NRS 519A.160.

3. Other information as requested by the Administrator which the Administrator determines is pertinent to the reclamation activities of the mining operation.

Sec. 12. NRS 519A.230 is hereby amended to read as follows:

519A.230 1. A plan for reclamation must provide:

(a) That reclamation activities, particularly those relating to the control of erosion, must be conducted simultaneously with the mining operation to the extent practicable, and otherwise must be initiated promptly upon the completion or abandonment of the mining operation in any area that will not be subject to further disturbance. Reclamation activities must be completed within the time set by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) For vegetative cover if appropriate to the future use of the land.

(c) For the reclamation of all land disturbed by the exploration project or mining operation to a stability comparable to that of adjacent areas.

(d) For the reclamation and restoration of affected surface water and groundwater.

2. ~~[The]~~ ***If an operator does not anticipate a pit lake will be created, the*** operator may request the Division to grant an exception for open pits and rock faces which may not be feasible to reclaim. If an exception is granted, other than for a pit lake for which public access is provided in a plan for reclamation pursuant to subsection 3, the Division shall require the operator to take sufficient measures to ensure public safety.

3. Except as otherwise provided in this subsection, for a pit lake that will have a predicted filled surface area of more than 200 ~~***[85]***~~ acres, a plan for reclamation must provide, in consultation with the operator and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. This subsection:

(a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;

(b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and

(c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.

4. A protected person with respect to any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3 owes no duty to keep the premises, including, without limitation, the access area and the pit lake and its surroundings, safe for entry or use by any other person for participation in any activity, or to give a warning of any hazardous condition, activity or use of the premises to any person entering the premises.

5. If a protected person gives permission to another person to access or engage in any activity with respect to any premises specified in subsection 4, the protected person does not thereby extend any assurance that the premises are safe for that activity or any other purpose or assume responsibility for or incur any liability for any injury to any person or property caused by any act of a person to whom the permission is granted. The provisions of this subsection do not confer any liability upon a protected person for any injury to any other person or property, whether actual or implied, or create a duty of care or ground of liability for any injury to any person or property.

6. Except in the case of an emergency, an operator shall not depart from an approved plan for reclamation without prior written approval from the Division.

7. Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.

8. As used in this section ~~[~~:

~~(a) "Pit lake" means a body of water that has resulted, after the completion of an exploration project or mining operation, from an open pit that has penetrated the water table of the area in which the pit is located.~~

~~(b) "Protected]~~ ***, "protected*** person" means any past or present:

~~[(1)]~~ ***(a)*** Owner of any estate or interest in any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3;

~~[(2)]~~ ***(b)*** Operator of all or any part of the premises, including, without limitation, any entity that has conducted or is conducting a mining operation or any reclamation activity with respect to the premises;

~~[(3)]~~ ***(c)*** Lessee or occupant of all or any part of the premises; or

~~[(4)]~~ ***(d)*** Contractor, subcontractor, employee or agent of any such owner, operator, lessee or occupant.

Sec. 13. NRS 519A.260 is hereby amended to read as follows:

519A.260 1. Each operator shall, on or before April 15 of each year ~~[, submit]~~ ***:***

(a) Submit to the Administrator a report relating to the status and production of all mining operations and exploration projects in which the operator has engaged and identifying ~~[each]~~ ***and mapping for such mining operations and exploration projects through the preceding calendar year:***

(1) Each acre of land affected and land reclaimed ~~[by that mining operation or exploration project through the preceding calendar year,]~~ ***;***

(2) All disturbances to the prevailing water balance; and ~~[shall pay]~~

(3) All disturbances to the quality and quantity of the surface water and groundwater; and

(b) Pay to the Division a fee of:

~~[(a)]~~ ***(1)*** One dollar and fifty cents for each acre of public land administered by a federal agency; and

~~[(b)]~~ ***(2)*** Five dollars and fifty cents for each acre of privately owned land, ➥ which has been disturbed by mining operations or exploration projects engaged in by the operator and not reclaimed.

2. All money received by the State Treasurer pursuant to ***subparagraph (1) of*** paragraph ~~[(a)]~~ ***(b)*** of subsection 1 together with three-elevenths of all money received by the State Treasurer pursuant to ***subparagraph (2) of*** paragraph (b) of subsection 1, up to a maximum of $100,000 annually, must be distributed directly to the Bureau of Mines and Geology of the State of Nevada to be used to carry out the provisions of NRS 514.060. Any money in excess of the maximum and the balance collected pursuant to ***subparagraph (2) of*** paragraph (b) of subsection 1 must be credited to the appropriate account for the Division and used to administer the provisions of this chapter.

Sec. 14. NRS 519A.270 is hereby amended to read as follows:

519A.270 If the Division has reason to believe that any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 ~~[, 3]~~ and 4 of this act,*** a plan for reclamation, any condition placed on a plan for reclamation or any regulation adopted by the Commission pursuant to NRS 519A.160, has been violated, the Division shall serve a notice of noncompliance upon the holder of the permit. The notice must:

1. Be served personally or by registered mail addressed to the holder of the permit at his or her address as shown on the records of the Division;

2. Specify each violation; and

3. Set a date and time for a hearing and inform the person that the person's permit may be suspended or revoked and the person's bond or other surety forfeited upon completion of the hearing or if the person fails to attend the hearing.

Sec. 15. NRS 519A.280 is hereby amended to read as follows:

519A.280 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person who violates any provision of NRS 519A.010 to

519A.280, inclusive, ***and sections 2 ~~[, 3]~~ and 4 of this act*** or any regulation adopted by the Commission pursuant to NRS 519A.160, is guilty of a misdemeanor and, in addition to any criminal penalty, is subject to a civil penalty imposed by the Division at a hearing for which notice has been given, in an amount determined pursuant to the schedule adopted by the Commission pursuant to NRS 519A.160.

2. Any money received by the Division pursuant to subsection 1 must be deposited with the State Treasurer for credit to the appropriate account of the Division. All interest earned on the money credited pursuant to this section must be credited to the account to which the money was credited.

3. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 ~~[, 3]~~ and 4 of this act*** or of any regulation adopted or permit or order issued pursuant to those sections, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 16. **On or before August 1, 2025:**

1. The Division of Minerals of the Commission on Mineral Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources shall coordinate to prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Natural Resources, which must include, without limitation, an analysis of the impact of pit lakes on:

(a) Water in this State, including, without limitation, evaporative losses, surface water and groundwater and hydrologic impacts;

(b) Current and future land use and water use in this State; and

(c) In consultation with the Department of Wildlife, wildlife.

2. The Department of Wildlife shall prepare and submit an analysis of the impacts of mining on terrestrial and aquatic wildlife and habitat in this State and any recommendations relating thereto, to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Natural Resources.

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. 333.

Bill read second time.

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

Amendment No. 333.

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~
~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to housing; requiring, under certain circumstances, a housing authority to perform an inspection of and have certain repairs made to ~~[the]~~ **certain** dwelling units ~~[of certain residents;]~~ **; eliminating the applicability of the Local Government Budget and Finance Act to a regional housing authority and the commissioners of a regional housing authority;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates local housing authorities and the Nevada Rural Housing Authority to operate housing projects for persons of low income in this State. (NRS 315.320, 315.440, 315.977, 315.988) Existing law also authorizes two or more housing authorities in a county whose population is 700,000 or more (currently only Clark County) to form a regional housing authority for such purposes. (NRS 315.7805) **Section 1** of this bill requires each housing authority in this State to ~~[contact a person who is 60 years of age or older and has lived in any public housing or housing project that is operated or managed by the housing authority to offer to perform]~~ **conduct** an inspection of ~~[the]~~ **each** dwelling unit ~~[at least every 5 years. If the resident wants the inspection performed, section 1 requires the housing authority to conduct such inspection on a day and time that is convenient for the tenant.]~~ **that is owned or managed by the housing authority and any dwelling unit leased pursuant to certain federal law. (42 U.S.C. § 1437f) Section 1** further requires: (1) ~~[such an inspection be conducted to determine whether the dwelling unit of the person is in a decent, safe and sanitary condition, including, without limitation, that the fixtures, appliances and plumbing are in good working order;]~~ **the housing authority to obtain the handwritten or electronic signature of the tenant after performing the inspection to confirm that the inspection was conducted;** and (2) the housing authority **, or the housing authority in coordination with the owner of certain privately owned dwelling units,** to ensure that all necessary repairs are made as soon as practicable after the inspection to ensure that the dwelling unit is in a decent, safe and sanitary condition.

The Local Government Budget and Finance Act sets forth various requirements, procedures and limitations relating to the financial administration of local governments. (NRS 354.470-354.626) For the purposes of the Act, a regional housing authority is a local government. (NRS 354.474, 354.536) Sections 3 and 4 of this bill eliminate a regional housing authority and the commissioners of a regional housing authority, respectively, from the definitions of "local government" and "governing body" so that the Act no longer applies to a regional housing authority or its commissioners.

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

Section 1. Chapter 315 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each housing authority in this State shall ~~[contact a person who is 60 years of age or older and has lived in any public housing or housing project that is operated or managed by the housing authority to offer to perform]~~ conduct an inspection of ~~[the]~~ each dwelling unit ~~[of the person at least every 5 years. If the resident wants the inspection of the dwelling unit performed, the housing authority shall conduct such inspection on a day and time that is convenient for the tenant.]~~ owned or managed by the housing authority and any dwelling unit leased pursuant to 42 U.S.C. § 1437f, on a regular basis as required by the United States Department of Housing and Urban Development. After performing such an inspection, the housing authority shall obtain the handwritten or electronic signature of the tenant to confirm that the inspection was conducted.

2. ~~[An]~~ If an inspection conducted pursuant to subsection 1 ~~[must determine whether the dwelling unit of the person is in a decent, safe and sanitary condition, including, without limitation, that the fixtures, appliances and plumbing are in good working order.~~

~~3. The]~~ identifies necessary repairs, the housing authority or the housing authority in coordination with the private owner, as applicable, shall ensure that all necessary repairs are made as soon as practicable after the inspection so that the dwelling unit is in a decent, safe and sanitary condition.

~~[4.]~~ 3. As used in this section ~~[:~~

~~(a) "Housing]~~ , "housing authority" has the meaning ascribed to it in NRS 315.021. The term includes, without limitation, a regional housing authority and the Nevada Rural Housing Authority.

~~[(b) "Housing project" has the meaning ascribed to it in NRS 315.969.]~~

Sec. 2. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 3. **NRS 354.474 is hereby amended to read as follows:**

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" includes ~~[:~~

~~(1) The~~ ***the*** Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000
to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose.

~~[(2) A regional authority formed pursuant to NRS 315.7805 but, except as otherwise provided in subparagraph (1), does not include any other housing authority created by or pursuant to chapter 315 of NRS.]~~

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 4. **NRS 354.536 is hereby amended to read as follows:**

354.536 "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of the local government are vested. ~~[The term includes, without limitation, the commissioners of a regional authority formed pursuant to NRS 315.7805, if the general legislative and fiscal powers of the regional authority are vested in the commissioners.]~~

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. 391.

Bill read second time.

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

Amendment No. 335.

AN ACT relating to public works; authorizing **~~[~~**~~, under certain circumstances,~~**~~]~~** a local government to **require a contractor on a public work to** give a preference **~~[~~**~~in bidding on certain public works to a contractor who~~

~~agrees to certain conditions relating to~~ **for** local hiring; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[authorizes a preference of 5 percent for a bid or proposal which is submitted on certain public works for contractors who ensure that, among other requirements, at least 50 percent of the workers employed on the public work for the duration of the project have a valid driver's license or identification card from the Department of Motor Vehicles of the State of Nevada. (NRS 338.0117) Section 1 of this bill authorizes]~~ **sets forth a process for** a local government to award a ~~[preference of 5 percent to certain contractors who bid on a]~~ contract for ~~[: (1) a public work for which the estimated cost exceeds $250,000; (2)]~~ a public work**.** ~~[involving a construction manager at risk; and (3) a public work involving a design-build team. To receive the preference,]~~ **(NRS 338.1385) This bill authorizes a local government to require** a contractor ~~[must sign an affidavit ensuring that at least 50 percent of the workers employed on the]~~ **on a** public work ~~[for the duration of the project]~~ **to give a preference for hiring labor on the public work to local residents who** reside **: (1)** within the jurisdiction of the local government ~~[or]~~ **; (2)** within a certain specified distance of the jurisdiction of the local government ~~[, as provided by the local government. Sections 3, 4 and 5 of this bill make conforming changes to incorporate the preference into provisions of existing law relating to a contract with a local government for: (1) a public work for which the estimated cost exceeds $250,000; (2) a public work involving a construction manager at risk; and (3) a public work involving a design-build team. (NRS 338.147, 338.1693, 338.1727)~~

~~Section 2 of this bill makes a conforming change to create an exception to the requirements under existing law for obtaining a 5 percent bidder's preference on certain public works.]~~ **; or (3) within a certain geographic area within the jurisdiction of the local government. This authority doesn't apply if any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work. This bill also clarifies that this authority shall not be construed to authorize a contractor on a public work to pay any worker on the public work less than the applicable prevailing wage.**

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in ~~[NRS 338.0117, to qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.147, subsection 2 of NRS 338.1693 or subsection 2 of NRS 338.1727, a contractor or an applicant must submit to the]~~ subsection 2, a local government sponsoring or financing a public work ~~[a signed affidavit which certifies that, for the~~

~~*duration of the project, collectively, and not on any specific day;]*~~ *may require that a contractor on the public work give preference for hiring labor on the public work to local residents who possess a valid driver's license or identification card issued by the Department of Motor Vehicles or other proof of current address which indicates that the person resides:*

(a) ~~*[At least 50 percent of the workers employed on the public work, including, without limitation, any employees of the contractor or applicant and of any subcontractor engaged on the public work, resides:*~~

~~*(1)]*~~ *Within the jurisdiction of the local government;* ~~*[or*~~

~~*(2)]*~~ *(b) Within a certain specified distance of the jurisdiction of the local government, as provided by the local government sponsoring or financing the public work;* ~~*[and*~~

~~*(b) The contractor or applicant and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.*~~

~~*2. Any contract for a public work that is awarded to a contractor or applicant who submits the affidavit described in subsection 1 as a result of the contractor or applicant receiving a preference in bidding described in subsection 1 must:*~~

~~*(a) Include a provision in the contract that substantially incorporates the requirements of subsection 1; and*~~

~~*(b) Provide that a failure to comply with any requirement of subsection 1 entitles the public body to a penalty only as provided in subsections 5 and 6.*~~

~~*3. A person who submitted a bid on the public work or an entity who believes that a contractor or applicant has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of subsection 1 may file, before the substantial completion of the public work, a written objection with the local government for which the contractor or applicant is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor or applicant has failed to comply with a requirement of subsection 1.*~~

~~*4. If a local government receives a written objection pursuant to subsection 3, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection. If the local government determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of subsection 1 exists, the local government shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of subsection 1 and the local government or its authorized*

~~*representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.*~~

~~*— 5. In addition to any other remedy or penalty provided by law, a local government may recover, by civil action against the party responsible for a failure to comply with a requirement of subsection 1, a penalty as described in subsection 6 for a failure to comply with a requirement of subsection 1. If a local government recovers a penalty pursuant to this subsection, the local government shall report to the State Contractors' Board the date of the failure to comply, the name of each entity which failed to comply and the cost of the contract to which the entity that failed to comply was a party. The Board shall maintain such information for not less than 6 years. Upon request, the Board shall provide such information to any public body or its authorized representative.*~~

~~*— 6. If a contractor or applicant submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract as a result of that preference, the contract between the contractor or applicant and the local government, each contract between the contractor or applicant and a subcontractor and each contract between a subcontractor and a lower tier subcontractor must provide that:*~~

~~*— (a) If a party to the contract causes the contractor or applicant to fail to comply with a requirement of subsection 1, the party is liable to the local government for a penalty in the amount of 1 percent of the cost of the largest contract to which he or she is a party;*~~

~~*— (b) The right to recover the amount determined pursuant to paragraph (a) by the local government pursuant to subsection 5 may be enforced by the local government directly against the party that caused the failure to comply with a requirement of subsection 1; and*~~

~~*— (c) No other party to the contract is liable to the local government for a penalty.*~~

~~*— 7. A local government that awards a contract for a public work to a contractor or applicant who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor or applicant who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor or applicant who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor or applicant and each subcontractor complied with the requirements of subsection 1.*~~

~~*8. As used in this section, "lower tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.]~~ ***; or***

(c) Within a certain geographic area within the jurisdiction of the local government.

2. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 1, those provisions do not apply insofar as their application would preclude or reduce federal assistance.

3. Nothing in this section shall be construed to authorize a contractor on a public work to pay any worker on the public work less than the applicable prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive.

Sec. 2. ~~[~~NRS 338.0117 is hereby amended to read as follows:~~

338.0117 1. [To] ***Except as otherwise provided in section 1 of this act, to*** qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project, collectively, and not on any specific day:

(a) At least 50 percent of the workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at least 50 percent of the design professionals working on the public work, including, without limitation, employees of the design-build team and of any subcontractor or consultant engaged in the design of the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada; and

(d) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work that is awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 as a

~~result of the contractor, applicant or design-build team receiving a preference in bidding described in subsection 1 must:~~

~~(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (d), inclusive, of subsection 1; and~~

~~(b) Provide that a failure to comply with any requirement of paragraphs (a) to (d), inclusive, of subsection 1 entitles the public body to a penalty only as provided in subsections 5 and 6.~~

~~3. A person who submitted a bid on the public work or an entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 may file, before the substantial completion of the public work, a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1.~~

~~4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.~~

~~5. In addition to any other remedy or penalty provided by law, a public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1, a penalty as described in subsection 6 for a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1. If a public body recovers a penalty pursuant to this subsection, the public body shall report to the State Contractors' Board the date of the failure to comply, the name of each entity which failed to comply and the cost of the contract to which the entity that failed to comply was a party. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.~~

~~6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract as a result of that preference, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor and each contract between a subcontractor and a lower-tier subcontractor must provide that:~~

~~(a) If a party to the contract causes the contractor, applicant or design-build team to fail to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1, the party is liable to the public body for a penalty in the amount of 1 percent of the cost of the largest contract to which he or she is a party;~~

~~(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that caused the failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1; and~~

~~(c) No other party to the contract is liable to the public body for a penalty.~~

~~7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (d), inclusive, of subsection 1.~~

~~8. As used in this section:~~

~~(a) "Lower-tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.~~

~~(b) "Vehicle used primarily for the public work" does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of this paragraph, the term includes any vehicle which is:~~

~~(1) Owned or operated by the contractor or any subcontractor who is engaged on the public work; and~~

~~(2) Present at the site of the public work.~~**] (Deleted by amendment.)**

Sec. 3. ~~[NRS 338.147 is hereby amended to read as follows:~~

~~338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.~~

~~2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~(a) Submitted by a contractor who:~~

~~(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;~~

~~(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117~~ ***[;] or subsection 1 of section 1 of this act, as applicable;*** ~~and~~

~~(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:~~

~~(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117~~ ***or subsection 1 of section 1 of this act, as applicable,*** ~~for the duration of the contract,~~

~~→ shall be deemed to be the best bid for the purposes of this section.~~

~~3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

~~— (a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~— (b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~— 6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~— 7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~— 8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~— 9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~— (a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~— (b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~— 10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~— 11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~— 12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~— 13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

~~— (a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~

~~— (b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.~~

~~— 14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.~~**] (Deleted by amendment.)**

Sec. 4. ~~[NRS 338.1693 is hereby amended to read as follows:~~

~~— 338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.~~

~~— 2. The panel appointed pursuant to subsection 1 shall rank the proposals by:~~

~~— (a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and~~

~~— (b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.~~

~~— 3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117~~ **~~[.]~~** ~~*or subsection 1 of section 1 of this act, as*~~

~~***applicable.*** If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~— 4. After the panel appointed pursuant to subsection 1 ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection 8, select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.~~

~~— 5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.~~

~~— 6. During the interview process, the panel conducting the interview may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, including, without limitation, the cost of general overhead and profit, but in no event shall the proposed amount of compensation be less than 5 percent or more than 20 percent of the scoring for the selection of the most qualified applicant. All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.~~

~~— 7. After conducting such interviews, the panel that conducted the interviews shall rank the applicants by using a ranking process that is separate from the process used to rank the applicants pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant. When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117 **[.] *or subsection 1 of section 1 of this act, as applicable.*** If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~— 8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.~~

~~— 9. Upon receipt of the final rankings of the applicants from the panel that conducted the interviews, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to the provisions of this section for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.~~

~~— 10. The public body or its authorized representative shall:~~

~~— (a) Make available to all applicants and the public the following information, as determined by the panel appointed pursuant to subsection 1 and the panel that conducted the interviews, as applicable:~~

~~— (1) The final rankings of the applicants;~~

~~— (2) The score assigned to each proposal received by the public body; and~~

~~— (3) For each proposal received by the public body, the score assigned to each factor that the public body specified in the request for proposals; and~~

~~— (b) Provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.~~**] (Deleted by amendment.)**

Sec. 5. ~~[~~NRS 338.1727 is hereby amended to read as follows:

~~— 338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:~~

~~— (a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and~~

~~— (b) Set forth the date by which final proposals must be submitted to the public body.~~

~~— 2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.~~

~~— 3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build~~

~~team if the contractors submit signed affidavits that meet the requirements of subsection 1 of NRS 338.0117~~ ***[,] or subsection 1 of section 1 of this act, as applicable,*** ~~and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team, and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference in bidding on public works, or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.~~

~~4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.~~

~~5. A final proposal is exempt from the requirements of NRS 338.141.~~

~~6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.~~

~~7. If a public body selects a final proposal and awards a design-build contract pursuant to subsection 6, the public body shall:~~

~~(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.~~

~~(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or~~

~~otherwise make public, financial or proprietary information submitted by a design-build team.~~

~~8. A contract awarded pursuant to this section:~~

~~(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.~~

~~(b) Must specify:~~

~~(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;~~

~~(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and~~

~~(3) A date by which performance of the work required by the contract must be completed.~~

~~(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.~~

~~(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.~~

~~(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.~~

~~(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.~~

~~9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.~~**]** **(Deleted by amendment.)**

Sec. 6. 1. The amendatory provisions of this act apply to a public work for which bids are first advertised by a local government **[**~~pursuant to NRS 338.147, 338.1693 or 338.1727~~**]** after the effective date of this act.

2. As used in this section, "local government" and "public work" have the meanings ascribed to them in NRS 338.010.

Sec. 7. **[**~~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.~~**]** **(Deleted by amendment.)**

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

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. 410.

Bill read second time.

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

Amendment No. 297.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYMEN** JAUREGUI **, YEAGER, O'NEILL AND MONROE-MORENO**

AN ACT relating to industrial insurance; revising the circumstances in which certain employees are authorized to receive compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, an injury or disease sustained by an employee caused by stress is compensable under industrial insurance only if the employee can prove by clear and convincing medical or psychiatric evidence that: (1) the employee has a mental injury caused by extreme stress in time of danger; (2) the primary cause of the injury was an event that arose out of and during the course of his or her employment; and (3) the stress was not caused by a layoff, termination or disciplinary action. **Existing law provides that a first responder may prove by clear and convincing medial or psychiatric evidence that the mental injury was primarily caused by the first responder witnessing an event of a certain specified type during the course of his or her employment.** Under existing law, an ailment or disorder caused by any gradual mental stimulus or any death or disability ensuing therefrom is not compensable under industrial insurance. (NRS 616C.180)

Section 1 of this bill ~~[removes provisions prohibiting an ailment or disorder caused by any gradual mental stimulus or any death or disability ensuing therefrom from being compensable under industrial insurance. Section 1]~~ expands the stress-related injuries that may be compensable under industrial insurance under certain circumstances to include a mental injury **which afflicts a first responder and which is** caused by extreme stress for which the primary cause was ~~[a]~~ **witnessing an event or** series of events ~~[, rather than a single event,]~~ that arose out of and during the course of employment ~~[. Sections 2 and 3 of this bill make conforming changes to refer to provisions that have been renumbered by this bill.]~~ **and involved: (1) the death, or aftermath of the death, of a person as a result of a violent event; or (2) an injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience.**

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

Section 1. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. ~~[Any]~~ ***Except as otherwise provided in subsection 4, any*** ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. Except as otherwise provided by subsections 4 ~~*[2]*~~ and 5, ~~*[4,]*~~ an injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event ~~*[or series of events]*~~ that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. ~~*[3,]*~~ An injury or disease caused by stress shall be deemed to arise out of and in the course of employment ~~[, and shall not be deemed the result of gradual mental stimulus,]~~ if the employee is a first responder and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event ***or a series of events*** described in paragraph (a) during the course of his or her employment.

5. ~~*[4,]*~~ An injury or disease caused by stress shall be deemed to arise out of and in the course of employment , and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. ~~[5.]~~ An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. ~~[6.]~~ The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

8. ~~[7.]~~ As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

Sec. 2. ~~[NRS 616C.400 is hereby amended to read as follows:~~

~~616C.400 1. Temporary compensation benefits must not be paid under chapters 616A to 616D, inclusive, of NRS for an injury which does not incapacitate the employee for at least 5 consecutive days, or 5 cumulative days within a 20-day period, from earning full wages, but if the incapacity extends for 5 or more consecutive days, or 5 cumulative days within a 20-day period, compensation must then be computed from the date of the injury.~~

~~2. The period prescribed in this section does not apply to:~~

~~(a) Accident benefits, whether they are furnished pursuant to NRS 616C.255 or 616C.265, if the injured employee is otherwise covered by the provisions of chapters 616A to 616D, inclusive, of NRS and entitled to those benefits.~~

~~(b) Compensation paid to the injured employee pursuant to subsection 1 of NRS 616C.477.~~

~~(c) A claim which is filed pursuant to NRS 617.453, 617.455 or 617.457.~~

~~(d) A claim to which subsection~~ **[**~~4~~**]** ***3*** ~~or~~ **[**~~5~~**]** ***4*** ~~of NRS 616C.180 applies.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 617.420 is hereby amended to read as follows:~~

~~617.420 1. No compensation may be paid under this chapter for temporary total disability which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages, but if the incapacity extends for 5 or more days within a 20-day period, the compensation must then be computed from the date of disability.~~

~~2. The limitations in this section do not apply to medical benefits, including, without limitation, medical benefits pursuant to NRS 617.453,~~

~~617.455 or 617.457, or a claim to which subsection [4] 3 or [5] 4 of NRS 616C.180 applies, which must be paid from the date of application for payment of medical benefits.]~~ **(Deleted by amendment.)**

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, 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, 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. 7.

Bill read second time.

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

Amendment No. 265.

CONTAINS UNFUNDED MANDATE (§**§1.3,** 2)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to health care; **authorizing the Director of the Department of Health and Human Services to contract with multiple health information exchanges to perform certain functions; requiring the Director to prescribe certain standards governing the maintenance and exchange of electronic health records;** expanding immunity from certain liability for health care providers who use a health information exchange; requiring ~~[certain health care records to be created, authenticated and stored on a computer system that meets certain requirements;]~~ **medical facilities and providers of health care to store, transmit and exchange health records electronically; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Health and Human Services to contract with not more than one health information exchange to be responsible for compiling statewide master indexes of patients, health care providers and payers. (NRS 439.587) Section 1 of this bill authorizes the Director to contract with multiple health information exchanges to perform those functions. Section 1 also removes a requirement that the Director encourage the use of health information exchanges and prohibits the Director from requiring any person to use a health information exchange.

Existing law provides that a health care provider who with reasonable care relies upon an apparently genuine electronic health record accessed from a health information exchange to make a decision concerning the provision of health care to a patient is immune from civil or criminal liability for the decision if: (1) the electronic health record is inaccurate; (2) the inaccuracy was not caused by the health care provider; (3) the inaccuracy resulted in an inappropriate health care decision; and (4) the health care decision was appropriate based upon the information contained in the inaccurate electronic health record. (NRS 439.593) **Section ~~[1]~~ 1.1** of this bill expands this immunity from liability to also apply to any health care provider who ~~[: (1) submits an apparently genuine electronic health record to a health information exchange; (2) accesses an apparently genuine electronic health record from a health information exchange; or (3) utilizes or discloses an apparently genuine electronic health record accessed from a health information exchange.~~

~~Existing law authorizes the creation, authentication and storage of health care records on a computer system that is part of a health information exchange. (NRS 629.051) Beginning on January 1, 2028, sections 2 and 4 of this bill require, with certain exceptions, the creation, authentication and storage of health care records on a computer system that is part of a health information exchange and allows patients to access and forward their health care records electronically.]~~ **transmits, accesses, utilizes, discloses, relies upon or provides to the patient any apparently genuine electronic health record in accordance with applicable law and regulations. Section 1.2 of this bill provides that transmitting, accessing, utilizing or disclosing an electronic health record is not an unfair trade practice.**

Existing law: (1) provides for the regulation of medical facilities; and (2) establishes requirements governing the maintenance of the health records of providers of health care. (Chapter 449 of NRS; NRS 629.051-629.069) Beginning on January 1, 2028, sections 1.3 and 2 of this bill require such facilities and providers of health care to maintain, transmit and exchange health records electronically in a manner that: (1) allows patients to electronically access their health records directly from the facility or custodian of the records and forward such records electronically to other persons and entities; and (2) allows for the interoperability of health records with the electronic health records and systems of other facilities and providers of health care.

Section 2.5 of this bill makes an appropriation to the Department to award grants to certain small facilities and providers of health care who work in small business settings to assist in compliance with the requirements of sections 1.3 and 2. Section 1 of this bill requires the Director to prescribe standards for the electronic maintenance and exchange of such records. Sections 1.4-1.9 of this bill make conforming changes to indicate the proper placement of and provide for the enforcement of section 1.3.

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

Section 1. **NRS 439.587 is hereby amended to read as follows:**

439.587 1. The Director is the state authority for health information technology. The Director shall:

(a) Ensure that a health information exchange complies with the specifications and protocols for exchanging electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act of 2009, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., and other applicable federal and state law;

(b) ~~[Encourage the use of a health information exchange by health care providers, payers and patients;~~

~~(c)]~~ Prescribe by regulation standards for the electronic ***maintenance,*** transmittal ***and exchange*** of electronic health records, prescriptions, health-related information, electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law;

~~[(d)]~~ ***(c)*** Prescribe by regulation rules governing the ownership, management and use of electronic health records, health-related information and related data retained or shared by a health information exchange; and

~~[(e)]~~ ***(d)*** Prescribe by regulation, in consultation with the State Board of Pharmacy, standards for the electronic transmission of prior authorizations for prescription medication using a health information exchange.

2. The Director may establish or contract with ~~[not more than]~~ one ***or more*** health information ~~[exchange to serve as the statewide health information exchange]~~ ***exchanges*** to be responsible for compiling statewide master indexes of patients, health care providers and payers. The Director may by regulation prescribe the requirements for ***such*** a ~~[statewide]~~ health information exchange, including, without limitation, the procedure by which any patient, health care provider or payer master index created pursuant to any contract is transferred to the State upon termination of the contract.

3. The Director may enter into contracts, apply for and accept available gifts, grants and donations, and adopt such regulations as are necessary to carry out the provisions of NRS 439.581 to 439.595, inclusive.

4. The regulations adopted pursuant to this section and NRS 439.589 must not require any person or entity, other than the Department, to use a health information exchange.

~~[Section 1.]~~ ***Sec. 1.1.*** NRS 439.593 is hereby amended to read as follows:

439.593 A health care provider who with reasonable care ~~*[submits an apparently genuine electronic health record to a health information exchange, accesses an apparently genuine electronic health record from a health information exchange or]*~~ ***transmits, accesses, utilizes, discloses , ~~[or]~~***

relies upon ***or provides to a patient*** an apparently genuine electronic health record ~~[accessed from a health information exchange to make a decision concerning the provision of health care to a patient]~~ ***in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto*** is immune from civil or criminal liability for ~~[the]~~ ***any*** decision ***concerning the provision of health care to a patient and any civil or criminal liability resulting from the provision of an apparently genuine electronic health record to a patient*** if:

1. The electronic health record is inaccurate;
2. The inaccuracy was not caused by the health care provider;
3. The inaccuracy resulted in an inappropriate health care decision; and
4. The health care decision was appropriate based upon the information contained in the inaccurate electronic health record.

Sec. 1.2. **NRS 439.595 is hereby amended to read as follows:**

439.595 Providing information to ***, transmitting, accessing, utilizing or disclosing*** an electronic health record or participating in a health information exchange in accordance with NRS 439.581 to 439.595, inclusive, does not constitute an unfair trade practice pursuant to chapter 598A or 686A of NRS.

Sec. 1.3. **Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:**

Except as otherwise provided in NRS 439.538 and 439.591, a medical facility shall maintain, transmit and exchange health records electronically in accordance with paragraph (a) of subsection 1 of NRS 629.051.

Sec. 1.4. **NRS 449.029 is hereby amended to read as follows:**

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 1.3 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. 1.5. **NRS 449.0301 is hereby amended to read as follows:**

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 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. 1.6. **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 1.3 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 1.3 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. 1.7. **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 1.3 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 1.3 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 1.3 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. 1.75. **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 1.3 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 1.3 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 1.3 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. 1.8. **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 1.3 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. 1.9. **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 1.3 of this act.***

Sec. 2. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each custodian of health care records shall retain the health care records of patients as part of the regularly maintained records of the custodian for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. ~~[~~Health~~]~~ ***Except as otherwise provided in NRS 439.538 and 439.591, health*** care records ~~[~~may ***must]*** **:**

(a) Must be maintained, transmitted and exchanged electronically in a manner that:

(1) Allows patients to electronically access their health records directly from the custodian of health care records and forward such records electronically to other persons and entities;

(2) Allows for the interoperability of health records with the electronic health records and systems of health care facilities and other providers of health care; and

(3) Complies with the applicable provisions of NRS 439.581 to 439.595, inclusive, and any regulations adopted pursuant thereto.

(b) May be created, authenticated and stored in a ~~[~~computer system~~]~~ ***health information exchange*** which meets ~~[:~~

~~*— (a) Meets]*~~ the requirements of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto **.** ~~*[; and*~~

~~*— (b) Allows patients to access their health care records electronically and forward their health care records electronically to other persons.]*~~

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A custodian of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. The provisions of this section **, *except for the provisions of paragraph (a) of subsection 1*,** do not apply to a pharmacist.

9. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

Sec. 2.5. **1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $3,000,000 for the purpose of awarding grants to providers of health care and medical facilities for the purposes of complying with the requirements of section 1.3 of this act and paragraph (a) of subsection 1 of NRS 629.051, as amended by section 2 of this act. To receive such a grant, a provider of health care or medical facility must have a staff of less than 50 persons or work for an entity that has a staff of less than 50 persons, as applicable.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

3. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and sections 1 ~~[and 3 of this act become effective upon passage and approval.~~

~~2. Section 2]~~ **, 1.1, 1.2 and 2.5 of this act become effective on July 1, 2023.**

2. Sections 1.3 to 2, inclusive, and 3 of this act ~~[becomes]~~ **become** effective on January 1, 2028.

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. 75.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 152.

SUMMARY— ~~[Exempts]~~ **Revises** certain ~~[offers or sales of securities from registration]~~ requirements ~~[for]~~ **relating to** securities. (BDR 7-145)

AN ACT relating to securities; defining "Nevada certified investor"; authorizing the Administrator of the Securities Division of the Office of the Secretary of State, who is the Deputy of Securities, to adopt certain regulations in consultation with the Office of Economic Development; **revising the information that must be included in a registration statement for a security that may be registered by qualification; exempting a person who files a registration statement for a security that may be registered by qualification from paying any fees associated with that filing;** providing for an exemption from certain requirements concerning the registration of securities for certain transactions involving an offer to sell or sale of a security by certain issuers who are residents of this State to a Nevada certified investor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law, with certain exceptions, prohibits a person from engaging in certain activities relating to offering to sell or selling a security unless the security is registered with the Securities and Exchange Commission. (15 U.S.C. § 77e) Existing federal law creates an exemption from this requirement for a security which is part of an issue offered or sold only to persons who are residents of the same state of which the issuer is also a resident and doing business within or, if the issuer is a corporation, incorporated by and doing business within. (15 U.S.C. § 77c(a)(11)) Existing federal regulations set forth: (1) requirements that an issuer must meet to be deemed to be a resident of and doing business within a state where the issuer offers and sells securities; and (2) various other requirements for transactions involving intrastate offers or sales of securities for the transaction to qualify for the exemption from the federal registration requirements. (17 C.F.R. §§ 230.147, 230.147A)

Existing state law prohibits a person from offering to sell or selling any security in this State unless the security meets certain registration requirements or the security transaction is exempt from the registration requirements. (NRS 90.460) **Section 5** of this bill creates an exemption from those state registration requirements for certain transactions involving an offer to sell or sale of a security to a Nevada certified investor. **Section 2** of this bill defines "Nevada certified investor" to mean, in general, a natural person who is, or a married couple who each are, a resident of this State and who meets certain financial qualifications. Under **section 5**, a transaction involving an offer to sell or sale of a security to a Nevada certified investor is exempt from the registration requirements provided under existing state law if: (1) the transaction meets the requirements for the federal exemption for intrastate offers and sales of securities; (2) the transaction meets any other requirements established by regulations adopted by the Administrator of the Securities Division of the Office of the Secretary of State, who is the Deputy of Securities, pursuant to **section 3** of this bill; ~~[and]~~ (3) the transaction involves certain types of Nevada certified investors, the total amount paid by the Nevada certified investor for all of the securities involved in the transaction does not exceed 10 percent of the net worth of the investor, subject to certain requirements concerning the net worth of the investor ~~[.]~~ **; (4) the transaction is part of an issue in which not more than 75 purchasers are Nevada certified investors; and (5) the person offering to sell or selling the security first undergoes a criminal background check.**

Section 3 authorizes the Administrator, in consultation with the Office of Economic Development within the Office of the Governor, to adopt regulations establishing additional requirements for transactions involving an offer to sell or sale of a security to a Nevada certified investor to qualify for an exemption from the registration requirements pursuant to **section 5**.

Section 4 of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Existing law authorizes the registration of a security by qualification and requires the registration statement for such a security to contain certain information relating to the issuer and certain other persons. (NRS 90.490) Section 4.5 of this bill revises the information which is required to be included in the registration statement.

Existing law sets forth certain fees associated with the filing of a registration statement or an amendment to a registration statement. (NRS 90.500) Section 4.7 of this bill exempts a person who files a registration statement to register a security by qualification or an amendment to such a registration statement from paying any fees associated with such filings. Sections 4.1-4.9 and 5.5 make conforming changes to revise certain internal references.

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

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. "Nevada certified investor" means a natural person who is, or a married couple who each are, a resident of this State and who, at the time an offer to sell or sale of a security is made to the person or couple:***

[1.] (a) Holds an ownership interest of more than 50 percent in a business that has reported a gross revenue of more than $200,000 or 2 1/2 times the median household income, whichever is greater, on each federal income tax return filed for the 2 immediately preceding calendar years; or

[2.] (b) Has reported an income on the federal income tax return of the person or couple filed for the immediately preceding calendar year that exceeds $100,000 or the median household income [in this State, as identified in the most recent data from the American Community Survey published by the Bureau of the Census of the United States Department of Commerce or as determined by the Administrator based on another source of data specified by the Administrator by regulation.] , whichever is greater.

2. As used in this section, "median household income" means the median household income in this State, as identified in the most recent data from the American Community Survey published by the Bureau of the Census of the United States Department of Commerce or as determined by the Administrator based on another source of data specified by the Administrator by regulation.

Sec. 3. ***The Administrator may, in consultation with the Office of Economic Development, adopt regulations that set forth additional requirements for transactions involving an offer to sell or sale of a security to a Nevada certified investor that must be met for the transaction to qualify for an exemption pursuant to subsection 22 of NRS 90.530. Such regulations***

may include, without limitation, provisions establishing minimum qualifications for an issuer who engages in such a transaction.

Sec. 4. NRS 90.211 is hereby amended to read as follows:

90.211 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 90.215 to 90.309, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4.1. **NRS 90.470 is hereby amended to read as follows:**

90.470 1. Securities for which a registration statement has been filed under the Securities Act of 1933 in connection with the offering of the securities may be registered by filing, whether or not they are also eligible for registration under NRS 90.480 or 90.490, if:

(a) The issuer is organized under the laws of the United States or a state or, if the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process;

(b) The issuer has actively engaged in business operations in the United States for a period of at least 36 consecutive calendar months immediately before the filing of the federal registration statement;

(c) The issuer has registered a class of equity securities under section 12(b) or 12(g) of the Securities Exchange Act of 1934, and the class of securities is held of record by 500 or more persons;

(d) The issuer has:

(1) Either a total net worth of $4,000,000 or a total net worth of $2,000,000 and net pretax income from operations before allowances for extraordinary items, for at least 2 of the 3 preceding fiscal years;

(2) Not less than 400,000 units of the class of security registered under section 12 of the Securities Exchange Act of 1934 held by the public, excluding securities held by officers and directors of the issuer, underwriters and persons beneficially owning 10 percent or more of that class of security; and

(3) No outstanding warrants and options held by the underwriters and executive officers and directors of the issuer in an amount exceeding 10 percent of the total number of shares to be outstanding after completion of the offering of the securities being registered;

(e) The issuer has been subject to the requirements of section 12 of the Securities Exchange Act of 1934 and has filed all the material required to be filed under sections 13 and 14 of that act for at least 36 consecutive calendar months immediately before the filing of the statement and the issuer has filed in a timely manner all reports required to be filed during the 12 calendar months next preceding the filing of the federal registration statement;

(f) For at least 30 days during the 3 months next preceding the offering of the securities registered there have been at least four market makers for the class of equity securities registered under section 12 of the Securities Exchange Act of 1934;

(g) Each of the underwriters participating in the offering of the security and each broker-dealer who will offer the security in this State is a member of or is subject to the regulations of fair practice of a national association of securities dealers with respect to the offering and the underwriters have contracted to purchase the securities offered in a principal capacity;

(h) The aggregate commissions or discounts to be received by the underwriters will not exceed 10 percent of the aggregate price at which the securities being registered are offered to the public;

(i) Neither the issuer nor any of its subsidiaries, since the end of the fiscal year next preceding the filing of the registration statement, have:

(1) Failed to pay a dividend or sinking fund installment on preferred stock;

(2) Defaulted on indebtedness for borrowed money; or

(3) Defaulted on the rental on one or more long-term leases, and the defaults in the aggregate are material to the financial position of the issuer and its subsidiaries, taken as a whole; and

(j) In the case of an equity security, the price at which the security will be offered to the public is not less than $5 per share.

2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection ~~[4]~~ ***5*** of NRS 90.500 and the consent to service of process required by NRS 90.770:

(a) A statement demonstrating eligibility for registration by filing;

(b) The name, address and form of organization of the issuer;

(c) With respect to a person on whose behalf a part of the offering is to be made in a nonissuer distribution:

(1) Name and address;

(2) The amount of securities of the issuer held by the person as of the date of the filing of the registration statement; and

(3) A statement of the reasons for making the offering;

(d) A description of the security being registered; and

(e) A copy of the latest prospectus filed with the registration statement under and satisfying the requirements of section 10 of the Securities Act of 1933.

3. If the information and records required to be filed by subsection 2 have been on file with the Administrator for at least 5 business days, or any shorter period the Administrator allows by regulation or order, and the applicable registration fee has been paid before the effectiveness of the federal registration statement, a registration statement under this section automatically becomes effective concurrently with the effectiveness of the federal registration statement. If the federal statement becomes effective before the conditions in this section are satisfied and they are not waived, the registration statement becomes effective when the conditions are satisfied. The registrant shall promptly notify the Administrator by telephone or telegram of the date

and time when the federal registration statement became effective and the content of the price amendment, if any, and shall file promptly a posteffective amendment containing the information and records in the price amendment. The Administrator shall promptly acknowledge receipt of notification and effectiveness of the registration statement as of the date and time the registration statement became effective with the Securities and Exchange Commission.

Sec. 4.3. **NRS 90.480 is hereby amended to read as follows:**

90.480 1. Securities for which a registration statement has been filed under the Securities Act of 1933 in connection with the offering of the securities may be registered by coordination.

2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection ~~[4]~~ ***5*** of NRS 90.500 and the consent to service of process required by NRS 90.770:

(a) One copy of the latest form of prospectus filed under the Securities Act of 1933;

(b) If the Administrator by regulation or order requires:

(1) A copy of the articles of incorporation and bylaws, or their substantial equivalents, currently in effect;

(2) A copy of any agreement with or among underwriters;

(3) A copy of any indenture or other instrument governing the issuance of the security to be registered; and

(4) A copy, specimen or description of the security;

(c) If the Administrator requests and subject to the provisions of NRS 90.730, any other information or copies of any other records filed under the Securities Act of 1933; and

(d) An undertaking to forward promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, all future amendments to the federal prospectus, other than an amendment that delays the effective date of the registration statement, whichever occurs first.

3. A registration statement under this section becomes effective when the federal registration statement becomes effective and all the following conditions are satisfied:

(a) No order is in effect, and no proceeding is pending, under NRS 90.510;

(b) The registration statement has been on file with the Administrator for at least 10 days, but if the registration statement is not filed with the Administrator within 5 days after the initial filing under the Securities Act of 1933, the registration statement must have been on file with the Administrator for 30 days or any shorter period as the Administrator by regulation or order specifies; and

(c) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file

for 2 full business days or any shorter period the Administrator permits and the offering is made within those limitations.

4. The registrant shall promptly notify the Administrator of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a posteffective amendment containing the information and records in the price amendment.

5. Upon failure to receive the required notification and posteffective amendment with respect to the price amendment, the Administrator may enter an order, retroactively denying effectiveness to the registration statement or suspending its effectiveness until the registrant complies with subsection 4. The Administrator shall promptly notify the registrant of the issuance of the order. If the registrant proves compliance with the requirements of subsection 4 as to notice and posteffective amendment, the order is void as of its entry.

6. The Administrator by regulation or order may waive either or both of the conditions specified in paragraphs (b) and (c) of subsection 3.

7. If the federal registration statement becomes effective before all the conditions in subsection 3 are satisfied and they are not waived, the registration statement automatically becomes effective when all the conditions are satisfied. If the registrant advises the Administrator of the date when the federal registration statement is expected to become effective, the Administrator shall promptly advise the registrant, at the registrant's expense, whether all conditions are satisfied and whether the Administrator then contemplates the institution of a proceeding under NRS 90.510, but the advice by the Administrator does not preclude the institution of a proceeding for an order suspending the effectiveness of the registration statement. An order issued under this subsection is not retroactive.

8. The Administrator by regulation or order may waive or modify the application of a requirement of this section if a provision or an amendment, repeal or other alteration of the provisions of the Securities Act of 1933 for the registration of securities or of the regulations adopted under that act renders the waiver or modification appropriate for further coordination of state and federal registration.

Sec. 4.5. **NRS 90.490 is hereby amended to read as follows:**

90.490 1. A security may be registered by qualification.

2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection ~~[4]~~ ***5*** of NRS 90.500 and the consent to service of process required by NRS 90.770:

(a) With respect to the issuer and any significant subsidiary:

(1) Its name, address and form of organization;

(2) The state or foreign jurisdiction and date of its organization;

(3) The general character and location of its business;

(4) A description of its physical property and equipment; and

(5) A statement of the general competitive conditions in the industry or business in which it is or will be engaged;

(b) With respect to every director and officer of the issuer or person occupying a similar status or performing similar functions:

(1) Name ~~[,]~~ ***and*** address ***;*** ~~[and principal occupation for the last 5 years;]~~

(2) The amount of securities of the issuer held by the person as of a specified date within 30 days before the filing of the registration statement;

(3) The amount of the securities covered by the registration statement to which the person has indicated an intention to subscribe; and

(4) A description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past 3 years or proposed to be effected ~~[,]~~ ***, including, without limitation, compensation provided to the person or that is proposed to be provided to the person by the issuer or the significant subsidiary;***

(c) ~~[With respect to persons covered by paragraph (b), the compensation paid or given, directly or indirectly, during the last 12 months and estimated to be paid during the next 12 months by the issuer together with all predecessors, parents, subsidiaries and affiliates, to all those persons in the aggregate;~~

~~(d)]~~ With respect to any person owning of record, or beneficially if known, 10 percent or more of the outstanding shares of a class of equity security of the issuer, the information specified in paragraph (b) ~~[other than occupation;~~

~~(e)]~~ ***;***

(d) With respect to a promoter, ***if such a promoter exists, and*** if the issuer was organized within the last 3 years:

(1) The information specified in paragraph (b);

(2) The amount paid to the person within that period or intended to be paid; and

(3) The consideration for the payment;

~~[(f) With respect to a person on whose behalf a part of the offering is to be made in a nonissuer distribution:~~

~~(1) Name and address;~~

~~(2) The amount of securities of the issuer held by the person as of the date of the filing of the registration statement;~~

~~(3) A description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past 3 years or proposed to be effected; and~~

~~(4) A statement of the reasons for making the offering;~~

~~(g)]~~ ***(e)*** The capitalization and long-term debt, on both a current and a pro forma basis, of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and ***, if applicable,*** a statement of the amount and kind of consideration, whether in the form of cash, physical assets, services, patents, goodwill or anything else, for which the issuer or a subsidiary has issued its securities within the last 2 years or is obligated to issue its securities;

~~[(h)]~~ ***(f)*** The kind and amount of securities to be offered, the proposed offering price or the method by which it is to be computed, any variation therefrom at which a proportion of the offering is to be made to a person or class of persons other than the underwriters, with a specification of the person or class, the basis upon which the offering is to be made if otherwise than for cash, the estimated aggregate underwriting and selling discounts or commissions and finder's fees, including separately cash, securities, contracts or anything else of value to accrue to the underwriters or finders in connection with the offering or, if the selling discounts or commissions are variable, the basis of determining them and their maximum and minimum amounts, the estimated amounts of other selling expenses, including legal, engineering and accounting charges, the name and address of every underwriter and every recipient of a finder's fee, a copy of any underwriting or selling-group agreement pursuant to which the distribution is to be made, or the proposed form of the agreement whose terms have not yet been determined, and a description of the plan of distribution of securities that are to be offered otherwise than through an underwriter;

~~[(i)]~~ ***(g)*** The estimated cash proceeds to be received by the issuer from the offering, the purposes for which the proceeds are to be used by the issuer, the amount to be used for each purpose, the order of priority in which the proceeds will be used for the purposes stated, the amounts of funds to be raised from other sources to achieve the purposes stated, the sources of the funds, and, if part of the proceeds is to be used to acquire property, including goodwill, otherwise than in the ordinary course of business, the names and addresses of the vendors, the purchase price, the names of the persons who have received commissions in connection with the acquisition and the amounts of commissions and any other expense in connection with the acquisition, including the cost of borrowing money to finance the acquisition;

~~[(j)]~~ ***(h)*** A description of the stock options or other security options outstanding or to be created in connection with the offering and the amount of the options held or to be held by every person required to be named in paragraph (b), ***(c),*** (d) ~~[, (e),]~~ ***or*** (f) ~~[or (h)]~~ and by a person who holds or will hold 10 percent or more in the aggregate of the options;

~~[(k)]~~ ***(i)*** The dates of, parties to and general effect, concisely stated, of every management or other material contract made or to be made otherwise than in the ordinary course of business if it is to be performed in whole or in part at or after the filing of the registration statement or was made within the last 2 years, and a copy of the contract;

~~[(l)]~~ ***(j)*** A description of any pending litigation or proceedings to which the issuer is a party and that materially affect its business or assets, including any litigation or proceeding known to be contemplated by a governmental authority;

~~[(m)]~~ ***(k)*** A copy of any prospectus, pamphlet, circular, form letter, advertisement or other sales literature intended as of the effective date to be used in connection with the offering ~~[.~~

~~(n)]~~ ***, if such materials exist;***

(l) A copy, specimen or description of the security being registered, a copy of the issuer's articles of incorporation and bylaws or their substantial equivalents, as currently in effect, and a copy of any indenture or other instrument covering the security to be registered;

~~[(o) A signed or conformed copy of an opinion of counsel as to the legality of the security being registered, with an English translation if it is in a foreign language, which states whether the security when sold will be legally issued, fully paid and nonassessable and, if a debt security, a binding obligation of the issuer;~~

~~(p) The written consent of an accountant, engineer, appraiser or other person whose profession gives authority to a statement made by the person, if the person is named as having prepared or certified a report or valuation, other than a public and official record or statement, which is used in connection with the registration statement;~~

~~(q) A statement of financial condition of the issuer as of a date within 4 months before the filing of the registration statement, a statement of results of operations and analysis of surplus for each of the 3 fiscal years preceding the date of the statement of financial condition and for any period between the close of the last fiscal year and the date of the statement of financial condition, or for the period of the issuer's and any predecessors' existence if less than 3 years, and, if part of the proceeds of the offering is to be applied to the purchase of a business, the same financial statements which would be required if that business were the registrant; and~~

~~(r)]~~ ***and***

(m) Any additional information the Administrator by regulation or order specifies.

3. A statement under this section becomes effective 30 calendar days, or any shorter period as the Administrator by regulation or order specifies, after the date the registration statement or the last amendment other than a price amendment is filed, if:

(a) No order is in effect and no proceeding is pending under NRS 90.510;

(b) The Administrator has not, under subsection 4, ordered that effectiveness be delayed; and

(c) The registrant has not requested that effectiveness be delayed.

4. The Administrator may delay effectiveness for a single period of not more than 90 days if the Administrator determines the registration statement is not complete in all material respects and promptly notifies the registrant of that determination. The Administrator may delay effectiveness for a single period of not more than 30 days if the Administrator determines that the delay

is necessary, whether or not the Administrator previously delayed effectiveness under this subsection.

Sec. 4.7. **NRS 90.500 is hereby amended to read as follows:**

90.500 1. A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a broker-dealer licensed under this chapter.

2. Except as otherwise provided in subsection 3 ~~[,]~~ ***or 4,*** a person filing a registration statement shall pay a filing fee of 0.2 percent of the maximum aggregate offering price at which the registered securities are to be offered in this State, but not less than $700 or more than $5,000. If a registration statement is withdrawn before the effective date or a pre-effective order is entered under NRS 90.510, the Administrator shall retain the fee.

3. An open-end management company, a face-amount certificate company or a unit investment trust, as defined in the Investment Company Act of 1940, may register an indefinite amount of securities under a registration statement. The registrant shall pay:

(a) A fee of $1,000 at the time of filing; and

(b) Within 60 days after the registrant's fiscal year during which its statement is effective, a fee of $4,000, or file a report on a form the Administrator adopts, specifying its sale of securities to persons in this State during the fiscal year and pay a fee of 0.2 percent of the aggregate sales price of the securities sold to persons in this State, but the latter fee must not be less than $700 or more than $5,000.

4. ***A person filing a registration statement pursuant to NRS 90.490 is exempt from paying any fee to file the registration statement.***

5. Except as otherwise permitted by subsection 3, a statement must specify:

(a) The amount of securities to be offered in this State and the states in which a statement or similar record in connection with the offering has been or is to be filed; and

(b) Any adverse order, judgment or decree entered by a securities agency or administrator in any state or by a court or the Securities and Exchange Commission in connection with the offering.

~~[5.]~~ ***6.*** A record filed under this chapter as now or previously in effect, within 5 years before the filing of a registration statement, may be incorporated by reference in the registration statement if the record is currently accurate.

~~[6.]~~ ***7.*** The Administrator by regulation or order may permit the omission of an item of information or record from a statement.

~~[7.]~~ ***8.*** In the case of a nonissuer offering, the Administrator may not require information under subsection ~~[13]~~ ***14*** or NRS 90.510 unless it is known to the person filing the registration statement or to the person on whose behalf the offering is to be made, or can be furnished by one of them without unreasonable effort or expense.

~~[8.]~~ ***9.*** In the case of a registration under NRS 90.480 or 90.490 by an issuer who has no public market for its shares and no significant earnings from continuing operations during the last 5 years or any shorter period of its existence, the Administrator by regulation or order may require as a condition of registration that the following securities be deposited in escrow for not more than 3 years:

(a) A security issued to a promoter within the 3 years immediately before the offering or to be issued to a promoter for a consideration substantially less than the offering price; and

(b) A security issued to a promoter for a consideration other than cash, unless the registrant demonstrates that the value of the noncash consideration received in exchange for the security is substantially equal to the offering price for the security.

➥ The Administrator by regulation may determine the conditions of an escrow required under this subsection, but the Administrator may not reject a depository solely because of location in another state.

~~[9.]~~ ***10.*** The Administrator by regulation may require as a condition of registration under NRS 90.480 or 90.490 that the proceeds from the sale of the registered security in this State must be impounded until the issuer receives a specified amount from the sale of the security. The Administrator by regulation or order may determine the conditions of an impounding arrangement required under this subsection, but the Administrator may not reject a depository solely because of its location in another state.

~~[10.]~~ ***11.*** If a security is registered pursuant to NRS 90.470 or 90.480, the prospectus filed under the Securities Act of 1933 must be delivered to each purchaser in accordance with the requirements of that act for the delivery of a prospectus.

~~[11.]~~ ***12.*** If a security is registered pursuant to NRS 90.490, an offering record containing information the Administrator by regulation or order designates must be delivered to each purchaser with or before the earliest of:

(a) The first written offer made to the purchaser by or for the account of the issuer or another person on whose behalf the offering is being made or by an underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by it as a participant in the distribution;

(b) Confirmation of a sale made by or for the account of a person named in paragraph (a);

(c) Payment pursuant to a sale; or

(d) Delivery pursuant to a sale.

~~[12.]~~ ***13.*** Except for a registration statement under which an indefinite amount of securities are registered as provided in subsection 3, a statement remains effective for 1 year after its effective date unless the Administrator by regulation extends the period of effectiveness. A registration statement under which an indefinite amount of securities are registered remains effective until 60 days after the beginning of the registrant's next fiscal year following the

date the statement was filed. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of a nonissuer transaction while the registration statement is effective, unless the Administrator by regulation or order provides otherwise. A registration statement may not be withdrawn after its effective date if any of the securities registered have been sold in this State, unless the Administrator by regulation or order provides otherwise. No registration statement is effective while an order is in effect under subsection 1 of NRS 90.510.

~~[13.]~~ ***14.*** During the period that an offering is being made pursuant to an effective registration statement, the Administrator by regulation or order may require the person who filed the registration statement to file reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering.

~~[14.]~~ ***15.*** A registration statement filed under NRS 90.470 or 90.480 may be amended after its effective date to increase the securities specified to be offered and sold. The amendment becomes effective upon filing of the amendment and payment of an additional filing fee of 3 times the fee otherwise payable, calculated in the manner specified in subsection 2, with respect to the additional securities to be offered and sold. The effectiveness of the amendment relates back to the date or dates of sale of the additional securities being registered.

~~[15.]~~ ***16.*** A registration statement filed under NRS 90.490 may be amended after its effective date to increase the securities specified to be offered and sold, if the public offering price and underwriters' discounts and commissions are not changed from the respective amounts which the Administrator was informed. The amendment becomes effective when the Administrator so orders and relates back to the date of sale of the additional securities being registered. ~~[A person filing an amendment shall pay an additional filing fee of 3 times the fee otherwise payable, calculated in the manner specified in subsection 2, with respect to the additional securities to be offered and sold.]~~

Sec. 4.9. **NRS 90.510 is hereby amended to read as follows:**

90.510 1. The Administrator may issue an order denying effectiveness to, or suspending or revoking the effectiveness of, a registration statement if the Administrator finds that the order is in the public interest and that:

(a) The registration statement as of its effective date or as of the proposed effective date in the case of an order denying effectiveness, an amendment under subsection ~~[14]~~ ***15*** or ~~[15]~~ ***16*** of NRS 90.500, as of its effective date, or a report under subsection ~~[13]~~ ***14*** of NRS 90.500, is incomplete in any material respect or contains a statement that, in the light of the circumstances under which it was made, was false or misleading with respect to a material fact;

(b) This chapter, or a regulation, order or condition lawfully imposed under this chapter, has been willfully violated in connection with the offering by:

(1) The person filing the registration statement;

(2) The issuer, a partner, officer or director of the issuer, a person occupying similar status or performing similar functions, or a person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer; or

(3) An underwriter;

(c) The security registered or sought to be registered is the subject of a permanent or temporary injunction of a court of competent jurisdiction or an administrative order similar to an order under this section entered under any other federal or state law applicable to the offering, except that the Administrator may not:

(1) Institute a proceeding against an effective registration statement under this paragraph more than 1 year after the date of the order or injunction relied on; or

(2) Enter an order under this paragraph on the basis of an order or injunction entered under the securities act of another state unless the order or injunction was based on facts that currently would constitute a ground for an order under this section;

(d) The issuer's enterprise or method of business includes or would include activities that are illegal where performed;

(e) The offering has worked or tended to work a fraud upon purchasers or would so operate;

(f) The offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions or other compensation, or promoters' profits or participation, or unreasonable amounts or kinds of options;

(g) A security sought to be registered pursuant to NRS 90.470 is not eligible for such registration;

(h) With respect to a security sought to be registered pursuant to NRS 90.480, there has been a failure to comply with the undertaking required by paragraph (d) of subsection 2 of that section; or

(i) The applicant or registrant has failed to pay the proper filing fee, but the Administrator may enter only an order denying effectiveness under this paragraph and shall vacate the order if the deficiency is corrected.

2. The Administrator may not institute a proceeding:

(a) Against an effective registration statement on the basis of a fact or transaction known to the Administrator when the registration statement became effective unless the proceeding is instituted within 30 days after the registration statement became effective; or

(b) With respect to a registration filed under NRS 90.470 on the basis of paragraph (e) or (f) of subsection 1.

3. The Administrator may vacate or modify an order entered under this section if the Administrator finds that the conditions which prompted entry have changed or that it is otherwise in the public interest.

Sec. 5. NRS 90.530 is hereby amended to read as follows:

90.530 The following transactions are exempt from NRS 90.460 and 90.560:

1. An isolated nonissuer transaction, whether or not effected through a broker-dealer.

2. A nonissuer transaction in an outstanding security if the issuer of the security has a class of securities subject to registration under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and has been subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78m and 78o(d), for not less than 90 days next preceding the transaction, or has filed and maintained with the Administrator for not less than 90 days preceding the transaction information, in such form as the Administrator, by regulation, specifies, substantially comparable to the information the issuer would be required to file under section 12(b) or 12(g) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78l(b) and 78l(g), were the issuer to have a class of its securities registered under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and paid a fee of $300 with the filing.

3. A nonissuer transaction by a sales representative licensed in this State, in an outstanding security if:

(a) The security is sold at a price reasonably related to the current market price of the security at the time of the transaction;

(b) The security does not constitute all or part of an unsold allotment to, or subscription or participation by, a broker-dealer as an underwriter of the security;

(c) At the time of the transaction, a recognized securities manual designated by the Administrator by regulation or order contains the names of the issuer's officers and directors, a statement of the financial condition of the issuer as of a date within the preceding 18 months, and a statement of income or operations for each of the last 2 years next preceding the date of the statement of financial condition, or for the period as of the date of the statement of financial condition if the period of existence is less than 2 years;

(d) The issuer of the security has not undergone a major reorganization, merger or acquisition within the preceding 30 days which is not reflected in the information contained in the manual; and

(e) At the time of the transaction, the issuer of the security has a class of equity security listed on the New York Stock Exchange, American Stock Exchange or other exchange designated by the Administrator, or on the National Market System of the National Association of Securities Dealers Automated Quotation System. The requirements of this paragraph do not apply if:

(1) The security has been outstanding for at least 180 days;

(2) The issuer of the security is actually engaged in business and is not developing the issuer's business, in bankruptcy or in receivership; and

(3) The issuer of the security has been in continuous operation for at least 5 years.

4. A nonissuer transaction in a security that has a fixed maturity or a fixed interest or dividend provision if there has been no default during the current fiscal year or within the 3 preceding years, or during the existence of the issuer, and any predecessors if less than 3 years, in the payment of principal, interest or dividends on the security.

5. A nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to purchase.

6. A transaction between the issuer or other person on whose behalf the offering of a security is made and an underwriter, or a transaction among underwriters.

7. A transaction in a bond or other evidence of indebtedness secured by a real estate mortgage, deed of trust, personal property security agreement, or by an agreement for the sale of real estate or personal property, if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

8. A transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

9. A transaction executed by a bona fide secured party without the purpose of evading this chapter.

10. An offer to sell or the sale of a security to a financial or institutional investor or to a broker-dealer.

11. Except as otherwise provided in this subsection, a sale or an offer to sell securities of an issuer if:

(a) The transaction is part of an issue in which there are not more than 35 purchasers in this State, other than those designated in subsection 10, during any 12 consecutive months;

(b) No general solicitation or general advertising is used in connection with the offer to sell or sale of the securities;

(c) No commission or other similar compensation is paid or given, directly or indirectly, to a person, other than a broker-dealer licensed or not required to be licensed under this chapter, for soliciting a prospective purchaser in this State; and

(d) One of the following conditions is satisfied:

(1) The seller reasonably believes that all the purchasers in this State, other than those designated in subsection 10, are purchasing for investment; or

(2) Immediately before and immediately after the transaction, the issuer reasonably believes that the securities of the issuer are held by 50 or fewer beneficial owners, other than those designated in subsection 10, and the transaction is part of an aggregate offering that does not exceed $500,000 during any 12 consecutive months.

➥ The Administrator by rule or order as to a security or transaction or a type of security or transaction may withdraw or further condition the exemption set

forth in this subsection or waive one or more of the conditions of the exemption.

12. An offer to sell or sale of a preorganization certificate or subscription if:

(a) No commission or other similar compensation is paid or given, directly or indirectly, for soliciting a prospective subscriber;

(b) No public advertising or general solicitation is used in connection with the offer to sell or sale;

(c) The number of offers does not exceed 50;

(d) The number of subscribers does not exceed 10; and

(e) No payment is made by a subscriber.

13. An offer to sell or sale of a preorganization certificate or subscription issued in connection with the organization of a depository institution if that organization is under the supervision of an official or agency of a state or of the United States which has and exercises the authority to regulate and supervise the organization of the depository institution. For the purpose of this subsection, "under the supervision of an official or agency" means that the official or agency by law has authority to require disclosures to prospective investors similar to those required under NRS 90.490, impound proceeds from the sale of a preorganization certificate or subscription until organization of the depository institution is completed, and require refund to investors if the depository institution does not obtain a grant of authority from the appropriate official or agency.

14. A transaction pursuant to an offer to sell to existing security holders of the issuer, including persons who at the time of the transaction are holders of transferable warrants exercisable within not more than 90 days after their issuance, convertible securities or nontransferable warrants, if:

(a) No commission or other similar compensation, other than a standby commission, is paid or given, directly or indirectly, for soliciting a security holder in this State; or

(b) The issuer first files a notice specifying the terms of the offer to sell, together with a nonrefundable fee of $300, and the Administrator does not by order disallow the exemption within the next 5 full business days.

15. A transaction involving an offer to sell, but not a sale, of a security not exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration or offering statement or similar record as required under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., has been filed, but is not effective;

(b) A registration statement, if required, has been filed under this chapter, but is not effective; and

(c) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator or the Securities and Exchange Commission, and no

examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

16. A transaction involving an offer to sell, but not a sale, of a security exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration statement has been filed under this chapter, but is not effective; and

(b) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

17. A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets or other reorganization to which the issuer, or its parent or subsidiary, and the other person, or its parent or subsidiary, are parties, if:

(a) The securities to be distributed are registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., before the consummation of the transaction; or

(b) The securities to be distributed are not required to be registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., written notice of the transaction and a copy of the materials, if any, by which approval of the transaction will be solicited, together with a nonrefundable fee of $300, are given to the Administrator at least 10 days before the consummation of the transaction and the Administrator does not, by order, disallow the exemption within the next 10 days.

18. A transaction involving the offer to sell or sale of one or more promissory notes each of which is directly secured by a first lien on a single parcel of real estate, or a transaction involving the offer to sell or sale of participation interests in the notes if the notes and participation interests are originated by a depository institution and are offered and sold subject to the following conditions:

(a) The minimum aggregate sales price paid by each purchaser may not be less than $250,000;

(b) Each purchaser must pay cash either at the time of the sale or within 60 days after the sale; and

(c) Each purchaser may buy for the purchaser’s own account only.

19. A transaction involving the offer to sell or sale of one or more promissory notes directly secured by a first lien on a single parcel of real estate or participating interests in the notes, if the notes and interests are originated by a mortgagee approved by the Secretary of Housing and Urban Development under sections 203 and 211 of the National Housing Act, 12 U.S.C. §§ 1709 and 1715b, and are offered or sold, subject to the conditions specified in subsection 18, to a depository institution or insurance company, the Federal

Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Government National Mortgage Association.

20. A transaction between any of the persons described in subsection 19 involving a nonassignable contract to buy or sell the securities described in subsection 18 if the contract is to be completed within 2 years and if:

(a) The seller of the securities pursuant to the contract is one of the parties described in subsection 18 or 19 who may originate securities;

(b) The purchaser of securities pursuant to a contract is any other person described in subsection 19; and

(c) The conditions described in subsection 18 are fulfilled.

21. A transaction involving one or more promissory notes secured by a lien on real estate, or participating interests in those notes, by a mortgage company licensed pursuant to chapter 645B of NRS to engage in those transactions.

22. A transaction involving an offer to sell or sale of a security to a Nevada certified investor if all of the following conditions are satisfied:

(a) The transaction satisfies the requirements for exemption under section 3(a)(11) of the Securities Act of 1933, 15 U.S.C. § 77c(a)(11) and Rule 147 or 147A of the Securities and Exchange Commission, 17 C.F.R. § 230.147 or 230.147A.

(b) The transaction satisfies any requirements established by the Administrator by regulation pursuant to section 3 of this act.

(c) For a transaction involving the sale of a security to a Nevada certified investor described in paragraph (b) of subsection ~~[2]~~ 1 of section 2 of this act, the total amount paid by the Nevada certified investor for all of the securities involved in the transaction does not exceed 10 percent of the net worth of the investor. For the purposes of meeting the requirements of this paragraph, the equity the Nevada certified investor holds in a primary residence must not account for more than 50 percent of the net worth of the Nevada certified investor.

(d) The transaction is part of an issue in which there are not more than 75 purchasers who are Nevada certified investors.

(e) The person offering to sell or selling the security has submitted to the Administrator a complete set of his or her fingerprints and written permission authorizing the Administrator to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for forwarding to the Federal Bureau of Investigation for its report on the criminal history of the person.

Sec. 5.5. **NRS 90.660 is hereby amended to read as follows:**

90.660 1. A person who offers or sells a security in violation of any of the following provisions:

(a) Subsection 1 of NRS 90.310;

(b) NRS 90.460;

(c) Subsection ~~[10]~~ ***11*** of NRS 90.500;

(d) Subsection 2 of NRS 90.570;

(e) Subsection 2 of NRS 90.610; or

(f) A condition imposed in subsection ~~[8]~~ ***9*** or ~~[9]~~ ***10*** of NRS 90.500,

➥ is liable to the person purchasing the security. Upon tender of the security, the purchaser may recover the consideration paid for the security and interest at the legal rate of this State from the date of payment, costs and reasonable attorney's fees, less the amount of income received on the security. A purchaser who no longer owns the security may recover damages. Damages are the amount that would be recoverable upon a tender less the value of the security when the purchaser disposed of it, plus interest at the legal rate of this State from the date of disposition of the security, costs and reasonable attorney's fees determined by the court. Tender requires only notice of willingness to exchange the security for the amount specified.

2. A person who offers or sells a security in violation of subsection 2 of NRS 90.570 is not liable under subsection 1 of this section if:

(a) The purchaser knew that a statement of a material fact was untrue or that there was an omission of a statement of a material fact; or

(b) The seller did not know and in the exercise of reasonable care could not have known of the untrue statement or misleading omission.

3. A person who willfully participates in any act or transaction in violation of NRS 90.580 is liable to a person who purchases or sells a security, other than a security traded on a national securities exchange or quoted on a national automated quotation system administered by a self-regulatory organization, at a price that was affected by the act or transaction for the damages sustained as a result of the act or transaction. Damages are the difference between the price at which the securities were purchased or sold and the market value the securities would have had at the time of the person's purchases or sale in the absence of the act or transaction, plus interest at the legal rate of this State from the date of the act or transaction and reasonable attorney's fees.

4. A person who directly or indirectly controls another person who is liable under subsection 1 or 3, a partner, officer or director of the person liable, a person occupying a similar status or performing similar functions, any agent of the person liable, an employee of the person liable if the employee materially aids in the act, omission or transaction constituting the violation, and a broker-dealer or sales representative who materially aids in the act, omission or transaction constituting the violation, are also liable jointly and severally with and to the same extent as the other person, but it is a defense that the person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by which the liability is alleged to exist. With respect to a person who directly or indirectly, controls another person who is liable under subsection 3, it is also a defense that the controlling person acted in good faith and did not, directly or indirectly, induce the act, omission or transaction constituting the violation. Contribution among the several persons liable is the same as in cases arising out of breach of contract.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[5,]~~ **5.5,** inclusive, 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 October 1, 2023, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 120.

Bill read second time.

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

Amendment No. 431.

AN ACT relating to health care; ~~[eliminating]~~ **revising** certain restrictions on the provision of voluntary health care service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally authorizes a provider of health care who is licensed or certified in this State or another state or territory of the United States to provide voluntary health care service in this State in association with a sponsoring organization. Existing law prohibits a provider of health care who has not actively practiced his or her profession continuously for the immediately preceding 3 years from providing voluntary health care service. (NRS 629.450) This bill ~~[removes]~~ **revises** this restriction ~~[, thereby authorizing]~~ **to instead prohibit** a provider of health care who **was not initially issued his or her professional license or certificate within the immediately preceding 3 years and who** has not ~~[actively]~~ practiced his or her profession ~~[continuously for]~~ **within** the immediately preceding 3 years ~~[to provide]~~ **from providing** voluntary health care service in this State **.** ~~[in association with a sponsoring organization.]~~

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

Section 1. NRS 629.450 is hereby amended to read as follows:

629.450 1. Notwithstanding any provision of law to the contrary and except as otherwise provided in this section, a provider of health care may provide voluntary health care service in this State in association with a sponsoring organization.

2. A provider of health care shall not provide voluntary health care service in this State if:

(a) The professional license or certificate of the provider of health care is suspended or revoked, or has been suspended or revoked within the immediately preceding 5 years, pursuant to disciplinary proceedings in this State or in any other state or territory of the United States; ~~***[or]***~~

(b) The voluntary health care service provided is outside the scope of practice authorized by the professional license or certificate of the provider of health care ~~***[.]***~~ ; or

(c) ~~[The]~~ ***For a provider of health care who was not initially issued his or her professional license or certificate within the immediately preceding 3 years, the*** provider of health care has not ~~[actively]~~ practiced his or her profession ~~[continuously for]~~ ***within*** the immediately preceding 3 years.

3. A provider of health care who provides voluntary health care service pursuant to this section shall not accept compensation of any type, directly or indirectly, or any other benefit or consideration from any person or other source for the provision of the service.

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. 132.

Bill read second time.

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

Amendment No. 172.

SUMMARY— ~~[Creates the Committee to Review Overdose Fatalities.]~~ **Establishes provisions relating to the review of opioid overdose fatalities.** (BDR 40-721)

AN ACT relating to public health; ~~[creating the Committee to Review Overdose Fatalities; providing for the membership of the Committee; setting forth the powers and duties of the Committee;]~~ **authorizing certain persons and entities to conduct an opioid overdose fatality review; prohibiting the use of an opioid overdose fatality review for certain purposes;** requiring certain information to be made available to ~~[the Committee;]~~ **a person or entity conducting an opioid overdose fatality review; providing certain immunity from liability;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Committee to Review Suicide Fatalities within the Department of Health and Human Services, consisting of 10 members appointed by the Director of the Department. (NRS 439.5104) The Committee has certain powers and duties, including obtaining and using data and information to: (1) review suicide fatalities in this State to determine trends, risk factors and strategies for prevention; (2) determine and prepare reports

concerning trends and patterns of suicide fatalities in this State; (3) identify and evaluate the prevalence of risk factors for preventable suicide fatalities in this State; (4) evaluate and prepare reports concerning high-risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of suicide in this State; and (5) recommend any improvement in sources of information relating to investigating reported suicide fatalities and preventing suicide in this State. (NRS 439.5106) The Committee also may: (1) conduct certain investigations; (2) petition a district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose recommended legislation concerning suicide fatalities in this State; and (4) issue certain reports. (NRS 439.5108) This bill ~~[creates a similar committee related to overdose]~~ **enables certain persons and entities to review** fatalities **resulting from opioid overdoses** in this State.

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

~~Section 4 of this bill sets forth the powers and duties of the Committee, including obtaining and using data and information to: (1) review overdose fatalities in this State to determine trends, risk factors and strategies for prevention; (2) determine and prepare reports concerning trends and patterns of overdose fatalities in this State; (3) identify and evaluate the prevalence of risk factors for preventable overdose fatalities in this State; (4) evaluate and prepare reports concerning high-risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of overdose or unintentional substance poisoning in this State; (5) identify current practices for certain forensic toxicology examinations and make any recommendations for changes to such practices; and (6) recommend any improvement in sources of information relating to investigating reported overdose fatalities and preventing overdose fatalities in this State.]~~ **Section 2 of this bill defines the term "opioid overdose fatality review" to mean a review of one or more deaths resulting from an opioid overdose. Section 3.5 of this bill authorizes certain governmental entities and health care facilities, a provider of health care or faculty or students at an institution of higher education to conduct an opioid overdose fatality review. Section 3.5 also authorizes other entities to enter into a memorandum of understanding with a governmental entity or an institution of higher education authorizing the entity to conduct an opioid overdose fatality review. Section 3.5: (1) requires a person or entity conducting an opioid overdose fatality review to make any results, findings or recommendations from the opioid overdose fatality review available to the public; and (2) prohibits such a person or entity from using the opioid**

overdose fatality review for the commercial or exclusive benefit of the entity.

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

Section 5 of this bill authorizes ~~[the Committee]~~ **a person or entity conducting an opioid overdose fatality review** to: (1) conduct certain investigations; (2) petition a district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose ~~[recommended legislation]~~ **recommendations** concerning overdose fatalities in this State; and (4) ~~[issue]~~ **publish** certain reports. **Sections 3.5, 5 and 8** of this bill provide that certain books, records or papers received by ~~[the Committee]~~ **a person or entity conducting an opioid overdose fatality review** are confidential. **Section 5 also provides immunity from civil and criminal liability for persons and entities that act in due care in accordance with sections 2-5 of this bill and other applicable law.**

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

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

~~Existing law requires, with certain exceptions, that the provisions of chapter 439 of NRS be administered by the Administrator of the Division of Public and Behavioral Health of the Department and the Division. Section 6 of this bill adds an additional exception to account for the administration of the provisions of sections 2-5 by the Director.]~~ **a person or entity conducting an opioid overdose fatality review.**

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

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

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, ~~[***"Committee" means the Committee to Review Overdose Fatalities created by section 3 of this act.~~]*** ***"opioid overdose fatality review" means a review of one or more deaths resulting from an opioid overdose which is conducted in accordance with sections 2 to 5, inclusive, of this act.***

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

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

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

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

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

~~*(e) One person who represents mental health agencies;*~~

~~*(f) One person who represents law enforcement;*~~

~~*(g) One person who represents the field of pain management;*~~

~~*(h) One person who represents Native American tribes;*~~

~~*(i) One person who represents advocates for persons with addictive disorders and their families; and*~~

~~*(j) One person who represents veterans.*~~

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

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

(a) A state or local governmental entity.

(b) A hospital, as defined in NRS 449.012, or other facility licensed pursuant to chapter 449 of NRS that is engaged in the treatment of mental health or substance use disorders.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. *1. ~~[The Committee:~~*

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

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

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

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

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

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

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

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

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

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

~~*3. In]*~~ *A person or entity conducting* ~~*[a]*~~ *an opioid overdose fatality review* ~~*[of an overdose fatality in this State, the Committee shall, to the greatest extent practicable,]*~~ *may consult and cooperate with:*

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

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

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

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

(e) A multidisciplinary team to:

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

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

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

~~*[4. Any review conducted by the Committee pursuant to sections 2 to 5, inclusive, of this act,]*~~

2. An opioid overdose fatality review is separate from, independent of and in addition to any investigation or review which is required or authorized by law to be conducted, including, without limitation, any investigation conducted by a coroner or coroner's deputy pursuant to NRS 259.050.

~~*[5. To conduct a review pursuant to sections 2 to 5, inclusive, of this act, the Committee]*~~

3. A person or entity conducting an opioid overdose fatality review may access information, including, without limitation, any:

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

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

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

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

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

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

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

(1) The health care system;

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

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

(4) Any other relevant persons or entities;

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

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

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

Sec. 5. *1. ~~[The Committee]~~ A person or entity conducting an opioid overdose fatality review may:*

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

(b) If appropriate, meet and share information with any person or team specified in subsection ~~[3]~~ 1 of section 4 of this act.

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

(d) Propose ~~[recommended legislation]~~ recommendations concerning overdose fatalities in this State. Such recommendations may include, without limitation:

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

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

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

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

2. ~~[The Committee shall annually submit to the Director a report concerning the activities of the Committee. The report must include, without limitation, a statement setting forth:]~~ A person or entity that conducts an opioid overdose fatality review may publish reports concerning:

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

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

3. A report ~~[submitted]~~ published pursuant to subsection 2 must not include any confidential or privileged information.

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

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

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

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

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

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

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

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

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

3. The Board:

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

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

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

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

(c) Shall allow the use of certificates of death by ~~[the:]~~ ***:***

(1) ***The*** Committee on Domestic Violence appointed pursuant to NRS 228.470; ~~[and]~~

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

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

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

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 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]~~ sections 3.5 and 5 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

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

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

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

(1) Give access to proprietary software; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments

or services and that has been trained to make such assessments or provide such services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe

has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

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

(1) The child; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(bb) The Committee on Domestic Violence appointed pursuant to NRS 228.470; ~~[or]~~

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

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

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

(a) A copy of:

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

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

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

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

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

6. A person who is the subject of a report of child abuse or neglect made pursuant to this chapter that is assigned a disposition other than substantiated pursuant to NRS 432B.305 and who believes that the report was made in bad

faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

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

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

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

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

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

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

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

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

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

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

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

~~1. Four members to serve for a term of 3 years;~~

~~2. Three members to serve for a term of 2 years; and~~

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

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. 154.

Bill read second time.

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

Amendment No. 490.

AN ACT relating to tissue donation; ~~[requiring the State Board of Health to regulate the living donation of birth tissue; requiring an organization that processes birth tissue to be certified; providing a penalty;]~~ **imposing certain requirements to ensure access to certain information concerning entities that accept living donations of birth tissue;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes rules and procedures governing anatomical gifts, which take effect after the death of the donor, for the purposes of transplantation, therapy, research or education. (NRS 451.500-451.598) ~~[Section 2 of this bill requires the State Board of Health to adopt regulations to prescribe standards and guidelines for the living donation of birth tissue by a patient who is pregnant. Section 2 also requires a private umbilical cord and placental tissue bank or any other organization that processes birth tissue in this State to be certified by the Division of Public and Behavioral Health of the Department of Health and Human Services. Section 2 makes it a felony to violate the regulations of the Board or to act as a private umbilical cord and placental tissue bank or other organization that processes birth tissue without such certification. Section 3 of this bill: (1) requires an applicant for the renewal of such a certification which has a state business license to include the business identification number of the applicant in the application; and (2) prohibits the Division from renewing such a certification if the applicant fails~~

~~to submit that information or owes a debt to a state agency and has not entered into an agreement to pay the debt.]~~ **This bill requires the Division of Public and Behavioral Health of the Department of Health and Human Services to publish on an Internet website a list of certain entities that accept living donations of birth tissue made in a hospital or freestanding birthing center in this State. This bill authorizes the Division to include certain other information concerning living donations of birth tissue on the Internet website. This bill requires a hospital or a physician practicing in the area of obstetrics and gynecology to provide a patient who is pregnant with a link to that Internet website or a printed copy of that list.**

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

Section 1. Chapter ~~[460]~~ **442** of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 and 3 of this act.]~~ **a new section to read as follows:**

1. The Division shall publish on an Internet website maintained by the Division a list of entities that accept living donations of birth tissue made in a hospital or freestanding birthing center in this State. To be included on the list, an entity must submit to the Division:

(a) A request that the entity be included on the list; and

(b) Proof of accreditation by the American Association of Tissue Banks, or its successor organization, for the acquisition, collection or recovery of birth tissue. Such proof must include, without limitation, the date on which the accreditation expires.

2. The Division shall remove an entity from the list published pursuant to subsection 1 on the date on which the accreditation described in paragraph (b) of subsection 1 expires, unless the entity submits to the Division proof that the accreditation has been renewed.

3. The Division may post on the Internet website maintained pursuant to subsection 1 information concerning:

(a) The manner in which a patient who is pregnant may make a living donation of birth tissue to an entity included on the list published pursuant to subsection 1; and

(b) Federal and state laws and regulations governing the living donation of birth tissue.

4. A hospital or physician practicing in the area of obstetrics and gynecology shall provide to any patient who is pregnant:

(a) A link to the Internet website maintained pursuant to subsection 1; or

(b) A printed version of the list published pursuant to subsection 1 that was printed not more than 3 months before the provision of the list.

5. As used in this section:

(a) "Birth tissue" means tissue derived from a live birth.

(b) "Live birth" has the meaning ascribed to it in NRS 440.030.

Sec. 2. ~~*[1. A patient who is pregnant may make a living donation of birth tissue in the manner prescribed by the regulations adopted pursuant to subsection 3.*~~

~~*2. A private umbilical cord and placental tissue bank or any other organization that processes birth tissue in this State for any reason must be certified by the Division.*~~

~~*3. The State Board of Health shall:*~~

~~*(a) Adopt regulations that establish standards and guidelines for the donation and use of birth tissue, which must be substantially based on the provisions of 21 C.F.R. Part 1271 and the best standards and practices in the industry; and*~~

~~*(b) Adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that establish a fee for an application for the issuance or renewal of a certification issued by the Division pursuant to subsection 2.*~~

~~*4. The regulations adopted pursuant to subsection 3 must authorize a patient who is pregnant to donate blood extracted from the umbilical cord or placenta of the patient's newborn child to, or store such blood at, a certified private umbilical cord blood and placental tissue bank.*~~

~~*5. A person who engages in the activity of a private umbilical cord and placental tissue bank or other organization that processes birth tissue without being certified by the Division pursuant to this section or who violates the standards and guidelines adopted by the State Board of Health pursuant to subsection 3 is guilty of a category C felony and shall be punished as provided in NRS 193.130 or by a fine of not more than $50,000, or by both a fine and the punishment provided in NRS 193.130.*~~

~~*6. As used in this section:*~~

~~*(a) "Birth tissue" means gestational tissue donated at the time of delivery of a living newborn child, placenta, Wharton's jelly, amniotic fluid, chorionic membrane, amniotic membrane, placental disc, umbilical veins and umbilical tissue.*~~

~~*(b) "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.]*~~

(Deleted by amendment.)

Sec. 3. ~~*[1. In addition to any other requirements set forth in the regulations adopted pursuant to section 2 of this act, an applicant for the renewal of a certification as a private umbilical cord and placental tissue bank or other organization that processes birth tissue must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.*~~

~~*2. A certification as a private umbilical cord and placental tissue bank or other organization that processes birth tissue may not be renewed by the Division if:*~~

~~*(a) The applicant fails to submit the information required by subsection 1; or*~~

~~*(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:*~~

~~*(1) Satisfied the debt;*~~

~~*(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or*~~

~~*(3) Demonstrated that the debt is not valid.*~~

~~*3. As used in this section:*~~

~~*(a) "Agency" has the meaning ascribed to it in NRS 353C.020.*~~

~~*(b) "Debt" has the meaning ascribed to it in NRS 353C.040.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[~~Notwithstanding the provisions of section 2 of this act, a private umbilical cord and placental tissue bank or other organization that processes birth tissue in this State for any reason which is operating on or before January 1, 2024, is not required to be certified pursuant to section 2 of this act until July 1, 2024. ~~]~~ **(Deleted by amendment.)**

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, 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, 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. 156.

Bill read second time.

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

Amendment No. 174.

CONTAINS UNFUNDED MANDATE ~~[(§§ 8, 9)]~~ **(§ 3.5)**

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to substance use disorders; **providing for the separate accounting of certain money for the purchase of opioid antagonists;** establishing the order in which a provider or program is required to prioritize persons for participation in certain publicly funded programs for the treatment

of alcohol or other substance use disorders; ~~[prescribing certain requirements to ensure the access of offenders or prisoners who have been diagnosed with an opioid use disorder to medication-assisted treatment and the continuation of such treatment upon the release or transfer of such offenders or prisoners; prohibiting certain discrimination regarding such treatment;]~~ **authorizing a pharmacist to prescribe and dispense drugs for medication-assisted treatment of opioid use disorder and perform certain assessments under certain conditions; requiring certain health plans to include coverage for such drugs and assessments;** prescribing certain requirements concerning the diagnosis and treatment of a patient with an opioid use disorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires all gifts or grants of money for a program for alcohol or other substance use disorders which the Division of Public and Behavioral Health of the Department of Health and Human Services is authorized to accept to be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol or Other Substance Use Disorders. (NRS 458.100) Sections 1 and 1.3 of this bill authorize the Division to accept and deposit into a separate account gifts, grants, donations, bequests or money from any other source for the purpose of funding the bulk purchase of opioid antagonists. Section 1 provides that such money is not subject to provisions of law governing budgeting by agencies of the State Government. Section 1 requires the Division to use the money in the account to fund the bulk purchase of opioid antagonists and the distribution of those opioid antagonists.

Existing federal regulations require programs funded by certain federal grants for injection drug users to prioritize persons for participation in such programs in the following order: (1) pregnant injecting drug users; (2) pregnant persons with a substance use disorder; (3) other injecting drug users; and (4) all others. (45 C.F.R. § 96.131) **Section ~~[1]~~ 1.7** of this bill requires any treatment provider, provider of health care or program for the treatment of alcohol or other substance use disorders to prioritize persons to receive services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money in that order, except that **section ~~[1]~~ 1.7** authorizes the State Board of Health to adopt regulations prioritizing additional categories of people for such services.

Existing law ~~[requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) Sections 2 and 7-9 of this bill require a public or private penal institution or facility and the sheriff, chief of police or town marshal responsible for a local~~

~~jail or detention center to take reasonable measures to ensure: (1) the availability of medication-assisted treatment for an offender or prisoner who has been diagnosed with an opioid use disorder to the same extent and under the same conditions as other medical care for offenders or prisoners; and (2) the continuation of such treatment when such an offender or prisoner is released or transferred. Sections 2, 8 and 9 also prohibit such an institution, facility, local jail or detention facility from discriminating against such treatment or an offender or prisoner who is receiving such treatment. Sections 2 and 7-9 require the Department of Corrections, an official who is responsible for local jail or detention facility or the Department of Health and Human Services, depending on the circumstances, to take reasonable measures to ensure the continuation of such treatment for an offender or prisoner who is released or transferred. Sections 3 and 6 of this bill require a program of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison to include medication-assisted treatment where required by section 2. Sections 4 and 5 of this bill clarify that certain provisions concerning the eligibility of an offender to participate in a program of treatment for offenders with substance use or co-occurring disorders and the removal of an offender from such a program do not affect the ability of an offender who has been diagnosed with an opioid use disorder to receive medication-assisted treatment.]~~ **defines the term "practice of pharmacy" for the purpose of determining which activities require a person to be registered and regulated by the State Board of Pharmacy as a pharmacist. (NRS 639.0124) Section 12.3 of this bill requires the Board to prescribe a protocol to allow a pharmacist who registers with the Board to: (1) assess a patient to determine whether the patient has an opioid use disorder and medication-assisted treatment would be appropriate for the patient; and (2) prescribe and dispense a drug for medication-assisted treatment without a prescription from a practitioner. Section 12.6 of this bill provides that the practice of pharmacy includes actions authorized by the protocol established in section 12.3. Section 16.05 of this bill makes a conforming change to account for the provisions of section 12.3 authorizing a pharmacist to dispense a drug that has not been prescribed by a practitioner. The Board would be authorized to suspend or revoke the registration of a pharmacist who orders or assesses a patient or prescribes or dispenses drugs under the protocol established pursuant to section 12.3 without complying with the provisions of the protocol. (NRS 639.210)**

Sections 3.5-5.8, 16.1, 16.3, 16.4, 16.48-16.75 and 16.9 of this bill require public and private health plans, including Medicaid and health plans for state and local government employees, to: (1) cover drugs approved by the Food and Drug Administration for medication-assisted treatment; and (2) reimburse assessment, prescribing and dispensing by a pharmacist in accordance with section 12.3 at a rate equal to that provided to a

physician, physician assistant or advanced practice registered nurse for similar services. Sections 2.5 and 16.2 of this bill make conforming changes to indicate the proper placement of sections 5.5 and 16.1, respectively, of this bill in the Nevada Revised Statutes. Sections 6.5, 16.13, 16.16, 16.43 and 16.45 of this bill make conforming changes to indicate that the coverage required by sections 16.1, 16.3 and 16.4 is in addition to certain coverage for the treatment of substance use disorder that certain insurers are required by existing law to provide. Section 16.8 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 16.7 of this bill. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections 16.1, 16.3, 16.48-16.6 or 16.9 of this bill. (NRS 680A.200)

Existing law authorizes a physician, physician assistant or advanced practice registered nurse to prescribe controlled substances if he or she is registered with the State Board of Pharmacy. (NRS 453.126, 453.231, 630.271, 632.237, 633.432) Existing federal law requires a physician, physician assistant or advanced practice registered nurse who prescribes or dispenses narcotic drugs for the treatment of opioid use disorder to register with the Drug Enforcement Administration of the United States Department of Justice for the specific purpose of dispensing such drugs. (21 U.S.C. § 822(a)) **Sections ~~[10-16]~~ 10-12 and 13-16** of this bill require a physician, physician assistant, advanced practice registered nurse, osteopathic physician or certain providers of behavioral health care who diagnose a patient with an opioid use disorder to counsel and provide information to the patient concerning evidence-based treatment for opioid use disorder, including medication-assisted treatment. If the patient requests medication-assisted treatment: (1) **sections 10-12 ~~[of this bill]~~** require a physician, physician assistant, advanced practice registered nurse or osteopathic physician who is authorized under federal and state law to prescribe such treatment to offer to issue such a prescription; and (2) **sections ~~[10-16]~~ 10-12 and 13-16** require all other physicians, physician assistants, advanced practice registered nurses, osteopathic physicians and certain providers of behavioral health care to refer the patient to a physician, physician assistant, advanced practice registered nurse **~~[or]~~ ,** osteopathic physician **or pharmacist** who is authorized to issue such a prescription.

Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) Section 17.5 of this bill requires the Department of Corrections, in collaboration with the Department of Health and

Human Services, and each county, city or town that maintains a jail or detention facility to study during the 2023-2024 interim certain issues relating to the provision of medication-assisted treatment to incarcerated persons.

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

Section 1. **Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Division may accept gifts, grants, donations, bequests or money from any other source for the purpose of funding the bulk purchase of opioid antagonists. Any money so received must be accounted for separately in the State General Fund.

2. Money accepted pursuant to subsection 1 or deposited into the account created pursuant to subsection 1 is not subject to the State Budget Act.

3. Interest and income earned on money in the account created pursuant to subsection 1 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.

4. The money in the account created pursuant to subsection 1 must be used only to fund the bulk purchase of opioid antagonists and pay the costs of the Division to distribute those opioid antagonists.

5. As used in this section, "opioid antagonist" has the meaning ascribed to it in NRS 453C.040.

Sec. 1.3. **NRS 458.100 is hereby amended to read as follows:**

458.100 1. ~~[All]~~ ***Except as otherwise provided in section 1 of this act, all*** gifts or grants of money for a program for alcohol or other substance use disorders which the Division is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol or Other Substance Use Disorders which is hereby created in the Department of Health and Human Services' Gift Fund.

2. Subject to the limitations set forth in NRS 458.094, money in the Account must be used to carry out the provisions of this chapter.

3. All claims must be approved by the Administrator before they are paid.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 458.103 is hereby amended to read as follows:

458.103 ***1.*** The Division may accept:

~~[1.]~~ ***(a)*** Money appropriated and made available by any act of Congress for any program for alcohol or other substance use disorder administered by the Division as provided by law.

~~[2.]~~ ***(b)*** Money appropriated and made available by the State of Nevada or by a county, a city, a public district or any political subdivision of this State

for any program for alcohol or other substance use disorder administered by the Division as provided by law.

2. Except as otherwise provided in any regulations adopted pursuant to subsection 3, a treatment provider, provider of health care or program for alcohol or other substance use disorders shall prioritize persons to receive services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money in accordance with 45 C.F.R. § 96.131(a).

3. To the extent that such regulations do not conflict with federal law or impair an obligation under any existing grant, contract or other agreement, the State Board of Health may adopt regulations prioritizing categories of persons, in addition to the categories prescribed in 45 C.F.R. § 96.131(a), to receive services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2. ~~[Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. An institution, facility or private facility or institution shall take reasonable measures to ensure the availability of medication-assisted treatment for offenders who have been diagnosed with an opioid use disorder to the same extent and under the same conditions as other medical care for offenders.*~~

~~*2. An institution, facility or private facility or institution shall not discriminate against:*~~

~~*(a) Treatment described in subsection 1 as compared to other forms of treatment for opioid use disorder or abstinence from opioids without such treatment; or*~~

~~*(b) An offender because the offender is receiving such treatment.*~~

~~*3. The Department and the Department of Health and Human Services shall take reasonable measures to ensure the continuation of treatment described in subsection 1 when an offender who is receiving such treatment is released from custody or transferred to another institution, facility or private facility or institution or the custody of another governmental agency.*~~

~~*4. As used in this section, "medication-assisted treatment" means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ **(Deleted by amendment.)**

Sec. 2.5. **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 5.5 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. ~~[NRS 209.4236 is hereby amended to read as follows:~~

~~209.4236 1. The Director shall, in conjunction with the Division and with the approval of the Board, establish one or more programs of treatment for offenders with substance use or co-occurring disorders to provide treatment to certain offenders with substance use or co-occurring disorders. A program of treatment for offenders with substance use or co-occurring disorders must include, but is not limited to, the requirements set forth in this section.~~

~~2. A program of treatment for offenders with substance use or co-occurring disorders established pursuant to subsection 1 must provide an offender with:~~

~~(a) Intensive treatment for a substance use or co-occurring disorder~~ **~~[;] ,~~** ***~~including, without limitation, treatment described in section 2 of this act,~~ ~~where appropriate;~~***

~~(b) A clearly defined set of goals;~~

~~(c) A clearly defined structure of authority; and~~

~~(d) A highly structured schedule that includes, but is not limited to, the treatment listed in paragraph (a) and, if practicable, programs of employment, general education or vocational training.~~

~~3. Except as otherwise provided in NRS 209.4231 to 209.4244, inclusive, offenders who are assigned to a program of treatment for offenders with substance use or co-occurring disorders, to the extent practicable as determined by the Director or a person designated by the Director:~~

~~(a) May be housed in areas of a facility or institution that are segregated from other areas of the facility or institution in which offenders who are not assigned to the program of treatment for offenders with substance use or co-occurring disorders are housed;~~

~~(b) May be taken outside an institution or facility, under appropriate precautions to prevent escape, to participate in a program of treatment for offenders with substance use or co-occurring disorders; and~~

~~(c) Must participate in the program of treatment for offenders with substance use or co-occurring disorders for a period of not less than 5 months and a program of aftercare for a period of not less than 3 months, as deemed appropriate for the level of care being offered.~~**~~]~~ (Deleted by amendment.)**

Sec. 3.5. **NRS 287.010 is hereby amended to read as follows:**

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept

the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, ***and section 16.3 of this act,*** 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal

services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 4. **[**~~NRS 209.4239 is hereby amended to read as follows:~~

~~209.4239 1.~~ ***Except as otherwise provided in this section:***

~~***(a)*** The Director or a person designated by the Director may remove an offender from a program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare, temporarily or permanently, for any lawful reason or purpose.~~

~~**[**2.**]** ***(b)*** The Director may impose conditions on the participation of an offender in a program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare and may establish sanctions and incentives relating to participation in a program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare.~~

~~**[**3.**]** ***(c)*** The provisions of NRS 209.4231 to 209.4244, inclusive, do not create a right on behalf of an offender to participate in a program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare and do not establish a basis for any cause of action against the State or its officers or employees for denial of the ability to participate in or for removal from a program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare.~~

~~***2. The provisions of this section do not affect the ability of an offender who has been diagnosed with an opioid use disorder to receive medication***~~

~~*assisted treatment pursuant to section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 4.5. **NRS 287.04335 is hereby amended to read as follows:**

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, ***and section 16.9 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 5. ~~[NRS 209.424 is hereby amended to read as follows:~~

~~209.424 [An]~~

~~*1. Except as otherwise provided in this section, an* offender may not participate in a program of treatment for offenders with substance use or co-occurring disorders if the offender:~~

~~[1.] *(a)* Was sentenced to death or a term of imprisonment for life without the possibility of parole; or~~

~~[2.] *(b)* Is or was eligible to participate in the program of treatment established pursuant to NRS 209.425, whether or not the offender actually participated in or completed that program of treatment.~~

~~*2. The provisions of this section do not affect the ability of an offender who has been diagnosed with an opioid use disorder to receive medication-assisted treatment pursuant to section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 5.5. **Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for the services of a pharmacist described in section 12.3 of this act.

2. The State must provide reimbursement for the services of a pharmacist described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

Sec. 5.8. **NRS 422.4025 is hereby amended to read as follows:**

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans

described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager, health maintenance organization or one or more public or private entities in this State, the District of Columbia or other states or territories of the United States, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus, including, without limitation, antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation:

(a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants; ~~[and]~~

(b) Prescription drugs to prevent the acquisition of human immunodeficiency virus ~~[.]~~ ***; and***

(c) All prescription drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone. As used in this paragraph, "medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager, contracts with a health maintenance organization and contracts with public and private entities from this State, the District of Columbia and other states and territories of the United States; and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislature; or

(2) In even-numbered years, the Legislative Commission.

Sec. 6. ~~[NRS 209.425 is hereby amended to read as follows:~~

~~209.425 1. The Director shall, with the approval of the Board, establish a program for the treatment of a person with an alcohol or substance use disorder who is imprisoned for a violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410 or a violation of NRS 484C.130, 484C.430, 488.420, 488.425 or 488.427. The program must include an initial period of intensive mental and physical rehabilitation in a facility of the Department, followed by regular sessions of education, counseling and any other necessary or desirable treatment~~ **[.]** ~~,~~ ***including, without limitation, medication-assisted treatment where required by section 2 of this act.***

~~2. The Director may, upon the request of the offender after the initial period of rehabilitation, allow the offender to earn wages under any other program established by the Department if the offender assigns to the Department any wages the offender earns under such a program. The Director may deduct from the wages of the offender an amount determined by the Director, with the approval of the Board, to:~~

~~(a)~~ **[**~~Offset~~**]** ***Except as otherwise provided in section 2 of this act, offset*** ~~the costs, as reflected in the budget of the Department, to maintain the offender in a facility or institution of the Department and in the program of treatment established pursuant to this section; and~~

~~(b) Meet any existing obligation of the offender for the support of his or her family or restitution to any victim of his or her crime.~~**]** **(Deleted by amendment.)**

Sec. 6.5. **NRS 608.156 is hereby amended to read as follows:**

608.156 1. ~~[If]~~ ***In addition to any benefits required by NRS 608.155, if*** an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of alcohol and substance use disorders. The annual benefits provided by the employer must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of $2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is $39,000.

3. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 7. ~~[NRS 209.511 is hereby amended to read as follows:~~

~~209.511 1. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.~~

~~2. As soon as practicable after an offender is authorized to apply for enrollment in Medicaid pursuant to NRS 422.27487, the Director shall complete the paperwork for the application if the offender may be eligible for Medicaid upon release.~~

~~3. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.~~

~~— 4. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:~~

~~— (a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;~~

~~— (b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;~~

~~— (c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);~~

~~— (d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;~~

~~— (e) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:~~

~~— (1) Requests a photo identification card;~~

~~— (2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles; or~~

~~— (3) Is not currently in possession of a photo identification card;~~

~~— (f) Shall provide the offender with clothing suitable for reentering society;~~

~~— (g) Shall provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;~~

~~— (h) If appropriate, shall release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS;~~

~~— (i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus;~~

~~— (j) If the offender is eligible for Medicare, shall complete enrollment application paperwork for the offender;~~ **[**~~and~~**]**

~~— (k) If the offender was receiving a prescribed medication while in custody, shall ensure that the offender is provided with a 30-day supply of any such prescribed medication~~ **[.]** ***; and***

~~— (l) If the offender was receiving medication-assisted treatment for an opioid use disorder, shall ensure compliance with the provisions of section 2 of this act.~~

~~— 5. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection 4 unless the photo identification card clearly indicates whether the Director:~~

~~— (a) Has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card; or~~

~~(b) Has not verified the full legal name and age of the offender pursuant to paragraph (a).~~

~~6. The costs authorized or required in paragraphs (a), (e), (f), (g), (i) and (k) of subsection 4 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.~~

~~7. The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.~~

~~8. As used in this section:~~

~~(a) "Eligible offender" means an offender who is:~~

~~(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment System instrument, or its successor risk assessment tool; and~~

~~(2) Enrolled in:~~

~~(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or~~

~~(II) A community based program to assist offenders to reenter the community.~~

~~(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.~~

~~(c) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.~~

~~(d) "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does not have sufficient research or replication to support recognition as an evidence-based practice.~~] **(Deleted by amendment.)**

Sec. 8. ~~[Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall take reasonable measures to ensure the availability of medication-assisted treatment for prisoners who have been diagnosed with an opioid use disorder to the same extent and under the same conditions as other medical care for prisoners.~~

~~2. A county, city or town jail or detention facility shall not discriminate against:~~

~~(a) Treatment described in subsection 1 as compared to other forms of treatment for opioid use disorder or abstinence from opioids without such treatment; or~~

~~(b) A prisoner because the prisoner is receiving such treatment.~~

~~3. A sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall:~~

~~*(a) Take reasonable measures to ensure the continuation of treatment described in subsection 1 when a prisoner who is receiving such treatment is transferred to another jail or detention facility or the custody of another governmental agency; and*~~

~~*(b) Cooperate with the Department of Health and Human Services concerning any measures taken by the Department of Health and Human Services pursuant to subsection 8 of NRS 211.140 for the continuation of treatment described in subsection 1 for a prisoner who is released from custody.*~~

~~*4. As used in this section, "medication-assisted treatment" means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 211.140 is hereby amended to read as follows:~~

~~211.140 1. The sheriff of each county has charge and control over all prisoners committed to his or her care in the respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout this State have charge and control over all prisoners committed to their respective city and town jails and detention facilities.~~

~~2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:~~

~~(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his or her conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.~~

~~(b) An opportunity to be heard on the issue.~~

~~As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.~~

~~3. The sheriffs, chiefs of police and town marshals shall see that the prisoners under their care are kept at labor for reasonable amounts of time within the jail or detention facility, on public works in the county, city or town, or as part of a program of release for work established pursuant to NRS 211.120 or 211.171 to 211.200, inclusive.~~

~~4. The sheriff, chief of police or town marshal shall arrange for the administration of medical care required by prisoners while in his or her custody. The county, city or town shall pay the cost of appropriate medical:~~

~~(a) Treatment provided to a prisoner while in custody for injuries incurred by a prisoner while the prisoner is in custody and for injuries incurred during the prisoner's arrest for commission of a public offense if the prisoner is not convicted of that offense;~~

~~— (b) Treatment provided to a prisoner while in custody for any infectious, contagious or communicable disease which the prisoner contracts while the prisoner is in custody; and~~

~~— (c) Examinations required by law or by court order conducted while the prisoner is in custody unless the order otherwise provides.~~

~~— 5. A prisoner shall pay the cost of medical treatment for:~~

~~— (a) Injuries incurred by the prisoner during his or her commission of a public offense or for injuries incurred during his or her arrest for commission of a public offense if the prisoner is convicted of that offense;~~

~~— (b) Injuries or illnesses which existed before the prisoner was taken into custody;~~

~~— (c) Self-inflicted injuries; and~~

~~— (d) Except treatment provided pursuant to subsection 4, any other injury or illness incurred by the prisoner.~~

~~— 6. A medical facility furnishing treatment pursuant to subsection 5 shall attempt to collect the cost of the treatment from the prisoner or the prisoner's insurance carrier. If the facility is unable to collect the cost and certifies to the appropriate board of county commissioners that it is unable to collect the cost of the medical treatment, the board of county commissioners shall pay the cost of the medical treatment.~~

~~— 7. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section may attempt to collect from the prisoner or the insurance carrier of the prisoner the cost of arranging for the administration of medical care including the cost of any transportation of the prisoner for the purpose of medical care. The prisoner shall obey the requests of, and fully cooperate with the sheriff, chief of police or town marshal in collecting the costs from the prisoner or the prisoner's insurance carrier.~~

~~— 8. While a prisoner is in custody, a sheriff, chief of police or town marshal, in collaboration with the Department of Health and Human Services and the various divisions thereof, for the purpose of maintaining continuity of care, shall arrange for the coordination of the care for treatment of mental health and substance use disorders provided to the prisoner by all providers of such care in the county, city or town jail or detention facility. After a prisoner is released from custody:~~

~~— (a) The Department and the various divisions thereof shall arrange for the coordination of the care for treatment of mental health and substance use disorders provided to the prisoner~~ **[**.**]** ***, including, without limitation, by taking reasonable measures to ensure the continuation of medication-assisted treatment provided pursuant to section 8 of this act.***

~~— (b)~~ **[**The**]** ***Except to the extent provided in section 8 of this act, the*** ~~sheriff, chief of police or town marshal is no longer responsible for arranging the coordination of such care.~~

~~9. Each sheriff described in subsection 8, or his or her representative, and the Director of the Department of Health and Human Services, or his or her representative, shall, at the request of the Joint Interim Standing Committee on Health and Human Services, appear before the Committee during the legislative interim to report on the collaboration and coordination provided pursuant to subsection 8.~~

~~10. Treatment of mental health and substance use disorders provided pursuant to subsection 8 **must, to the extent required by section 8 of this act, and** may **, in all other circumstances,** include any medication that has been:~~

~~(a) Approved by the United States Food and Drug Administration; and~~

~~(b) Prescribed by a treating physician as medically necessary for use by the prisoner to address issues relating to mental health or a substance use disorder.~~**]**

(Deleted by amendment.)

Sec. 10. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, a physician or physician assistant shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the physician or physician assistant shall:

(a) If the physician or physician assistant is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the physician or physician assistant is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to this chapter or chapter 633 of NRS, ~~[or]~~ advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, "medication-assisted treatment" ~~[means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ has the meaning ascribed to it in section 12.3 of this act.

Sec. 11. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, an advanced practice registered nurse shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the advanced practice registered nurse shall:

(a) If the advanced practice registered nurse is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the advanced practice registered nurse is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS , ~~[or]~~ advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, "medication-assisted treatment" ~~[means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ has the meaning ascribed to it in section 12.3 of this act.

Sec. 12. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, an osteopathic physician or physician assistant shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the osteopathic physician or physician assistant shall:

(a) If the osteopathic physician or physician assistant is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the osteopathic physician or physician assistant is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to this chapter or chapter 630 of NRS , ~~[or]~~ advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, "medication-assisted treatment" ~~[means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ has the meaning ascribed to it in section 12.3 of this act.

Sec. 12.3. **Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. To the extent authorized by federal law, a pharmacist who registers with the Board to engage in the activity authorized by this section may, in accordance with the requirements of the protocol prescribed pursuant to subsection 2:

(a) Assess a patient to determine whether:

(1) The patient has an opioid use disorder; and

(2) Medication-assisted treatment would be appropriate for the patient;

(b) Counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment; and

(c) Prescribe and dispense a drug for medication-assisted treatment.

2. The Board shall adopt regulations:

(a) Prescribing the requirements to register with the Board to engage in the activity authorized by this section; and

(b) Establishing a protocol for the actions authorized by this section.

3. As used in this section, "medication-assisted treatment" means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 12.6. **NRS 639.0124 is hereby amended to read as follows:**

639.0124 1. "Practice of pharmacy" includes, but is not limited to, the:

(a) Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

(b) Interpretation and evaluation of prescriptions or orders for medicine.

(c) Participation in drug evaluation and drug research.

(d) Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

(e) Selection of the source, storage and distribution of a drug.

(f) Maintenance of proper documentation of the source, storage and distribution of a drug.

(g) Interpretation of clinical data contained in a person's record of medication.

(h) Development of written guidelines and protocols in collaboration with a practitioner which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2629.

(i) Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.

(j) Prescribing, dispensing and administering of drugs for preventing the acquisition of human immunodeficiency virus and ordering and conducting laboratory tests necessary for therapy that uses such drugs pursuant to the protocol prescribed pursuant to NRS 639.28085.

(k) Dispensing a self-administered hormonal contraceptive pursuant to NRS 639.28078.

(l) Assessing a patient and prescribing and dispensing a drug for medication-assisted treatment in accordance with section 12.3 of this act.

2. The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583, 639.28078 and 639.28085.

Sec. 13. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, a psychologist shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the psychologist shall refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS , ~~[or]~~ advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" ~~[means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ has the meaning ascribed to it in section 12.3 of this act.

Sec. 14. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, a marriage and family therapist or clinical professional counselor shall counsel and provide information to the client concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the marriage and family therapist or clinical professional counselor shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS , ~~[or]~~ advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" ~~[means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ has the meaning ascribed to it in section 12.3 of this act.

Sec. 15. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, a clinical social worker shall counsel and provide information to the client concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the clinical social worker shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS , ~~[or]~~ advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" ~~[means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ has the meaning ascribed to it in section 12.3 of this act.

Sec. 16. Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, an alcohol and drug counselor, clinical alcohol and drug counselor or problem gambling counselor shall counsel and provide information to the client concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the alcohol and drug counselor, clinical alcohol and drug counselor or problem gambling counselor shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS , ~~[or]~~ advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" ~~[means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ has the meaning ascribed to it in section 12.3 of this act.

Sec. 16.05. **NRS 683A.179 is hereby amended to read as follows:**

683A.179 1. A pharmacy benefit manager shall not:

(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning:

(1) The amount of any copayment or coinsurance for a prescription drug; or

(2) The availability of a less expensive alternative or generic drug including, without limitation, information concerning clinical efficacy of such a drug;

(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative or generic drug to a covered person;

(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; or

(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party.

2. The provisions of this section:

(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125, except to the extent authorized by a specific provision of law, including, without limitation, NRS 453C.120, 639.28078 and 639.28085 ~~[.]~~ ***and section 12.3 of this act.***

(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.

3. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 16.1. **Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. An insurer may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.13. **NRS 689A.030 is hereby amended to read as follows:**

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, domestic partner as defined in NRS 122A.030, dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any child on or before the last day of the month in which the child attains 26 years of age, and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. "Text" includes all printed matter except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a

physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. ~~[The]~~ ***Except as otherwise provided by this subsection, the*** policy must provide ~~[, at the option of the applicant,]~~ benefits for expenses incurred for the treatment of alcohol or substance use disorder ***. [, unless] Except for the benefits required by section 16.1 of this act, such benefits must be provided:***

(a) At the option of the applicant; and

(b) Unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 16.16. **NRS 689A.046 is hereby amended to read as follows:**

689A.046 1. ~~[The]~~ ***In addition to the benefits required by section 16.1 of this act, the*** benefits provided by a policy for health insurance for treatment of alcohol or substance use disorder must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorder which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorder as part of its accredited activities.

Sec. 16.2. **NRS 689A.330 is hereby amended to read as follows:**

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 16.1 of this act.***

Sec. 16.3. **Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of group health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. An insurer may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.4. **Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use

disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the carrier.

2. A carrier that offers or issues a health benefit plan shall reimburse a pharmacist who participates in the network plan of the carrier for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A carrier may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.43. **NRS 689C.166 is hereby amended to read as follows:**

689C.166 Each group health insurance policy must contain in substance a provision for benefits payable for expenses incurred for the treatment of alcohol or substance use disorder, as provided in NRS 689C.167 ~~[.]~~ ***and section 16.4 of this act.***

Sec. 16.45. **NRS 689C.167 is hereby amended to read as follows:**

689C.167 1. ~~[The]~~ ***In addition to the benefits required by section 16.4 of this act, the*** benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of alcohol or substance use disorders must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 16.48. **NRS 689C.425 is hereby amended to read as follows:**

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 16.4 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 16.5. **Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A society that offers or issues a benefit contract shall include in the contract coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the society.

2. A society that offers or issues a benefit contract shall reimburse a pharmacist who participates in the network plan of the society for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A society may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.6. **Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A hospital or medical services corporation may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and

any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.7. **Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the health maintenance organization.

2. A health maintenance organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the health maintenance organization for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A health maintenance organization may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.75. **NRS 695C.050 is hereby amended to read as follows:**

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care 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. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 ***and section 16.7 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 16.8. **NRS 695C.330 is hereby amended to read as follows:**

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***or section 16.7 of this act,*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 16.9. **Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the managed care organization.

2. A managed care organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the managed care organization for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A managed care organization may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term

includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 17. 1. Notwithstanding the provisions of subsection 2 of NRS 458.103, as amended by section ~~[1]~~ **1.7** of this act, a treatment provider, provider of health care or program for alcohol or substance use disorders is not, unless otherwise required by federal law, required to terminate services to which the provisions of that subsection would otherwise apply to a person who is receiving such services on or before October 1, 2023 from the treatment provider, provider of health care or program in order to provide such services to a person who would otherwise receive priority under that subsection.

2. The provisions of subsection 2 of NRS 458.103, as amended by section ~~[1]~~ **1.7** of this act, do not apply to treatment for an alcohol or other substance use disorder provided under any grant, contract or other agreement accepted or entered into on or before October 1, 2023, but do apply to any such treatment provided under such a grant, contract or agreement that is renewed or extended.

3. As used in this section:

(a) "Program for alcohol or other substance use disorders" has the meaning ascribed to it in NRS 458.010.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(c) "Treatment provider" has the meaning ascribed to it in NRS 458.010.

Sec. 17.5. **1. During the 2023-2024 interim, the Department of Corrections, in collaboration with the Department of Health and Human Services, shall study the provision of medication-assisted treatment to offenders with opioid use disorder. The study must include, without limitation, an examination of:**

(a) Barriers to accessing medication-assisted treatment at institutions and facilities of the Department of Corrections and private facilities and institutions, including, without limitation:

(1) A shortage of providers of health care who are authorized and willing to prescribe a drug for medication-assisted treatment to offenders; and

(2) Barriers relating to the licensure, credentialing and regulation of such providers of health care;

(b) The feasibility of forming multidisciplinary review teams consisting of experts on behavioral health care and criminal justice to make informed decisions about the medication-assisted treatment provided to offenders;

(c) The feasibility of establishing medication-assisted treatment programs on the grounds of institutions and facilities of the Department of Corrections and private facilities and institutions to provide medication-assisted treatment to offenders with opioid use disorder to the same extent as other health care provided to offenders;

(d) The feasibility of forming partnerships with providers of health care and agencies, including, without limitation, the Department of Health and Human Services and local agencies that provide social services, to provide medication-assisted treatment inside or nearby institutions and facilities of the Department of Corrections and private facilities and institutions;

(e) The feasibility of forming partnerships with counties, cities and towns that maintain jails or detention facilities to provide medication-assisted treatment to prisoners in such jails or detention facilities;

(f) The feasibility of storing information concerning offenders who are receiving medication-assisted treatment and sharing such information with providers of treatment, providers of community-based services and other interested persons and entities;

(g) Strategies for facilitating the continuation of medication-assisted treatment by an offender upon release, including, without limitation:

(1) Affiliating with providers of community-based services or federally qualified health centers; and

(2) Obtaining a waiver pursuant to 42 U.S.C. § 1315 to provide coverage under Medicaid for services to offenders before they are released;

(h) The funding that would be needed to provide medication-assisted treatment to all offenders with opioid use disorder in each institution or facility of the Department of Corrections and each private facility or institution; and

(i) Opportunities to obtain federal and private funding to defray the costs described in paragraph (h).

2. During the 2023-2024 interim, each county, city or town that maintains a jail or detention facility shall study opioid use disorder among prisoners. Each study must include, without limitation:

(a) An examination of the current prevalence of opioid use disorder among prisoners in the jail or detention facility;

(b) An examination of the treatment prescribed for and provided to prisoners with opioid use disorder, including, without limitation, treatments provided by the staff of the jail or detention facility; and

(c) For a county whose population is 100,000 or more or any city or town within such a county, an examination of the feasibility of:

(1) Establishing a program to provide medication-assisted treatment for prisoners with opioid use disorder that meets national standards of care for the provision of medication-assisted treatment in a correctional setting, including, without limitation, with regard to personnel and funding; and

(2) Forming partnerships with providers of health care and agencies to provide medication-assisted treatment inside or nearby the jail or detention facility and facilitate the continuation of medication-assisted treatment after a prisoner is released.

3. A county whose population is less than 100,000 or a city or town within such a county that maintains a jail or detention facility may:

(a) Conduct the examination described in paragraph (c) of subsection 2; and

(b) Cooperate with the regional behavioral health policy board created by NRS 433.429 for the behavioral health region established by NRS 433.428 in which the county is located for the purpose of conducting that examination.

4. On or before June 30, 2024, the Department of Corrections and each county, city or town that maintains a jail or detention facility shall:

(a) Submit a report of the findings of the study conducted pursuant to this section 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 the Judiciary; and

(b) Present the findings of the study conducted pursuant to this section at meetings of the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on the Judiciary.

5. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Institution" has the meaning ascribed to it in NRS 209.071.

(d) "Medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

(e) "Offender" has the meaning ascribed to it in NRS 209.081.

(f) "Private facility or institution" has the meaning ascribed to it in NRS 209.083.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 19. **1. This section becomes effective upon passage and approval.**

2. Sections 1, 1.3 and 17.5 of this act becomes effective on July 1, 2023.

3. Sections 1.7 and 17 of this act become effective on October 1, 2023.

4. Sections 2 to 16.9, inclusive, and 18 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, 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. 162.

Bill read second time.

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

Amendment No. 285.

ASSEMBLYMEN GORELOW; BILBRAY-AXELROD, **BROWN-MAY,** CARTER, **CONSIDINE, GONZÁLEZ, LA RUE HATCH, NEWBY,** PETERS AND WATTS

SUMMARY— ~~[Revises]~~ **Establishes** provisions governing ~~[restricted use]~~ **the use of neonicotinoid** pesticides **.** ~~[containing certain chemicals.]~~ (BDR 51-97)

AN ACT relating to pesticides; ~~[requiring the Director of the State Department of Agriculture to classify neonicotinoid pesticides as restricted use pesticides;]~~ prohibiting the use of neonicotinoid pesticides ~~[on state lands; establishing certain exceptions for neonicotinoid pesticides to certain fees relating to restricted use pesticides;]~~ **for certain purposes;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[requires the Director of the State Department of Agriculture to classify any pesticide as a restricted use pesticide that, unless carefully used, the Director finds is likely to be: (1) injurious to persons, pollinating insects, bees, animals, crops or land, other than the pest or vegetation it is intended to prevent, destroy, control or mitigate; or (2) detrimental to certain vegetation, wildlife or public health and safety. (NRS 586.237) Existing law also prohibits a person from using any restricted use pesticide without a certificate issued by the Director, except a person using a restricted use pesticide under the supervision of an authorized commercial applicator, a certified non private applicator or private applicator. (NRS 555.351) Section 4 of this bill requires the Director to classify neonicotinoid pesticides as restricted use pesticides.]~~ **establishes the Nevada Pesticides Act to regulate the use of pesticides in this State. (Chapter 586 of NRS) Section 1.6 of this bill prohibits the**

purchase or use of neonicotinoid pesticides on plants in this State except for commercial agricultural use. Section 1.6 further requires any person seeking to use neonicotinoid pesticides for commercial agricultural purposes to obtain a certificate of commercial agricultural use from the Internet website of the State Department of Agriculture.

Sections ~~[1]~~ 1.3 and 7 of this bill define "neonicotinoid pesticide." **Sections 2 and 8** of this bill make conforming changes to incorporate these definitions into the Nevada Revised Statutes.

~~[Sections 3 and 9 of this bill revise the definition of "restricted-use pesticide" to include neonicotinoid pesticides.]~~

Sections 6 and 10 of this bill prohibit the application of neonicotinoid pesticides ~~[on state land.~~

~~Existing law prohibits any person from selling or offering to sell at the retail level or distributing or delivering for transportation for delivery to the consumer or user a restricted-use pesticide unless the person registers with the Director and pays an annual registration fee and, under certain circumstances, a penalty fee. (NRS 586.406) Section 5 of this bill provides that the State Board of Agriculture may not establish a fee for registering a neonicotinoid pesticide.~~

~~Existing law authorizes the Director to require an applicant for a certificate to use restricted-use pesticides in this State to pass an examination on the proper use and application of restricted-use pesticides and pay a testing fee established by the Board by regulation. (NRS 555.355) Section 11 of this bill prohibits the Director from collecting a fee for an examination or reexamination from an applicant seeking to only use neonicotinoid pesticides.]~~ **in violation of the requirements of section 1.6.**

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

Section 1. Chapter 586 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.6 of this act.**

Sec. 1.3. "Neonicotinoid pesticide" means any pesticide containing a chemical belonging to the neonicotinoid class of chemicals, including, without limitation:

1. ***Acetamiprid;***
2. ***Clothianidin;***
3. ***Dinotefuran;***
4. ***Imidacloprid;***
5. ***Nithiazine;***
6. ***Thiacloprid; and***
7. ***Thiamethoxam.***

Sec. 1.6. 1. A person shall not purchase or use neonicotinoid pesticides on plants in this State, except for commercial agricultural purposes.

2. Neonicotinoid pesticides may be purchased and used in this State for purposes other than for use on plants, including, without limitation:

(a) Pet care.

(b) Veterinary treatment.

(c) Personal care products.

(d) Pest control pesticides that are for indoor use.

(e) Outdoor items and structures, other than plants. This paragraph does not authorize the spraying or application of a neonicotinoid pesticide on any plant.

(f) Pesticides that are intended to act as a wood preservative and pesticide-treated wood products.

(g) Structural insulation.

➥ Any purchase or use of neonicotinoid pesticides pursuant to this section must be in accordance with the on-label use of such neonicotinoid pesticide and as directed by the instructions.

3. The Director shall make available on the Internet website of the State Department of Agriculture an application for a certificate of commercial agricultural use. The certificate must, without limitation:

(a) State that the use of neonicotinoid pesticides is limited to commercial agricultural purposes; and

(b) Include a space for the business identification number of the person seeking a certificate of commercial agricultural use.

4. Any person seeking to apply neonicotinoid pesticides for commercial agricultural purposes must obtain a certificate of commercial agricultural use from the Internet website of the State Department of Agriculture.

5. The Director may adopt regulations to carry out the provisions of this section.

6. As used in this section, "commercial agricultural purposes" means the cultivation of plants or the use of farm and agricultural land to produce an agricultural product to be sold in commerce.

Sec. 2. NRS 586.020 is hereby amended to read as follows:

586.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 586.030 to 586.220, inclusive, ***and section ~~1~~ 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. ~~[~~NRS 586.205 is hereby amended to read as follows:

586.205 "Restricted-use pesticide" means any pesticide, including any highly toxic pesticide, which:

1. The Director has determined after a hearing, to be:

(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or

(b) Detrimental to:

(1) Vegetation, except weeds;

(2) Wildlife; or

~~(3) Public health and safety; [or]~~

~~2. Has been classified for restricted use by or under the supervision of a certified applicator in accordance with the Federal Environmental Pesticide Control Act, 7 U.S.C. §§ 136 et seq. ; or~~

~~*3. Is required to be classified as a restricted use pesticide pursuant to subsection 3 of NRS 586.237.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 586.237 is hereby amended to read as follows:~~

~~586.237 1. The Director shall adopt regulations governing the application and distribution of any pesticides which the Director finds must necessarily be applied in pest control but which unless carefully used are likely to be:~~

~~(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than the pest or vegetation it is intended to prevent, destroy, control or mitigate; or~~

~~(b) Detrimental to:~~

~~(1) Vegetation, except weeds;~~

~~(2) Wildlife; or~~

~~(3) Public health and safety.~~

~~2. The Director in classifying pesticides as restricted-use pesticides shall determine if:~~

~~(a) They are highly toxic to humans or other animals, including wildlife.~~

~~(b) The regulations governing their application and distribution are reasonably calculated to avoid injury and are necessary for their proper use.~~

~~(c) The benefit received from their use is of greater public value than a detriment to the environment, public health and safety.~~

~~(d) They can be used by permit for purposes other than their registered purposes.~~

~~3. *The Director shall classify any neonicotinoid pesticide as a restricted-use pesticide.*~~

~~*4.* The Director may adopt such other rules and regulations as are necessary to carry out the provisions of this chapter, including, but not limited to:~~

~~(a) The collection and examination of pesticides.~~

~~(b) The use of certain types of containers or packages for specific pesticides, applicable to construction, strength or size to avoid the danger of spillage, breakage or misuse.~~

~~(c) The safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers.~~

~~(d) The information to be recorded and maintained of the sale, use and distribution of pesticides classified for restricted use.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 586.406 is hereby amended to read as follows:~~

~~586.406 1. It is unlawful for any person to sell or offer to sell at the retail level or distribute or deliver for transportation for delivery to the consumer or~~

~~user a pesticide classified for restricted use pursuant to NRS 586.237 or the Federal Environmental Pesticide Control Act, 7 U.S.C. §§ 136 et seq., unless the person is registered with the Director.~~

~~2. Each person applying for registration must provide a statement including:~~

~~(a) The name and address of the person registering; and~~

~~(b) The name and address of any person who, on behalf of the person registering, sells, offers to sell, distributes or delivers for transportation a restricted use pesticide.~~

~~3. All registrations expire on December 31 and are renewable annually.~~

~~4. [Each] *Except as otherwise provided in subsection 5, each* person registering shall pay:~~

~~(a) An annual registration fee established by regulation of the State Board of Agriculture; and~~

~~(b) A penalty fee of $5 if the person's previous registration has expired by the failure to reregister on or before February 1, unless the person's registration is accompanied by a signed statement that no person named on the registration statement has sold or distributed any restricted use pesticides during the year the registration was not in effect.~~

~~5. *The State Board of Agriculture may not establish a fee for registering a neonicotinoid pesticide classified in accordance with subsection 3 of NRS 586.237.*~~

~~*6.* Each person who is registered shall maintain for 2 years a record of each sale and distribution of restricted-use pesticides in accordance with the requirements for State certification plans set forth in 40 C.F.R. § 171.303(b)(7)(vii).~~

~~[6.] *7.* Each person registered pursuant to this section shall, on or before the 15th day of each month, file a report with the Director specifying the restricted-use pesticides sold or distributed during the previous month. The Director shall provide the form for the report. The form must be filed regardless of whether the person sold or distributed any pesticides during the previous month.]~~ **(Deleted by amendment.)**

Sec. 6. NRS 586.945 is hereby amended to read as follows:

586.945 ~~*[1.]*~~ It shall be unlawful for any person to apply ~~[any]~~ *:*

~~*[(a)]*~~ *1. Any* restricted-use pesticide for which regulations have been adopted, except as provided in such regulations ~~[.]~~ *; and*

~~*[(b)]*~~ *2. Any neonicotinoid pesticide ~~[on state land.~~*

~~*2. As used in this section, "state land" has the meaning ascribed to it in NRS 383.425.]*~~ *in violation of the requirements of section 1.6 of this act.*

Sec. 7. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

"Neonicotinoid pesticide" has the meaning ascribed to it in section ~~[1]~~ 1.3 of this act.

Sec. 8. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, ***and section ~~[1]~~ 7 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. ~~[NRS 555.2683 is hereby amended to read as follows:~~

~~555.2683 "Restricted-use pesticide" means any pesticide, including any highly toxic pesticide, which:~~

~~1. The Director has found and determined, after a hearing, to be:~~

~~(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or~~

~~(b) Detrimental to:~~

~~(1) Vegetation, except weeds;~~

~~(2) Wildlife; or~~

~~(3) Public health and safety; [or]~~

~~2. Has been classified for restricted use in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq. ; or~~

~~*3. Is required to be classified as a restricted-use pesticide pursuant to subsection 3 of NRS 586.237.]*~~ **(Deleted by amendment.)**

Sec. 10. NRS 555.351 is hereby amended to read as follows:

555.351 1. Except as otherwise provided in subsection 3, a person shall not use ~~[any]~~ ***:***

(a) Any restricted-use pesticide within this State at any time without a certificate issued by the Director except a person using any restricted-use pesticide under the supervision of an authorized commercial applicator who complies with the provisions of subsection 3, certified non-private applicator or private applicator ~~[.]~~ ***; or***

(b) Any neonicotinoid pesticide ~~[on state land.]~~ in violation of the requirements of section 1.6 of this act. Any person seeking to apply a neonicotinoid pesticide for commercial agricultural purposes must obtain a certificate of commercial agricultural use pursuant to section 1.6 of this act.

2. If the Director has adopted regulations requiring:

(a) A permit pursuant to NRS 586.403; or

(b) A special use permit pursuant to NRS 586.405,

➥ for a restricted-use pesticide, a person shall not use that pesticide without obtaining the required permit.

3. A person licensed as a commercial applicator and authorized to engage in pest control is authorized to use or supervise the use of a restricted-use pesticide without obtaining a certificate issued by the Director pursuant to NRS 555.357, if the person:

(a) Demonstrates that he or she satisfies the standards set forth in 40 C.F.R. § 171.103; and

(b) Otherwise complies with the provisions of this chapter and any regulations adopted pursuant to this chapter governing the use of restricted-use pesticides.

4. As used in this section, ~~[“state land”]~~ “commercial agricultural purposes” has the meaning ascribed to it in ~~[NRS 383.425.]~~ section 1.6 of this act.

Sec. 11. ~~[~~NRS 555.355 is hereby amended to read as follows:

~~555.355 1. The Director may require~~ **[**the**]** ***an*** applicant ***for a certificate*** ~~to show, upon examination, that the applicant possesses adequate knowledge concerning the proper use and application of restricted-use pesticides and the dangers involved and precautions to be taken in connection with the application of those pesticides.~~

~~2. In addition, the Director may require the applicant to meet special qualifications of competency to meet the special needs of a given locality regarding the use or application of a specific restricted-use pesticide.~~

~~3. The Director shall require an applicant to demonstrate:~~

~~(a) If the applicant is applying to be certified as a non-private applicator, that he or she satisfies the standards set forth in 40 C.F.R. § 171.103.~~

~~(b) If the applicant is applying to be certified as a private applicator, that he or she satisfies the standards set forth in 40 C.F.R. § 171.105.~~

~~4. [The]~~ ***~~Except as otherwise provided in subsection 5, the~~*** ~~Director shall collect from each person applying for an examination or reexamination, in connection with the issuance of a certificate, a testing fee established by regulation of the State Board of Agriculture for any one examination period.~~

~~***5. The Director shall not collect a fee for an examination or reexamination, in connection with the issuance of a certificate, from an applicant seeking to use only neonicotinoid pesticides.]***~~ **(Deleted by amendment.)**

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, inclusive, 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, for all other purposes.

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. 216.

Bill read second time.

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

Amendment No. 115.

AN ACT relating to insurance; repealing, reenacting, reorganizing and revising various provisions relating to travel insurance; authorizing the Commissioner of Insurance to adopt regulations relating to travel insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Insurance to license producers of limited lines travel insurance to sell, solicit or negotiate travel insurance. (NRS 683A.265) Existing law sets forth various requirements and restrictions relating to producers of limited lines travel insurance and travel retailers who offer and disseminate travel insurance on behalf of a producer of limited lines travel insurance. (NRS 683A.193-683A.199, 683A.242, 683A.368-683A.3695) **Section 49** of this bill repeals the provisions of existing law governing producers of limited lines travel insurance and travel retailers. **Sections 2-36** of this bill reenact, reorganize and revise those provisions into a new chapter of the Nevada Revised Statutes governing travel insurance for the purpose of conforming more closely to the Travel Insurance Model Act adopted by the National Association of Insurance Commissioners. **Sections 3-19** define words and terms for the purposes of this bill. **Section 20** sets forth the applicability of this bill.

Section 21 authorizes the Commissioner to issue a license as a producer of limited lines travel insurance to a person who ~~[holds a license as a producer of insurance or managing general agent or a certificate of registration as an administrator.]~~ **has filed an application with the Commissioner.**

With certain exceptions, existing law prohibits a person from selling, soliciting or negotiating insurance for any class of insurance unless the person is licensed for that class of insurance. (NRS 683A.201) Existing law prohibits a producer of insurance from acting as an agent unless he or she is appointed as an agent by the insurer. (NRS 683A.321) **Section 29** authorizes a producer of insurance licensed for life insurance, accident and health insurance, property insurance, casualty insurance, variable annuities and variable life insurance or personal lines to **act as a producer of limited lines travel insurance and** sell, solicit or negotiate travel insurance. **Sections 29 and 41** of this bill provide that a producer of insurance who is licensed for property insurance and casualty insurance is not required to be appointed by an insurer to **act as a producer of limited lines travel insurance and** sell, solicit or negotiate travel insurance.

Section 22 authorizes a travel retailer to offer and disseminate travel insurance under the license of a producer of limited lines travel insurance under certain conditions. **Section 23** requires a producer of limited lines travel insurance to establish and maintain a register of each travel retailer that offers and disseminates travel insurance on behalf of the producer of limited lines travel insurance. **Section 24** requires a travel retailer to make available to each prospective purchaser of travel insurance certain written materials. **Section 25** prohibits a travel retailer from engaging in certain activities. **Sections 26 and**

42 of this bill authorize a travel retailer to receive compensation relating to his or her activities authorized by the provisions of this bill. **Section 28** makes a producer of limited lines travel insurance responsible for the acts of a travel retailer who offers and disseminates travel insurance under the license of the producer of limited lines travel insurance. **Section 27** makes a producer of limited lines travel insurance and a travel retailer subject to: (1) disciplinary action in the same manner as a producer of insurance; and (2) the provisions of existing law governing insurance trade practices and fraud.

Section 18 defines "travel protection plan" to mean a product that provides: (1) travel insurance; (2) travel assistance services; (3) a cancellation fee waiver; or (4) any combination of those items. **Section 30**: (1) authorizes a travel protection plan to be offered for one price for the combined items of the plan if certain conditions are met; and (2) provides that a purchaser of a travel protection plan who cancels the plan is entitled to a full refund under certain circumstances.

Section 31 requires: (1) all documents provided to a prospective purchaser of travel insurance to be consistent with the policy of travel insurance itself; and (2) certain information to be provided to a purchaser or prospective purchaser of travel insurance. **Sections 32 and 33** set forth certain authorized and prohibited practices in the sale and marketing of travel insurance.

Section 15 defines "travel administrator" as a person who directly or indirectly underwrites, collects charges, collateral or premiums from or adjusts or settles claims of residents of this State in connection with travel insurance. **Section 34** prohibits a person from acting as a travel administrator unless the person holds: (1) a license as a producer of insurance for a property insurance or casualty insurance line of authority; (2) a license as a managing general agent; or (3) a certificate of registration as an administrator. **Section 43** of this bill excludes a travel administrator and the employees of a travel administrator from the definition of "adjuster," thereby exempting those persons from the licensing requirements applicable to an adjuster.

Under existing law, authorized insurers and certain rate service organizations are required to file with the Commissioner all rates and proposed increases thereto, as well as the forms of policies to which the rates apply, certain supplementary rate information and any changes or amendments to the rates. (NRS 686B.070) Existing regulations require an insurer to annually submit to a statistical agent designated by the Commissioner certain information concerning certain lines of insurance, including, among others, an inland marine line of insurance. (NAC 686B.365) **Section 35** provides that, for the purposes of such filings, with certain exceptions, travel insurance is required to be classified and filed as an inland marine line of insurance. **Section 35** also authorizes an insurer to establish and use certain eligibility and underwriting standards. **Section 36** authorizes the Commissioner to adopt regulations to carry out the provisions of this bill.

Existing law requires an insurer to pay a tax upon his or her direct premiums and net direct considerations at the rate of 3.5 percent. (NRS 680B.027) **Section 37** of this bill specifies the premiums concerning travel insurance to which the tax applies. **Sections 38 and 39** of this bill make conforming changes to indicate the proper placement of **section 37** in the Nevada Revised Statutes.

Section 40 of this bill makes a conforming change to account for the repeal of the definition of "travel insurance" in **section 49** and the reenactment of a revised definition of "travel insurance" in **section 17**.

Existing law prohibits a person from engaging in any practice that is an unfair method of competition or an unfair or deceptive act or practice in the business of insurance. (NRS 686A.020) **Section 44** of this bill provides that it is an unfair method of competition or an unfair or deceptive act or practice in the business of insurance to: (1) offer or sell a policy that could never result in payment of any claims; or (2) market blanket travel insurance as free. **Sections 45-47** of this bill make conforming changes to indicate the proper placement of **section 44** in the Nevada Revised Statutes.

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

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 36, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 3. ***"Aggregator site" means an Internet website that provides access to information regarding insurance products from more than one insurer, including, without limitation, information about the insurance products and the insurers offering the insurance products, for use in comparison shopping.***

Sec. 4. ***"Blanket travel insurance" means a policy of group travel insurance issued to an eligible group that provides coverage for all members of the eligible group or for specific classes within the eligible group defined in the policy with coverage provided to all members of the eligible group or specific class without a separate charge to any individual member of the eligible group ~~.~~ or specific class.***

Sec. 5. ***"Cancellation fee waiver" means a contractual arrangement between a supplier of travel services and a purchaser of such services to waive any provision of the underlying contract for travel services which imposes a nonrefundable cancellation fee, with or without regard to the reason for the cancellation or the form of reimbursement.***

Sec. 6. *"Eligible group" means two or more persons who are engaged in a common enterprise or have an economic, educational or social affinity or relationship, including, without limitation:*

1. An entity engaged in the business of providing travel or travel services if, with regard to any particular travel or type of travel or travelers, all members or customers of the entity have a common exposure to the risk attendant to such travel. For the purposes of this subsection, "entity engaged in the business of providing travel or travel services" includes, without limitation, a tour operator, lodging provider, vacation property owner, hotel, resort, travel club, travel agency, property manager, cultural exchange program and common carrier or operator, owner or lessor of a means of transportation of passengers, including, without limitation, an airline, cruise line, railroad, steamship company and public bus carrier.

2. A college, school or other institution of learning obtaining travel insurance coverage for any group of students, teachers, employees or volunteers.

3. An employer obtaining travel insurance coverage for any group of employees, volunteers, contractors, board of directors, dependents or guests.

4. A sports team, camp or sponsor of a sports team or camp obtaining travel insurance coverage for any group of participants, members, campers, employees, officials, supervisors or volunteers.

5. A religious, charitable, recreational, educational or ~~[civil]~~ civic organization, or a branch of such an organization, obtaining travel insurance coverage for any group of members, participants or volunteers.

6. A financial institution, vendor of a financial institution, or a parent holding company, trustee, agent of or designated by a financial institution or vendor of a financial institution, including, without limitation, an accountholder, credit card holder, debtor, guarantor or purchaser.

7. An incorporated or unincorporated association, including, without limitation, a labor union, that has a common interest, constitution and bylaws and is organized and maintained in good faith for purposes other than obtaining insurance for its members or participants, obtaining travel insurance coverage for any group of its members or participants.

8. Subject to the approval of the Commissioner for the use of a trust and the provisions of section 37 of this act, a trust or the trustees of a fund established, created or maintained for the benefit of the members, employees or customers of ~~[an association]~~ one or more associations described in subsection 7.

9. An entertainment production company obtaining travel insurance coverage for any group of participants, volunteers, audience members, contestants or workers.

10. A volunteer fire department, entity providing emergency medical services, police department or court.

11. A first aid, civil defense or similar volunteer group.

12. A preschool, daycare center for children or adults or club for senior citizens.

13. An entity engaged in the business of renting or leasing motor vehicles, which shall be deemed the policyholder for a policy of travel insurance to which this subsection applies, obtaining travel insurance coverage for any group of persons who may become renters, lessees or passengers defined by the travel status of the group on the rented or leased vehicles.

14. Any other group for which the Commissioner has determined that:

(a) The members of the group are engaged in a common enterprise, or have an economic, educational or social affinity or relationship; and

(b) The issuance of a policy of travel insurance to the group is not contrary to the public interest.

Sec. 7. *"Fulfillment materials" means documentation provided* ***or sent*** *to the purchaser of a travel protection plan that confirms the purchase of the plan and provides information regarding the travel insurance coverage, travel assistance services and cancellation fee waivers, as applicable.*

Sec. 8. *"Group travel insurance" means travel insurance issued to any eligible group.*

Sec. 9. *"Home state" has the meaning ascribed to it in NRS 683A.041.*

Sec. 10. *"Negotiate" has the meaning ascribed to it in NRS 683A.065.*

Sec. 11. *"Offer and disseminate" means the provision of general information, including, without limitation, a description of* ~~*[the]*~~ *coverage and price* **,** ~~*[of travel insurance,]*~~ *as well as the processing of applications and the collection of premiums.*

Sec. 12. *"Producer of limited lines travel insurance" means a person licensed pursuant to section 21 of this act who is authorized by an insurer to solicit travel insurance either directly or through a travel retailer.*

Sec. 13. *"Sell" has the meaning ascribed to it in NRS 683A.072.*

Sec. 14. *"Solicit" has the meaning ascribed to it in NRS 683A.074.*

Sec. 15. *1. "Travel administrator" means a person who directly or indirectly underwrites, collects charges, collateral or premiums from or adjusts or settles claims of, residents of this State in connection with travel insurance.*

2. The term does not include:

(a) ~~*[An employee of]*~~ ***A person working for*** *a travel administrator to the extent that the activities of the person are subject to the supervision and control of the travel administrator.*

(b) A licensed producer of insurance selling insurance or engaged in administrative activities and activities relating to claims that are within the scope of his or her license.

(c) A travel retailer who is listed on the register maintained by a producer of limited lines travel insurance pursuant to section 23 of this act and who offers and disseminates travel insurance under the license of a producer of

limited lines travel insurance in accordance with the provisions of this chapter.

(d) A person adjusting or settling claims in the normal course of his or her practice or employment as an attorney who does not collect charges or premiums in connection with travel insurance coverage.

(e) A person who is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of the insurer.

Sec. 16. *1. "Travel assistance services" means services that are furnished in connection with planned travel, the provision of which does not result in the transfer or shifting of risk that would constitute the business of insurance, and for which the purchaser is not indemnified based on a fortuitous event.*

2. The term includes, without limitation, security advisories, destination information, vaccination and immunization information services, travel reservation services, entertainment, activity and event planning, translation assistance, emergency messaging, international legal and medical referrals, medical case monitoring, coordination of transportation arrangements, emergency cash transfer assistance, medical prescription replacement assistance, passport and travel document replacement assistance, lost luggage assistance, concierge services and any other service furnished in connection with planned travel that meets the conditions set forth in subsection 1.

Sec. 17. *1. "Travel insurance" means insurance coverage for personal risks incident to planned travel, including, without limitation:*

(a) Interruption or cancellation of a trip or event;

(b) Loss of baggage or personal effects;

(c) Damages to accommodations or rental vehicles;

(d) Sickness, accident, disability or death occurring during travel;

(e) Emergency evacuation;

(f) Repatriation of remains; or

(g) Any other contractual obligation to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel that is approved by the Commissioner.

2. The term does not include:

(a) Travel assistance services;

(b) A cancellation fee waiver;

(c) A major medical plan that provides comprehensive medical protection for a traveler on a trip lasting longer than 6 months, including, without limitation, a traveler who is working or residing overseas as an expatriate; or

(d) Any other product that a person is prohibited from selling, soliciting or negotiating unless the person holds a specific license as a producer of insurance.

Sec. 18. *"Travel protection plan" means a product that provides:*

1. Travel insurance;

2. Travel assistance services;

3. A cancellation fee waiver; or

4. Any combination of the items described in subsections 1, 2 and 3.

Sec. 19. *"Travel retailer" means a person that makes, arranges or offers travel services and, as a service to the customers of the person, may offer and disseminate travel insurance on behalf of, and under the direction of, a producer of limited lines travel insurance.*

Sec. 20. *1. The provisions of this chapter apply to:*

(a) Travel insurance that covers any resident of this State and is sold, solicited, negotiated or offered in this State; and

(b) Policies and certificates of travel insurance that are delivered or issued for delivery in this State.

2. ~~[Except]~~ A cancellation fee waiver or travel assistance services do not constitute insurance and, except as otherwise expressly provided in this chapter, the provisions of this chapter do not apply to a cancellation fee waiver or travel assistance services.

Sec. 21. *1. ~~[A]~~ Except as otherwise provided in section 29 of this act, a person shall not act as a producer of limited lines travel insurance unless the person is licensed pursuant to this section.*

2. In accordance with the provisions of NRS 683A.201 to 683A.370, inclusive, the Commissioner may issue a license as a producer of limited lines travel insurance to a person who has filed an application with the Commissioner . ~~[and who holds a:~~

~~(a) License as a producer of insurance issued by the Commissioner pursuant to NRS 683A.261 or 683A.271;~~

~~(b) License as a managing general agent issued by the Commissioner pursuant to 683A.160; or~~

~~(c) Certificate of registration as an administrator issued by the Commissioner pursuant to NRS 683A.08524.]~~

3. A license issued pursuant to this section authorizes the holder of the license to sell, solicit or negotiate travel insurance on behalf of a licensed insurer.

Sec. 22. *1. A person shall not act as a travel retailer unless the person is listed on the register maintained by a producer of limited lines travel insurance pursuant to section 23 of this act.*

2. A travel retailer may offer and disseminate travel insurance under the license of a producer of limited lines travel insurance issued pursuant to section 21 of this act if the following conditions are met:

(a) The producer of limited lines travel insurance or travel retailer provides to each purchaser of travel insurance:

(1) A description of the material terms, or the actual material terms, of the travel insurance coverage;

(2) A description of the process for filing a claim;

(3) A description of the review or cancellation process for the policy of travel insurance; and

(4) The identity and contact information of the insurer and the producer of limited lines travel insurance;

(b) The travel retailer is listed on the register maintained by the producer of limited lines travel insurance pursuant to section 23 of this act;

(c) The producer of limited lines travel insurance has designated a natural person who is employed by the producer of limited lines travel insurance and who is a licensed producer of insurance to be responsible for the compliance of the producer of limited lines travel insurance with the provisions of this title and any rules and regulations adopted pursuant thereto;

(d) The person designated pursuant to paragraph (c), the officers of the producer of limited lines travel insurance and any other person who directs or controls the insurance operations of the producer of limited lines travel insurance have complied with any requirements relating to fingerprinting which are applicable to producers of insurance in the home state of the producer of limited lines travel insurance;

(e) The producer of limited lines travel insurance has paid all licensing fees applicable to a producer of insurance pursuant to chapter 683A of NRS; and

(f) The producer of limited lines travel insurance requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training.

3. A program of instruction or training described in paragraph (f) of subsection 2 is subject to review and approval by the Commissioner. The training materials provided as part of such a program must, at a minimum, contain adequate instructions on the types of travel insurance offered, ethical sales practices and required disclosures to prospective purchasers.

Sec. 23. *1. Each producer of limited lines travel insurance shall, at the time of licensure, establish and maintain a register, on a form and in a manner prescribed by the Commissioner, which includes a list of each travel retailer that offers and disseminates travel insurance on behalf of the producer of limited lines travel insurance. The register must include, without limitation:*

(a) The name, address and contact information of the travel retailer;

(b) The name, address and contact information of an officer or person who directs or controls the operations of the travel retailer; and

(c) The federal tax identification number of the travel retailer.

2. The producer of limited lines travel insurance shall:

(a) Maintain and regularly update the register; and

(b) Submit a copy of the register to the Commissioner upon reasonable request.

3. A producer of limited lines travel insurance shall certify that each travel retailer listed on the register complies with the provisions of 18 U.S.C. § 1033.

Sec. 24. *A travel retailer who offers and disseminates travel insurance shall make available to each prospective purchaser a brochure or other written material that has been approved by the insurer providing the travel insurance and which, at a minimum:*

1. Provides the identity and contact information of the insurer and the producer of limited lines travel insurance;

2. Explains that the purchase of travel insurance is not required in order to purchase any other product or service of the travel retailer; and

3. Explains that a travel retailer who is not a licensed producer of insurance may provide only general information about the travel insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the travel insurance offered by the travel retailer or evaluate the adequacy of any existing insurance coverage that the prospective purchaser may have.

Sec. 25. *A travel retailer, or any employee or authorized representative of the travel retailer, who is not a licensed producer of insurance shall not:*

1. Evaluate or interpret technical terms, benefits and conditions of any travel insurance coverage offered by the travel retailer;

2. Evaluate, provide advice or render an opinion concerning any existing insurance coverage of a prospective purchaser; or

3. Hold himself or herself out as a licensed insurer, licensed producer of insurance or insurance expert.

Sec. 26. *A travel retailer who is listed on the register maintained by a producer of limited lines travel insurance pursuant to section 23 of this act and who limits his or her activities and those of his or her employees or authorized representatives to offering and disseminating travel insurance on behalf of and under the direction of the producer of limited lines travel insurance in accordance with the provisions of this chapter is entitled to receive compensation relating to those activities.*

Sec. 27. *A producer of limited lines travel insurance and each travel retailer who offers or disseminates travel insurance under the license of a producer of limited lines travel insurance is subject to the provisions of NRS 683A.451 to 683A.520, inclusive, and chapter 686A of NRS.*

Sec. 28. *A producer of limited lines travel insurance is responsible for the acts of a travel retailer who offers and disseminates travel insurance under the license of the producer of limited lines travel insurance and shall use reasonable means to ensure compliance by the travel retailer with the provisions of this chapter and the regulations adopted pursuant thereto.*

Sec. 29. *1. A producer of insurance who is licensed for a line of authority specified in paragraphs (a) to (e), inclusive, or (g) of subsection 1 of NRS 683A.261 may act as a producer of limited lines travel insurance and sell, solicit or negotiate travel insurance ~~[.]~~ pursuant to this chapter without obtaining a license as a producer of limited lines travel insurance issued pursuant to section 21 of this act.*

2. A producer of insurance who is licensed for the lines of authority specified in paragraphs (c) and (d) of subsection 1 of NRS 683A.261 is not required to be appointed by an insurer to act as a producer of limited lines travel insurance and sell, solicit or negotiate travel insurance ~~[.]~~ pursuant to this chapter.

Sec. 30. *1. A travel protection plan that provides any combination of travel insurance, travel assistance services or cancellation fee waivers may be offered in this State for one price for the combined items if:*

(a) At or before the time of purchase:

(1) The travel protection plan clearly discloses to the purchaser or prospective purchaser that the plan includes travel insurance, travel assistance services and cancellation fee waivers, as applicable; and

(2) The purchaser or prospective purchaser is provided with information regarding the items included in the plan and an opportunity to obtain additional information regarding the items included in the plan and the pricing of each item; and

(b) The fulfillment materials concerning the travel protection plan:

(1) Describe and delineate the travel insurance, travel assistance services and any cancellation fee waivers in the travel protection plan, as applicable; and

(2) Include, as applicable, the disclosures required by paragraph (a) of subsection 2 of section 22 of this act and the contact information for any person providing travel assistance services or cancellation fee waivers.

2. As soon as practicable after the purchase of a travel protection plan, the fulfillment materials concerning the plan must be personally delivered to the purchaser of the travel protection plan or sent to the purchaser by mail or electronic transmission.

3. Unless the insured has started a covered trip or filed a claim under the travel insurance coverage, a policyholder or certificate holder who cancels a travel protection plan that includes travel insurance is entitled to a full refund of the price of the travel protection plan if the cancellation occurs not later than:

(a) If the fulfillment materials are sent by mail, 15 days after the date on which the fulfillment materials are sent.

(b) If the fulfillment materials are personally delivered or sent by electronic transmission, 10 days after the date on which the fulfillment materials are delivered or sent.

Sec. 31. *1. All documents provided to a prospective purchaser before the purchase of travel insurance, including, without limitation, any sales, advertising or marketing materials, must be consistent with the policy of travel insurance.*

2. If a certificate or policy of travel insurance contains an exclusion for preexisting conditions, a prospective purchaser must be provided, before the time of purchase, information concerning the exclusion and an opportunity to learn more about the exclusion. If travel insurance is included in a travel protection plan, information concerning the exclusion must be included in the fulfillment materials concerning the plan.

3. An insurer providing travel insurance shall disclose in the policy of travel insurance documentation and, if the travel insurance is included in a travel protection plan, the fulfillment materials concerning the plan, whether the travel insurance is primary or secondary to other applicable insurance coverage.

4. As used in this section, "policy of travel insurance" includes, without limitation, any form, endorsement, policy, rate filing and certificate of insurance associated with a policy of travel insurance.

Sec. 32. *A person shall not sell, solicit or negotiate travel insurance or a travel protection plan on an individual or group basis using a negative option or opt out process that requires a person who purchases a trip to take an affirmative action to refuse travel insurance coverage, including, without limitation, unchecking a box on an electronic form.*

Sec. 33. *1. If travel insurance is marketed directly to a prospective purchaser by an insurer through the Internet website of the insurer or by a person through an aggregator site, the insurer or person may provide on the Internet website or aggregator site an accurate summary or short description of the travel insurance coverage, so long as the prospective purchaser has access to the full provisions of the policy of travel insurance by electronic means.*

2. If a producer of limited lines travel insurance or travel retailer offers a trip or travel package to a prospective purchaser and the destination jurisdiction of the prospective purchaser requires travel insurance coverage, the producer of limited lines travel insurance or travel retailer may require the prospective purchaser, as a condition of purchasing the trip or travel package, to choose between:

(a) Purchasing the coverage required by the destination jurisdiction through the producer of limited lines travel insurance or travel retailer supplying the trip or travel package; or

(b) Agreeing to obtain and provide proof of coverage that meets the requirements of the destination jurisdiction before departure.

Sec. 34. *1. Notwithstanding any other provision of this title, a person shall not act or represent himself or herself as a travel administrator in this State unless the person holds a:*

(a) License as a producer of insurance issued by the Commissioner pursuant to NRS 683A.261 or 683A.271 for a line of authority specified in paragraph (c) or (d) of subsection 1 of NRS 683A.261;

(b) License as a managing general agent issued by the Commissioner pursuant to NRS 683A.160; or

(c) Certificate of registration as an administrator issued by the Commissioner pursuant to NRS 683A.08524.

2. An insurer is responsible for:

(a) The acts of a travel administrator administering travel insurance underwritten by the insurer; and

(b) Ensuring that the travel administrator maintains all books and records relevant to the insurer.

3. A travel administrator shall make available to the Commissioner upon request the books and records described in paragraph (b) of subsection 2.

Sec. 35. ***1. Travel insurance may be provided in this State in the form of an individual policy of travel insurance, a policy of group travel insurance or a policy of blanket travel insurance.***

2. Except as otherwise provided in this subsection, for the purposes of any filing required by chapter 686B of NRS or the regulations adopted pursuant thereto, travel insurance must be classified and filed under an inland marine line of insurance. Travel insurance that provides coverage, either exclusively or in conjunction with coverage for emergency evacuation or repatriation of remains, for sickness, accident, disability or death occurring during travel, may be classified and filed under an accident and health line of insurance or an inland marine line of insurance.

3. An insurer may establish and use eligibility and underwriting standards for travel insurance based on travel protection plans designed for individual or identified marketing or distribution channels so long as the standards meet any requirements imposed by this title or the regulations adopted pursuant thereto relating to eligibility and underwriting standards for inland marine insurance.

Sec. 36. ***The Commissioner may adopt regulations to carry out the provisions of this chapter.***

Sec. 37. Chapter 680B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall pay the tax imposed by NRS 680B.027 on all premiums for travel insurance paid by any of the following persons:

(a) A primary policyholder who is a resident of this State.

(b) A primary certificate holder who is a resident of this State ~~***[.]***~~ ***and who elects coverage under a policy of group travel insurance.***

(c) Subject to any apportionment rules which apply to the insurer across multiple taxing jurisdictions or that allow the insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions, a policyholder of blanket travel insurance:

(1) Who is a resident of this State;

(2) Whose principal place of business is in this State; or

(3) Whose affiliate or subsidiary has a principal place of business in this State, if the affiliate or subsidiary has purchased blanket travel insurance in this State for members of an eligible group.

2. An insurer shall:

(a) Document the state of residence or principal place of business of each primary policyholder, primary certificate holder or policyholder of blanket travel insurance described in subsection 1; and

(b) Report as premium only the amount allocable to travel insurance and not any amount received by the insurer for travel assistance services or cancellation fee waivers.

3. As used in this section:

(a) "Blanket travel insurance" has the meaning ascribed to it in section 4 of this act.

(b) "Cancellation fee waiver" has the meaning ascribed to it in section 5 of this act.

(c) "Eligible group" has the meaning ascribed to it in section 6 of this act.

(d) "Group travel insurance" has the meaning ascribed to it in section 8 of this act.

(e) "Primary certificate holder" means a person who elects and purchases travel insurance under a policy of group travel insurance.

(f) "Primary policyholder" means a person who elects and purchases an individual policy of travel insurance.

(g) "Travel assistance services" has the meaning ascribed to it in section 16 of this act.

(h) "Travel insurance" has the meaning ascribed to it in section 17 of this act.

Sec. 38. NRS 680B.025 is hereby amended to read as follows:

680B.025 For the purposes of NRS 680B.025 to 680B.039, inclusive ~~[,]~~ ***and section 37 of this act:***

1. "Total income derived from direct premiums written":

(a) Does not include premiums written or considerations received from life insurance policies or annuity contracts issued in connection with the funding of a pension, annuity or profit-sharing plan qualified or exempt pursuant to sections 401, 403, 404, 408, 457 or 501 of the United States Internal Revenue Code as renumbered from time to time.

(b) Does not include payments received by an insurer from the Secretary of Health and Human Services pursuant to a contract entered into pursuant to section 1876 of the Social Security Act, 42 U.S.C. § 1395mm.

(c) As to title insurance, consists of the total amount charged by the company for the sale of policies of title insurance.

2. Money accepted by a life insurer pursuant to an agreement which provides for an accumulation of money to purchase annuities at future dates

may be considered as "total income derived from direct premiums written" either upon receipt or upon the actual application of the money to the purchase of annuities, but any interest credited to money accumulated while under the latter alternative must also be included in "total income derived from direct premiums written," and any money taxed upon receipt, including any interest later credited thereto, is not subject to taxation upon the purchase of annuities. Each life insurer shall signify on its return covering premiums for the calendar year 1971 or for the first calendar year it transacts business in this State, whichever is later, its election between those two alternatives. Thereafter an insurer shall not change his or her election without the consent of the Commissioner. Any such money taxed as "total income derived from direct premiums written" is, in the event of withdrawal of the money before its actual application to the purchase of annuities, eligible to be included as "return premiums" pursuant to the provisions of NRS 680B.030.

Sec. 39. NRS 680B.039 is hereby amended to read as follows:

680B.039 Any insurer that fails to file the report or pay the tax as required by NRS 680B.025 to 680B.039, inclusive, ***and section 37 of this act*** within the time for filing and payment as provided in those sections shall in addition to any other applicable penalty pay a penalty of not more than 10 percent of the amount of the tax which is owed, as determined by the Department of Taxation, in addition to the tax, plus interest at the rate of 1.5 percent per month, or fraction of a month, from the date on which the tax should have been paid until the date of payment.

Sec. 40. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability income.

(b) Accident and health insurance for sickness, bodily injury or accidental death, which may include benefits for disability income.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property. For the purposes of a producer of insurance, this line of insurance includes surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(e) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(f) Credit insurance, including credit life, credit accident and health, credit property, credit involuntary unemployment, guaranteed asset protection, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(g) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(h) Travel insurance, as defined in ~~[~~NRS 683A.197,~~]~~ ***section 17 of this act,*** as a limited line.

(i) Rental car as a limited line.

(j) Portable electronics as a limited line.

(k) Crop as a limited line.

(l) Personal property storage insurance, as defined in NRS 683A.1828, as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if, on or before the renewal date for the license:

(a) A request for a renewal is submitted;

(b) All applicable fees for renewal are paid for each license; and

(c) Any requirement for education or any other requirement to renew the license is satisfied.

3. A producer of insurance may submit a request for a renewal of his or her license within 30 days after the renewal date if the producer of insurance otherwise complies with the provisions of subsection 2 and pays, in addition to any fee paid pursuant to subsection 2, a penalty of 50 percent of all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110.

4. Except as otherwise provided in subsection 7, a license as a producer of insurance expires if the Commissioner does not receive from the producer of insurance a request for renewal of the license pursuant to subsection 2 or 3, as applicable, on or before the date which is 30 days after the renewal date.

5. A fee paid pursuant to subsection 2, 3 or 6 is nonrefundable.

6. A natural person who allows his or her license as a producer of insurance to expire pursuant to subsection 4 may, within 12 months after the renewal date, reinstate the license without passing a written examination if the natural person:

(a) Completes all applicable continuing education requirements; and

(b) Pays a penalty of twice all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110.

7. A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other

extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

8. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. The license must be made available for public inspection upon request.

9. A licensee shall inform the Commissioner of each change of business, residence or electronic mail address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes his or her business, residence or electronic mail address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

10. As used in this section, "renewal date" means:

(a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.

(b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

Sec. 41. NRS 683A.321 is hereby amended to read as follows:

683A.321 1. ~~[A]~~ ***Except as otherwise provided in section 29 of this act, a*** producer of insurance shall not act as an agent unless he or she is appointed as an agent by the insurer. A producer who is not acting as an agent is a broker who does not need to be appointed.

2. To appoint a producer of insurance as its agent, an insurer must file, in a form approved by the Commissioner, a notice of appointment within 15 days after the contract is executed or the first application for insurance is submitted. An insurer may appoint a producer to act as agent for all or some insurers within its holding company or group by filing a single notice of appointment. A notice of appointment may include several agents.

3. Upon receipt of a notice of appointment, the Commissioner shall determine within 30 days whether the producer of insurance is eligible for appointment. If the producer of insurance is not, the Commissioner shall so notify the insurer within 5 days after the determination is made.

4. An insurer shall pay an appointment fee and remit an annual renewal fee for each producer of insurance appointed as its agent. A payment or remittance may include fees for several agents.

5. A broker shall not place insurance, other than life insurance, health insurance, annuity contracts or coverage written pursuant to the Nonadmitted Insurance Law set forth in chapter 685A of NRS, that covers property or risks

within this state unless the broker does so with a licensed agent of an authorized insurer.

6. A producer who is acting as an agent may also act as and be a broker with regard to insurers for which he or she is not acting as an agent. The sole relationship between an insurer and a broker who is appointed as an agent by the insurer as to any transactions arising during the period in which the broker is appointed as an agent is that of insurer and agent, and not insurer and broker.

7. As used in this section:

(a) "Agent" means a producer of insurance who is compensated by the insurer and sells, solicits or negotiates insurance for the insurer.

(b) "Broker" means a producer of insurance who:

(1) Is not an agent of an insurer;

(2) Solicits, negotiates or procures insurance on behalf of an insured or prospective insured; and

(3) Does not have the power, by his or her own actions as a broker, to obligate an insurer upon any risk or with reference to any transaction of insurance.

Sec. 42. NRS 683A.325 is hereby amended to read as follows:

683A.325 1. Except as otherwise provided in NRS ~~[683A.3687 or]~~ 691D.220 ~~[,]~~ ***or section 26 of this act,*** a producer of insurance who is appointed as an agent may pay a commission or compensation for or on account of the selling, soliciting, procuring or negotiating of insurance in this State only to a licensed and appointed producer of insurance of the insurer with whom insurance was placed or to a licensed producer acting as a broker.

2. A licensee shall not accept any commission or compensation to which the licensee is not entitled pursuant to the provisions of this title.

Sec. 43. NRS 684A.020 is hereby amended to read as follows:

684A.020 1. Except as otherwise provided in subsection 2, "adjuster" means any person who, for compensation, including, without limitation, a fee or commission, investigates and settles, and reports to his or her principal relative to, claims:

(a) Arising under insurance contracts for property, casualty or surety coverage, including, without limitation, workers' compensation coverage, on behalf solely of the insurer or the insured; or

(b) Against a self-insurer who is providing similar coverage.

2. For the purposes of this chapter:

(a) An attorney at law who adjusts insurance losses from time to time incidental to the practice of his or her profession;

(b) An adjuster of ocean marine losses;

(c) A salaried employee of an insurer, unless the employee:

(1) Investigates, negotiates or settles workers' compensation claims; and

(2) Obtains a license pursuant to this chapter;

(d) A salaried employee of a managing general agent maintaining an underwriting office in this state;

(e) An employee of an independent adjuster or an employee of an affiliate of an independent adjuster who is one of not more than 25 such employees under the supervision of an independent adjuster or licensed agent and who:

(1) Collects information relating to a claim for coverage arising under an insurance contract from or furnishes such information to an insured or a claimant; and

(2) Conducts data entry, including, without limitation, entering data into an automated claims adjudication system;

(f) A licensed agent who supervises not more than 25 employees described in paragraph (e);

(g) A person who is employed only to collect factual information concerning a claim for coverage arising under an insurance contract;

(h) A person who is employed solely to obtain facts surrounding a claim or to furnish technical assistance to a licensed independent adjuster;

(i) A person who is employed to investigate suspected fraudulent insurance claims but who does not adjust losses or determine the payment of claims;

(j) A person who performs only executive, administrative, managerial or clerical duties, or any combination thereof, but does not investigate, negotiate or settle claims with a policyholder or claimant or the legal representative of a policyholder or claimant;

(k) A licensed health care provider or any employee thereof who provides managed care services if those services do not include the determination of compensability;

(l) A managed care organization or any employee thereof or an organization that provides managed care services or any employee thereof if the services provided do not include the determination of compensability;

(m) A person who settles only reinsurance or subrogation claims;

(n) A broker, agent or representative of a risk retention group;

(o) An attorney-in-fact of a reciprocal insurer;

(p) A manager of a branch office of an alien insurer that is located in the United States; ~~[or]~~

(q) A person authorized to adjust claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524, unless the person investigates, negotiates or settles workers' compensation claims ~~[,]~~ ***; or***

(r) A travel administrator, as defined in section 15 of this act, and any employee thereof,

➥ is not considered an adjuster.

Sec. 44. Chapter 686A of NRS is hereby amended by adding thereto a new section to read as follows:

1. It constitutes an unfair method of competition or an unfair or deceptive act or practice in the business of insurance to:

(a) Offer or sell a policy of travel insurance that could never result in payment of any claims for any insured under the policy; or

(b) Market blanket travel insurance as free.

2. As used in this section:

(a) "Blanket travel insurance" has the meaning ascribed to it in section 4 of this act.

(b) "Travel insurance" has the meaning ascribed to it in section 17 of this act.

Sec. 45. NRS 686A.010 is hereby amended to read as follows:

686A.010 The purpose of NRS 686A.010 to 686A.310, inclusive, ***and section 44 of this act*** is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress approved March 9, 1945, being c. 20, 59 Stat. 33, also designated as 15 U.S.C. §§ 1011 to 1015, inclusive, and Title V of Public Law 106-102, 15 U.S.C. §§ 6801 et seq.

Sec. 46. NRS 686A.183 is hereby amended to read as follows:

686A.183 1. After the hearing provided for in NRS 686A.160, the Commissioner shall issue an order on hearing pursuant to NRS 679B.360. If the Commissioner determines that the person charged has engaged in an unfair method of competition or an unfair or deceptive act or practice in violation of NRS 686A.010 to 686A.310, inclusive, ***and section 44 of this act,*** the Commissioner shall order the person to cease and desist from engaging in that method of competition, act or practice, and may order one or both of the following:

(a) If the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive, ***and section 44 of this act,*** payment of an administrative fine of not more than $5,000 for each act or violation, except that as to licensed agents, brokers, solicitors and adjusters, the administrative fine must not exceed $500 for each act or violation.

(b) Suspension or revocation of the person's license if the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive ~~[.]~~ ***and section 44 of this act.***

2. Until the expiration of the time allowed for taking an appeal, pursuant to NRS 679B.370, if no petition for review has been filed within that time, or, if a petition for review has been filed within that time, until the official record in the proceeding has been filed with the court, the Commissioner may, at any time, upon such notice and in such manner as the Commissioner deems proper, modify or set aside, in whole or in part, any order issued by him or her under this section.

3. After the expiration of the time allowed for taking an appeal, if no petition for review has been filed, the Commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him or her under this section whenever in the opinion of the Commissioner conditions of fact or of law have so changed as to require such action or if the public interest so requires.

Sec. 47. NRS 686A.520 is hereby amended to read as follows:

686A.520 1. The provisions of NRS 683A.341, 683A.451, 683A.461 and 686A.010 to 686A.310, inclusive, ***and section 44 of this act*** apply to companies.

2. For the purposes of subsection 1, unless the context requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "company."

Sec. 48. A person who, on December 31, 2023, holds a valid license as a producer of limited lines travel insurance issued by the Commissioner of Insurance pursuant to NRS 683A.265 shall be deemed to hold a valid license as a producer of a limited lines travel insurance issued by the Commissioner pursuant to section 21 of this act.

Sec. 49. NRS 683A.191, 683A.193, 683A.195, 683A.197, 683A.199, 683A.242, 683A.265, 683A.368, 683A.3683, 683A.3685, 683A.3687, 683A.369, 683A.3693 and 683A.3695 are hereby repealed.

Sec. 50. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 49, inclusive, 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, for all other purposes.

LEADLINES OF REPEALED SECTIONS

683A.191 Definitions.

683A.193 "Offer and disseminate" defined.

683A.195 "Producer of limited lines travel insurance" defined.

683A.197 "Travel insurance" defined.

683A.199 "Travel retailer" defined.

683A.242 Exemption from written examination and certain educational requirements for producers of limited lines travel insurance and travel retailers.

683A.265 Licensing of producer of limited lines travel insurance.

683A.368 Liability of producers of limited lines travel insurance for acts of travel retailers.

683A.3683 Applicability of certain provisions to producers of limited lines travel insurance and travel retailers.

683A.3685 Producer of limited lines travel insurance required to maintain register of travel retailers acting on behalf of producer; submission of register to Commissioner; certification.

683A.3687 Compensation of travel retailer by producer of limited lines travel insurance; limitations.

683A.369 Travel retailers: Authorized scope of activities.

683A.3693 Travel retailers: Prohibited activities.

683A.3695 Travel retailers: Required written disclosures.

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. 219.

Bill read second time.

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

Amendment No. 251.

AN ACT relating to governmental administration; requiring ~~[, under certain circumstances,]~~ a public body to ~~[have an additional period]~~ **hold certain periods** devoted to public comment when **the agenda for** a public meeting ~~[is continued to another day; prohibiting, with certain exceptions, a public body from considering any item that is not set forth on the original agenda for the meeting if a meeting is continued to a day other than the date set forth on the agenda for the meeting;]~~ **authorizes the continuation of the meeting to one or more other calendar days;** requiring, under certain circumstances, a public body to post a copy of the notice of a meeting at the building in which the meeting is to be held; requiring, under certain circumstances, a meeting agenda to include clear and complete instructions for a member of the general public to call in to a meeting to provide public comment; ~~[requiring a member of a public body to attend a certain number of meetings of the public body in person at a physical location;]~~ requiring, under certain circumstances, instructions for a member of the general public to call in to a meeting to provide public comment to be read verbally ~~[verbatim]~~ before ~~[each]~~ **the first** period **of the day** devoted to public comment begins; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires a public body to have periods devoted to comments by the general public, if any, and discussion of those comments at a meeting. Specifically, the public body must take public comments: (1) at the beginning of the meeting before any items on which action may be taken are heard and again before the adjournment of the meeting; or (2) after each agenda item on which action may be taken is discussed by the public body, but before the public body takes action on the item. Further, a public body may have additional public comment periods in addition to the minimum requirements and the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some point before the adjournment of the meeting. (NRS 241.020) **Section 1** of this bill reorganizes the existing requirements for public comment periods into a new section of the Open Meeting Law. **Section 1** further provides that if ~~[a]~~ **the agenda for a** meeting ~~[is continued by]~~ **authorizes the continuation of the meeting of** a public body ~~[to: over more than 1 day]~~ **to one or more other calendar days, public comment must be held:** (1) ~~[the next business~~

~~day, the public body may have a public comment period that is in addition to the public comment periods set forth on the agenda; and]~~ **at the beginning of each day that the meeting is held before any item on which action may be taken is heard by the public body and again before the meeting recesses for the day or adjourns; or** (2) ~~[a day other than the next business day, in addition to the existing public comment requirements, the public body must have at least one more public comment period on the day on which the meeting reconvenes. Section 1 also provides that if a public body continues a meeting to a day other than the date set forth on the agenda for the meeting, the public body is prohibited from considering any item that is not set forth on the original agenda unless the public body provides the same written notice that is generally required for any meeting of a public body.]~~ **after each item on the agenda on which action may be taken is discussed by the public body but before the public body takes action on the item.**

The Open Meeting Law requires that written notice of all meetings of a public body be given at least 3 working days before the meeting. The notice must include an agenda consisting of, in relevant part, certain information related to periods devoted to public comment. (NRS 241.020) **Section 2** of this bill requires that, if a meeting is being held using a remote technology system and does not have a physical location designated for the meeting where members of the general public are permitted to attend and participate, the agenda must also include clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including, without limitation, a telephone number and any necessary identification number of the meeting or other access code. ~~[Section 3 of this bill requires such instructions to be read verbally verbatim at the meeting before each period devoted to public comment.]~~

The Open Meeting Law provides that minimum public notice of a meeting of a public body includes posting a copy of the notice at the principal office of the public body. (NRS 241.020) **Section 2** ~~[requires that]~~ **instead provides that a copy of the notice must be posted at the principal office of the public body, or,** if the meeting has a physical location, ~~[the public body must also post a copy of the notice]~~ at the building in which the meeting is to be held.

The Open Meeting Law authorizes, under certain circumstances, a public body to conduct a meeting by means of a remote technology system. (NRS 241.023) **Section 3 of this bill** provides that notwithstanding such authority to conduct a meeting by means of a remote technology system, ~~[each member of]~~ a public body ~~[must attend at least 25 percent of the meetings of the public body each year in person at]~~ **may not hold certain meetings relating to contested cases and regulations by means of a remote technology system without** a physical location designated for the meeting where members of the general public are permitted to attend and participate. **Section 3 further requires clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment,**

including, without limitation, a telephone number and any necessary identification number of the meeting or other access code, to be made verbally before the first period of the day devoted to public comment.

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, comments by the general public must be taken by a public body:

(a) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(b) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

2. Regardless of whether a public body takes comments from the general public pursuant to paragraph (a) or (b) of subsection 1, the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of paragraph (d) of subsection 3 of NRS 241.020.

3. The provisions of subsections 1 and 2 do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to subsection 1 or 2.

4. If [a] the agenda for a meeting [is continued by] authorizes the continuation of the meeting of a public body [to:

(a) The next business day, the public body may have one or more periods devoted to comments by the general public that are in addition to the periods set forth on the agenda for the meeting pursuant to NRS 241.020.

(b) A day other than the next business day, the public body must have at least one more period devoted to comments by the general public on the day on which the meeting reconvenes that is in addition to the periods set forth on the agenda for the meeting pursuant to NRS 241.020.

5. If a public body continues a meeting to a day other than the date set forth on the agenda for the meeting that was posted pursuant to NRS 241.020, the public body shall not consider any item that is not set forth on the original agenda for the meeting unless the public body provides notice pursuant to NRS 241.020.] to one or more other calendar days, the public body must have a period devoted to comments by the general public:

(a) At the beginning of each day that the meeting is held before any item on which action may be taken is heard by the public body and again before the meeting recesses for the day or the adjournment of the meeting; or

(b) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

Sec. 2. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies at a physical location or by means of a remote technology system. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade, improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.

3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the notice must include information on how a member of the public may:

(1) Use the remote technology system to hear and observe the meeting;

(2) Participate in the meeting by telephone; and

(3) Provide live public comment during the meeting and, if authorized by the public body, provide prerecorded public comment.

(b) A list of the locations where the notice has been posted.

(c) The name, contact information and business address for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 7 and:

(1) A list of the locations where the supporting material is available to the public; or

(2) Information about how the supporting material may be found on the Internet website of the public body.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. **[**~~Comments by the general public must be taken:~~

~~(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or~~

~~(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.~~

~~➥ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).~~**]**

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

(8) If the meeting is being held using a remote technology system pursuant to NRS 241.023 and does not have a physical location designated for the meeting where members of the general public are permitted to attend and participate, clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including, without limitation, a telephone number and any necessary identification number of the meeting or other access code.

4. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body ~~[.~~ ***~~and,]~~ or, if the meeting has a physical location, at the building in which the meeting is to be held.*** If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the public body must also post the notice to the Internet website of the public body not later than 9 a.m. of the third working day before the meeting is to be held unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the Internet website of the public body.

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State.

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) Transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

5. For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 4. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

6. Except as otherwise provided in paragraph (a) of subsection 4, if a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 4. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

7. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 8 or 9, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

8. Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 7 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 7 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

9. Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, and except as otherwise provided in subsection 11, the governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection 7 to its website not later than the time the material is provided to the members of

the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 7. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

10. Except as otherwise provided in subsection 11, a public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

11. If a public body holds a meeting using a remote technology system pursuant to NRS 241.023 and has no physical location for the meeting, the public body must:

(a) Have an Internet website; and

(b) Post to its Internet website:

(1) The public notice required by this section; and

(2) Supporting material not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting.

➥ The inability of the governing body, as a result of technical problems with its Internet website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

12. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 3. NRS 241.023 is hereby amended to read as follows:

241.023 1. Except as otherwise provided in subsection 2, a public body may conduct a meeting by means of a remote technology system if:

(a) A quorum is actually or collectively present, whether in person, by using the remote technology system or by means of electronic communication.

(b) Members of the public are permitted to:

(1) Attend and participate at a physical location designated for the meeting where members of the public are permitted to attend and participate; or

(2) Hear and observe the meeting, participate in the meeting by telephone and provide live public comment during the meeting using the remote technology system. A public body may also allow public comment by means of prerecorded messages.

(c) The public body reasonably ensures that any person who is not a member of the public body or a member of the public but is otherwise required or allowed to participate in the meeting is able to participate in the portion of the meeting that pertains to the person using the remote technology system. The public body shall be deemed to have complied with the requirements of this paragraph if the public body provides the person with a web-based link and a telephone number, in case of technical difficulties, that allows the person in real time to attend and participate in the meeting. Nothing in this paragraph requires a public body to provide a person with technical support to address the person's individual hardware, software or other technical issues.

2. If all members of a public body:

(a) Are required to be elected officials, the public body shall not conduct a meeting by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate.

(b) Are not required to be elected officials, the public body shall not conduct a meeting by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate unless the public body complies with the provisions of subsection 11 of NRS 241.020.

3. If any member of a public body attends a meeting by means of a remote technology system, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that:

(a) Members of the public body and members of the public present at the physical location of the meeting can hear or observe each member attending by a remote technology system; and

(b) Each member of the public body in attendance can participate in the meeting.

4. Notwithstanding the provisions of subsections 1, 2 and 3, ~~[each member of]~~ a public body ~~[must attend at least 25 percent of the meetings of the public body each year in person at a physical location designated]~~ may not hold a meeting to consider a contested case, as defined in NRS 233B.032 or a regulation as defined in NRS 233B.038 by means of a remote technology

system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate.

5. If a meeting is conducted pursuant to this section using a remote technology system , ~~[and does not have a physical location designated for the meeting where members of the public are permitted to attend and participate,]~~ before ~~[each]~~ the first period of the day devoted to public comment, the clear and complete instructions ~~[set forth on the agenda pursuant to NRS 241.020]~~ for a member of the general public to be able to call in to the meeting to provide public comment , including, without limitation, a telephone number or any necessary identification number of the meeting or other access code, must be read verbally . ~~[verbatim.]~~

Sec. 4. This act becomes effective on July 1, 2023.

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. 220.

Bill read second time.

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

Amendment No. 203.

AN ACT relating to water; requiring certain property owners with a septic system to connect to a community sewerage disposal system by January 1, 2054; revising provisions relating to a permit to operate a water system; revising provisions relating to water and sewer facilities; revising provisions relating to tentative maps and final maps for a subdivision of land; establishing minimum standards for certain landscaping irrigation fixtures in new construction and expansions and renovations in certain structures; revising provisions relating to grants of money for water conservation; ~~[requiring the State Engineer to restrict withdrawals of groundwater under certain circumstances;]~~ **exempting the use of water by certain entities to extinguish fires in an emergency from provisions governing the appropriation of water;** revising provisions relating to groundwater in certain designated areas; revising conditions under which the State Engineer may require the plugging of certain wells used for domestic purposes; defining certain terms relating to the Conservation of Colorado River Water Act; authorizing the Board of Directors of the Southern Nevada Water Authority to enact certain restrictions on water use for single-family residences under certain circumstances; prohibiting, with certain exceptions, the use of the waters of the Colorado River for certain purposes; establishing requirements relating to an irrigation water efficiency monitoring program; revising certain provisions relating to the use of the waters of the Colorado River to irrigate nonfunctional turf; authorizing the Authority to operate a program to convert properties using a

septic system to a municipal sewer system and to impose a fee for such a program; authorizing the **Board of Directors to authorize the** General Manager of the Authority to restrict the use of water under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district board of health may adopt regulations to control the use of a residential individual system for disposal of sewage in the district. (NRS 444.650) Existing law also authorizes a district board of health, upon approval of the State Board of Health, to adopt regulations to regulate sanitation and the sanitary protection of water and food supplies. (NRS 439.366, 439.410) **Section 1** of this bill requires a district board of health in a county whose population is 700,000 or more (currently only Clark County) to: (1) require all property owners with an existing septic system ~~[that is within 400 feet of a community sewerage disposal]~~ **whose property is served by a municipal water** system to connect to the community sewerage disposal system ~~[by]~~ **not later than** January 1, 2054; ~~[(2) review existing permits for individual septic systems every 5 years to determine if the property is within 400 feet of a community sewerage disposal system, notify such owners that each owner must connect to the community sewerage disposal system and revoke the permit for the septic system after 365 days; (3) upon review of any building or development permit, deny a request for an individual septic system if the property is within 400 feet of a community sewerage disposal system;]~~ and ~~[(4)]~~ **(2) enter into an agreement with a water authority to** establish a program to pay not less than ~~[50]~~ **85** percent of the cost for property owners to abandon an existing individual septic system and ~~[require such owners to]~~ connect to the community sewerage disposal system. **Section 1** also authorizes such a district board of health to, upon an affirmative vote of two-thirds of the members of the board, impose a fee on owners of such septic systems to carry out such requirements. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Under existing law, a permit to operate a water system may not be issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources or certain district boards of health unless certain conditions are met, including, without limitation, that: (1) the local governing body assumes responsibility in case of default and assumes the duty of assessing the lands served; (2) the applicant furnishes the local governing body sufficient surety; (3) the owners of the lands to be served by the water system agree to be assessed by the local governing body for the cost of the water system if there is a default; and (4) the owners agree that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users may be required to connect to the water system provided by the public utility, municipality or other public entity and be assessed the costs for the connection. (NRS 445A.895) **Section 4** of this bill ~~[removes the first three conditions for issuing a permit to operate~~

~~a water system. Section 4]~~ revises ~~[the last condition]~~ **these conditions** to **: (1)** provide that **, with certain exceptions, the sole and exclusive obligation of the local governing body is to use the surety in the event of a default to contract and pay the operator responsible for the continued operation and maintenance of the water system; (2) require the owners of property served by the water system to also provide a surety to the local governing body; and (2) provide that** if the Division determines that water provided by a public utility or a municipality or other public entity ~~[may be accessed within 400 feet of any lot or parcel served by the water system,]~~ **is reasonably available,** all users of the water system in certain counties are required to connect. **Section ~~[5]~~ 4** of this bill makes conforming changes to ~~[remove]~~ **revise** certain provisions relating to **the responsibility of** a local governing body ~~[assuming responsibility of]~~ **for** a public water system ~~[.]~~ **in the event of a default. Section 3** of this bill ~~[make a conforming change to eliminate]~~ **revises** a reference to ~~[section 5 relating to the Division making]~~ certain findings.

Under existing law, a board of county commissioners of a county whose population is 700,000 or more (currently only Clark County) is authorized to prohibit certain persons, associations and corporations from using, constructing, acquiring or cause or permit the use, construction or acquisition of any type of private sewage system and to provide for the disconnection of any plumbing facilities from a private sewage system. (NRS 244.366) **Section 8** of this bill also authorizes such a board of county commissioners to require any building or other structure that uses or is served by any type of private sewage system to connect to a public sewage system if the **building or other structure is served by a municipal water system and is within 400 feet of the service lines and appurtenances of a** public sewage system **.** ~~[is within 400 feet of the building or other structure.]~~

Under existing law, if the State Environmental Commission determines that, in relevant part, water provided by a public utility or a municipality or other public entity is reasonably available to users of a water system, the board of county commissioners of that county may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity. (NRS 244.3655) **Section ~~[6]~~ 7** of this bill provides instead that if the Commission determines that water provided by a public utility or a municipality or other public entity may be accessed within ~~[400]~~ **1,250** feet of any lot or parcel served by the water system, the board of county commissioners shall, in a county whose population is 700,000 or more (currently only Clark County), and may, in all other counties, require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity.

Under existing law, if the State Environmental Commission or the governing body of certain cities determines certain water systems or package plants for sewage treatment within the city limits are not serving the needs of

its users and water or sewerage provided by a public utility, the city or another municipality or public entity is reasonably available to those users, the governing body may require all users of the system or plant to connect into the available water system or sewers and assess each lot or parcel for its share of the cost. (NRS 268.4102, 268.4105) ~~[Sections]~~ **Section 10** ~~[and 11]~~ of this bill ~~[provide]~~ **provides** instead that if the water system or sewerage may be accessed within ~~[400]~~ **1,250** feet of the property of such users, the governing body **of a county whose population is 700,000 or more (currently only Clark County)** shall require all users to connect. **Section 11 of this bill provides that if the property served by a package plant for sewage treatment receives water from a municipal water system, the governing body of a county whose population is 700,000 or more shall require all users of the plant to connect. Sections 10 and 11 also provide that all other governing bodies of a county may require all users to connect in such circumstances.**

Section 9 of this bill provides that if the governing body of a city in a county whose population is 700,000 or more determines that a private septic system or any package plant for sewage treatment is located within the city and ~~[sewerage provided by a public utility, the city, another municipality or any other public entity may be accessed within 400 feet of the property served by]~~ **a user of** the private septic system or package plant for sewage treatment ~~[,]~~ **receives water from a municipal water system,** the governing body must require all users of the septic system or package plant for sewage treatment to connect to the public sewers and may assess each lot or parcel for its share of the cost for the connection.

Existing law sets forth an approval process for the subdivision of land that requires: (1) a subdivider of land to submit a tentative map to the planning commission or the governing body of a county or city, as applicable; and (2) the planning commission or governing body to forward a copy of the tentative map to certain other state and local agencies for review and comment. (NRS 278.330-278.460) **Sections 13 and 16** of this bill require that if a proposed subdivision will be served by a public water system ~~[,]~~ **: (1) in a county whose population is 700,000 or more,** the planning commission or the governing body, as applicable, must file the tentative map with the supplier of water for review and comment **;** and ~~[,]~~ **(2)** if the subdivision is located in a general improvement district, **the planning commission or the governing body must file the tentative map** with the supplier of water in the district. **Section 17** of this bill provides that ~~[the]~~ **such a** governing body of a county or city may not approve a tentative map, unless the supplier of water determines that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

Under existing law, a final map presented for filing must include certificates and acknowledgements from certain entities. (NRS 278.374-278.378) **Section 14** of this bill requires that if a subdivision **in a county whose population is**

700,000 or more or in a general improvement district will be served by a public water system, the final map presented for filing must include a certificate of approval from the supplier of water.

Section 15 of this bill makes conforming changes to indicate the proper placement of **sections 13 and 14** in the Nevada Revised Statutes. **Section 18** of this bill makes a conforming change to require the certificate of approval required by **section 14** to appear on the final map. **Sections 19 and 21** of this bill make conforming changes to also require a map of reversion and a final map for a planned development to have such a certificate of approval, if applicable.

Existing law establishes certain minimum standards for plumbing fixtures in new construction, expansions and renovations in residential, commercial, industrial or manufactured structures, public buildings, manufactured homes and mobile homes and requires the use of certain plumbing fixtures that have been certified under the WaterSense program established by the United States Environmental Protection Agency if a final product specification has been developed by the WaterSense program. (NRS 278.582, 338.193, 461.175, 489.706) **Sections 6, 20, 22 and 24** of this bill requires that, with certain exceptions, if the WaterSense program has established a final product specification for an irrigation controller or spray sprinkler body, any new construction, expansions and renovations on such structures, buildings and homes must install irrigation controllers and spray sprinkler bodies that have been certified under the WaterSense program.

Existing law establishes a program to provide grants of money for water conservation and capital improvements to certain water systems, including grants to an eligible recipient to pay certain costs associated with connecting a well to a municipal water system under certain circumstances. (NRS 349.981) **Section ~~[22]~~ 23** of this bill provides instead for grants of money to pay certain costs associated with plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system under certain circumstances.

~~**[**Under existing law, the State Engineer: (1) may order that withdrawals of groundwater be restricted to conform to priority rights if the State Engineer finds that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants; and (2) is required, with certain exceptions, to order that withdrawals of groundwater be restricted to conform to priority rights in a basin that has been designated as a critical management area for at least 10 consecutive years. (NRS 534.110) Section 25 of this bill revises these provisions to require the State Engineer to order that withdrawals be restricted to conform to priority rights: (1) if the State Engineer finds that the average annual replenishment may not be adequate; and (2) in any basin that has been designated as a critical management area for 10 consecutive years.**]**~~

Existing law exempts, under certain circumstances, the de minimus collection of precipitation from the requirements of the Nevada Revised Statutes relating to the appropriation of water. (NRS 533.027) Section 24.5 of this bill also exempts the use of water by public agencies or volunteer fire departments to extinguish fires in an emergency.

Under existing law, the State Engineer may issue temporary permits to appropriate groundwater in certain designated areas which may be revoked if the property served by the permit is within 180 feet of water furnished by an entity such as a water district or a municipality and the well needs to be redrilled or have certain repairs made. (NRS 534.120) **Section 26** of this bill instead ~~[requires]~~ **provides that** the State Engineer ~~[to revoke]~~ **: (1) may only issue** a temporary permit if **water cannot be furnished by a public entity that furnishes water; and (2) authorizes the State Engineer to revoke such a temporary permit if** the property served by the temporary permit is within 1,250 feet of water furnished by ~~[an]~~ **a public** entity such as a water district or a municipality. **Section 26** also requires the State Engineer to ~~[adopt regulations relating to such temporary permits by June 30, 2025.~~

~~Under existing law, the State Engineer is authorized in certain designated areas to deny applications to appropriate groundwater if water can be furnished by certain entities, limit the depth of domestic wells, prohibit the drilling of wells for domestic use and require a dedication of a right to appropriate water under certain conditions. (NRS 534.120) Section 26 requires, rather than authorizes, the State Engineer to take such actions.~~**] , in an area in which such temporary permits have been issued: (1) deny applications to appropriate groundwater if a public entity that furnishes water serves the area; (2) limit the depth of domestic wells; and (3) prohibit the drilling of wells for domestic use.**

Under existing law, the State Engineer may require the plugging of certain domestic wells drilled in a basin in which such wells must be registered if water can be furnished by certain entities, but only if the charge for connecting to the furnished water is less than $200. (NRS 534.180) **Section 27** of this bill **: (1)** removes the requirement that the charge for connecting be less than $200 ~~[.]~~ **; and (2) requires plugging of a well if the well is within 1,250 feet of a municipal water system.**

Existing law requires that applications for the appropriation of water or to change the place of diversion, manner of use or place of use of certain waters must be made to the Colorado River Commission. (NRS 538.171) Section 27.5 of this bill also requires that applications to change the holder of the entitlement to appropriate certain waters be submitted to the Colorado River Commission.

The Conservation of Colorado River Water Act prohibits, with certain exceptions, the waters of the Colorado River that are distributed by the Southern Nevada Water Authority or one of the member agencies of the Authority from being used to irrigate nonfunctional turf on any property that

is not zoned exclusively for a single-family residence on and after January 1, 2027. (Section 39 of chapter 364, Statutes of Nevada 2021, at page 2180) **Section 31** of this bill prohibits the use of such waters of the Colorado River for irrigating nonfunctional turf on any parcel of property that is not used exclusively as a single-family residence.

Section 28 of this bill defines "General Manager" for the purposes of the Conservation of Colorado River Water Act. **Section ~~[27]~~ 29** of this bill authorizes the Board of Directors of the Authority to restrict the use of water by a single-family residence to not more than 0.5 acre-feet of water during any year in which a shortage on the Colorado River has been declared by the Federal Government. **Section 29** also prohibits, with certain exceptions, the installation of new turf on any parcel of property that uses such waters of the Colorado River for irrigation beginning on the effective date of this bill and ending on December 31, 2023. Any new turf installed on and after January 1, 2024, must meet the requirements established by the Board of Directors, unless the General Manager approves a waiver.

Section 29 further: (1) prohibits the installation of a new septic system on any parcel of property that uses such waters of the Colorado River; and (2) requires any parcel of property which uses such waters of the Colorado River to discontinue the use of the septic system and connect to a public sewer system if ~~[such a system may be accessed within 400 feet of]~~ the property served by the existing septic system ~~[.]~~ **is connected to a municipal water system.**

Section 30 of this bill requires certain parcels of property which use such waters of the Colorado River to participate in an irrigation water efficiency monitoring program if the property: (1) is not used exclusively as a single-family residence; and (2) consists of 20,000 square feet or more of turf. **Section 30** also: (1) requires the Board of Directors to develop and establish policies, guidelines and deadlines for participation in such an irrigation water efficiency monitoring program; and (2) authorizes the General Manager to approve an extension or waiver from the irrigation water efficiency monitoring program.

The Southern Nevada Water Authority Act authorizes the Authority, in consultation with the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin, to operate a project for the recharge and recovery or underground storage and recovery of groundwater for the benefit of owners of wells in the Las Vegas Valley Groundwater Basin. (Section 14.5 of chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387) The Act also authorizes the Authority to assess certain fees on users of groundwater and owners of domestic wells, including a fee if the Authority operates such a project. (Section 13 of chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387) **Section 33** of this bill also authorizes the Authority, in consultation with the Advisory Committee, to operate a program to convert any property served by a septic system to a

municipal sewer system. **Section ~~[29]~~ 32** of this bill authorizes the Authority to assess a fee on users of groundwater and owners of domestic wells for the program to convert septic systems.

The Southern Nevada Water System Act of 1995 establishes certain powers and duties of the Authority. (Section 2 of chapter 393, Statutes of Nevada 1995, at page 963) **Section 34** of this bill authorizes the **~~[~~**~~General Manager~~**~~]~~** **Board of Directors** of the Authority **, by resolution, to authorize the General Manager of the Authority** to restrict water usage during certain water emergencies and shortages and provides that the Board of Directors **~~[~~**~~may modify~~**~~]~~** **must ratify** any such restrictions imposed by the General Manager.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district board of health shall require a property owner with an existing septic system whose property is ~~[within 400 feet of a community sewerage disposal]~~ served by a municipal water system to connect to the community sewerage disposal system ~~[by]~~ not later than January 1, 2054.

2. To carry out the requirement of subsection 1, the district board of health shall ~~[~~:

~~(a) Review each permit issued for a septic system every 5 years to determine if the property is within 400 feet of a community sewerage disposal system. If the district board of health determines that the property is within 400 feet of a community sewerage disposal system, the district board of health shall:~~

~~(1) Notify the property owner and require the property owner to connect to the community sewerage disposal system within 365 days; and~~

~~(2) After the 365 days provided pursuant to subparagraph (1), revoke the permit for the existing septic system.~~

~~(b) Review any building or development permit required to be reviewed by the district board of health. If the district board of health determines the building or development is located within 400 feet of a community sewerage disposal system, the district board of health shall deny any request for a permit for a septic system for the building or development and require the property owner to connect to the community sewerage disposal system.~~

~~(c) Establish]~~ enter into an agreement with a water authority created by cooperative agreement pursuant to chapter 277 of NRS to establish a program to pay not less than ~~[50]~~ 85 percent of the cost for property owners to abandon a septic system and connect to a community sewerage disposal system. Such a program must pay such costs for up to 200 property owners each calendar year.

3. Upon an affirmative vote of two-thirds of all the members of the district board of health, the district board of health may impose a fee on property owners with existing septic systems to carry out the provisions of this section.

4. The district board of health shall adopt regulations to carry the provisions of this section, which:

(a) Must prioritize properties with a septic system where the community sewerage disposal system is adjacent to the property; and

(b) May, upon an affirmative vote of two-thirds of all the members of the district board of health, provide for administrative penalties for noncompliance with the provisions of this section.

5. In carrying out the program created pursuant to subsection 2, the district board of health may:

(a) Grant a one-time extension of not more than 5 years to a property owner that is required to abandon a septic system and connect to a community sewerage disposal system if there is insufficient money for the program to pay 85 percent of the cost pursuant to subsection 2;

(b) Enter into agreements with the governing body of a county or city to establish special improvement districts and landscape improvement districts;

(c) Revoke a septic permit held by any property owner who fails to pay the fee authorized pursuant to subsection 3, if imposed, and require such property owner to immediately connect to a community sewerage disposal system without financial assistance; and

(d) Enter into cooperative agreements pursuant to chapter 277 of NRS to secure money for the program created pursuant to subsection 2.

6. As used in this section:

(a) "Community sewerage disposal system" means a public system of sewage disposal which is operated for the benefit of a county, city, district or other political subdivision of this State.

(b) "Septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system. The term includes a residential individual system for disposal of sewage . ~~[and a commercial individual system for the disposal of sewage.]~~

Sec. 2. NRS 439.361 is hereby amended to read as follows:

439.361 The provisions of NRS 439.361 to 439.3685, inclusive, ***and section 1 of this act,*** apply to a county whose population is 700,000 or more.

Sec. 3. NRS 445A.890 is hereby amended to read as follows:

445A.890 Before making the finding specified in NRS 445A.910 and before making the determinations specified in NRS 244.3655, 268.4102 and 445A.895, the ***Commission or*** Division ***, as applicable,*** shall request comments from the:

1. Public Utilities Commission of Nevada;
2. State Engineer;

3. Local government within whose jurisdiction the water system is located; and

4. Owner of the water system.

Sec. 4. NRS 445A.895 is hereby amended to read as follows:

445A.895 A permit to operate a water system may not be issued pursuant to NRS 445A.885 unless all of the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.

2. The applicant fully complies with all of the conditions of NRS 445A.885 to 445A.915, inclusive.

3. The applicant submits to the Division or the district board of health designated by the Commission documentation issued by the State Engineer which sets forth that the applicant holds water rights that are sufficient to operate the water system.

4. The local governing body ~~[assumes:]~~ ***agrees:***

(a) ~~[Responsibility in case of]~~ ***That, except as otherwise provided in paragraph (b), in the event of a*** default by the builder ***,*** ~~[or]~~ developer ***or owner*** of the water system ***, the sole and exclusive obligation of the local governing body shall be to use the surety furnished to the local governing body pursuant to subsection 5 to contract with and pay the operator of the water system*** for ~~[its]~~ ***the*** continued operation and maintenance ~~[in accordance with all the terms and conditions of the permit.]~~ ***of the water system.***

(b) ~~[The]~~ ***To assume the*** duty of assessing the lands served as provided in subsection 6 ~~[.]~~ ***in the event of default by the builder, developer or owner of the water system.***

5. The applicant furnishes the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate ***, properly established and funded reserve account*** or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold,

➥ whichever is later.

6. The owners of the lands to be served by the water system ~~[record]~~ ***:***

(a) Furnish the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate, properly established and funded reserve account or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system and continued technical, financial and managerial capability of the water system; and

(b) Record a declaration of covenants, conditions and restrictions which is an equitable servitude running with the land and which must provide ~~[that]~~ ***:***

(1) That each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of ***replenishing or augmenting the surety required pursuant to paragraph (a) as necessary for the*** continued operation and maintenance of the water system if there is a default by the ~~[applicant or operator]~~ ***builder, developer or owner*** of the water system ~~[and a sufficient surety, as provided in subsection 5, is not available.]~~ ***;***

(2) That the owners of the lands will annually provide the local governing body with a financial audit of the water system, including, without limitation, any reserve account, if established, to ensure the adequacy of the financial management of the water system; and

(3) An acknowledgement of and agreement with the obligations of the local governing body pursuant to subsection 4 and subsection 3 of NRS 445A.905.

7. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

8. ~~***[5.]***~~ The ***owners of the lands to be served by the water system record a*** declaration of covenants, conditions and restrictions ~~[recorded by the owners of the lands further]~~ ***, which is an equitable servitude running with the land, and*** provides that if the Division determines that:

(a) The water system is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available, ~~***[may be accessed within 400 feet of any lot or parcel served by the water system,]***~~

➥ the local governing body ***shall, in a county whose population is 700,000 or more, and*** may, ***in all other counties,*** pursuant to NRS 244.3655 or 268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

9. ~~***[6.]***~~ Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

Sec. 4.5. **NRS 445A.905 is hereby amended to read as follows:**

445A.905 1. The proceeds of any assessments upon lots or parcels ***and the sureties required pursuant to NRS 445A.895*** must be deposited with the treasurer of the local governing body which received them, and they may be expended only for the:

(a) Continued maintenance and operation of the water system;

(b) Replacement of the water system if necessary; and

(c) Payment of the costs, including, but not limited to, the direct costs of connection and the costs of necessary new or rehabilitated facilities and any necessary water rights, associated with connection to any water system provided by a public utility or a municipality or other public entity that becomes reasonably available.

2. If any surplus exists in the proceeds of assessments after all purposes of the assessments have been fully met, the surplus must be refunded to the persons who paid the assessments, in the proportion that their respective assessments bear to the gross proceeds of all assessments collected by the local governing body.

3. For the purposes set forth in subsection 1, the local governing body is not obligated to:

(a) Expend money from any source other than the assessments and surety deposited pursuant to NRS 445A.895;

(b) Extend credit on behalf of a builder, developer or owner of land to be served by the water system; or

(c) Collect any unpaid assessment, unless the local governing body has agreed to assume the duty for the assessments pursuant to subsection 4 of NRS 445A.895.

Sec. 5. ~~[NRS 445A.910 is hereby amended to read as follows:~~

~~445A.910 [1. If the Division has found that any of the conditions of a permit to operate a water system issued pursuant to NRS 445A.885 are being violated and has notified the holder of the permit that he or she must bring the water system into compliance, but the holder of the permit has failed to comply within a reasonable time after the date of the notice, the local governing body, if requested to do so in writing by the Division, may take the following actions independently of any further action by the Division:~~

~~(a) Give written notice, by certified mail, to the owner of the water system and the owners of the property served by the system that if the violation is not corrected within 30 days after the date of the notice, the local governing body will seek a court order authorizing it to assume control; and~~

~~(b) After the 30-day period has expired, if the water system has not been brought into compliance, apply to the district court for an order authorizing the local governing body to assume control of the system and assess the property for the continued operation and maintenance of the system as provided in subsection 6 of NRS 445A.895.~~

~~2.] If the local governing body determines at any time that immediate action is necessary to protect the public health and welfare, it may assume physical control and operation of a water system . [without complying with any of the requirements set forth in subsection 1.] The local governing body may not maintain control of a water system pursuant to this [subsection]~~

~~***section*** for a period greater than 30 days unless it obtains an order from the district court authorizing an extension.~~ **(Deleted by amendment.)**

Sec. 6. NRS 461.175 is hereby amended to read as follows:

461.175 1. Each manufactured building on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured building on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured building on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured building on which construction begins on or after January 1, 2024, and each existing manufactured building which is expanded or renovated on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not

install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape irrigation fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 7. NRS 244.3655 is hereby amended to read as follows:

244.3655 1. If the State Environmental Commission determines that:

(a) A water system which is located in a county and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within ~~[400]~~ 1,250 feet of any lot of parcel served by the water system,***

➥ the board of county commissioners of that county ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 8. NRS 244.366 is hereby amended to read as follows:

244.366 1. The board of county commissioners of any county whose population is 700,000 or more has the power, outside of the limits of incorporated cities and towns:

(a) To construct, acquire by gift, purchase or the exercise of eminent domain, otherwise acquire, reconstruct, improve, extend, better and repair water and sewer facilities, such as:

(1) A water system, including but not limited to water mains, conduits, aqueducts, pipelines, ditches, canals, pumping stations, and all appurtenances and machinery necessary or useful and convenient for obtaining, transporting or transferring water.

(2) A water treatment plant, including but not limited to reservoirs, storage facilities, and all appurtenances necessary or useful and convenient thereto for the collection, storage and treatment, purification and disposal of water for domestic uses and purposes.

(3) A storm sewer or sanitary sewage collection system, including but not limited to intercepting sewers, outfall sewers, force mains, collecting sewers, storm sewers, combined sanitary and storm sewers, pumping stations, ejector stations, and all other appurtenances necessary, useful or convenient for the collection, transportation and disposal of sewage.

(4) A sewage treatment plant, including but not limited to structures, buildings, machinery, equipment, connections and all appurtenances necessary, useful or convenient for the treatment, purification or disposal of sewage.

(b) To acquire, by gift, purchase or the exercise of the right of eminent domain, lands or rights in land or water rights in connection therewith, including but not limited to easements, rights-of-way, contract rights, leases, franchises, approaches, dams and reservoirs.

(c) To operate and maintain those water facilities, sewer facilities, lands, rights in land and water rights.

(d) To sell, lease, donate for public use and otherwise dispose of those water facilities, sewer facilities, lands, rights in land and water rights.

(e) To prescribe and collect rates, fees, tolls or charges, including but not limited to the levy or assessments of such rates, fees, tolls or charges against governmental units, departments or agencies, including the State of Nevada and political subdivisions thereof, for the services, facilities and commodities furnished by those water facilities and sewer facilities, and to provide methods of collections, and penalties, including but not limited to denial of service, for nonpayment of the rates, fees, tolls or charges.

(f) To provide it is unlawful for any persons, associations and corporations owning, occupying or in any way controlling any building or other structure, any part of which is within 400 feet of any street, alley, court, passageway, other public highway, right-of-way, easement or other alley owned or occupied by the county in which a public sewer is then in existence and use, to construct, otherwise acquire, to cause or permit to be constructed or otherwise acquired, or to use or continue to use any private sewage disposal plant, privy vault, ***septic system,*** septic tank, cesspool or other private sewage system, upon such terms and conditions as the board of county commissioners may provide.

(g) To provide for the disconnection of plumbing facilities from any ~~[of those]~~ ***private sewage disposal plant, privy vault, septic system, septic tank, cesspool or other*** private sewage ~~[facilities]~~ ***system or facility*** and for the discontinuance and elimination of ~~[those]~~ ***such a*** private sewage ~~[facilities.]~~ ***system or facility.***

(h) To require any building or other structure that uses or is served by any private sewage disposal plant, privy vault, septic system, septic tank, cesspool or other private sewage system or facility to connect to a public sewage system if the building or other structure is served by a municipal water system and is within 400 feet of the service lines and appurtenances of

public sewage system provided by a public utility, municipality or other public entity.

2. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

3. This section, being necessary to secure and preserve the public health, safety and convenience and welfare, must be liberally construed to effect its purpose.

4. Any person, association or corporation violating any of the provisions of any ordinance adopted pursuant to this section is guilty of a misdemeanor.

5. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.

Sec. 9. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the governing body of a city in a county whose population is 700,000 or more determines that:

(a) A private septic system or a package plant for sewage treatment is located within the city limits; and

(b) ~~[Sewerage provided by a public utility, the city or another municipality or other public entity may be accessed within 400 feet of the property of such users,]~~ A user of the private septic system or package plant for sewage treatment receives water from a municipal water system,

➥ the governing body shall require all users of the private septic system or package plant for sewage treatment to connect into the available sewers provided by the public utility, the city or another municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the cost of connecting into such sewers. These assessments are not subject to the jurisdiction of the Public Utilities Commission of Nevada.

2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system.

Sec. 10. NRS 268.4102 is hereby amended to read as follows:

268.4102 1. If the State Environmental Commission determines that:

(a) A water system which is located within the boundaries of a city and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within ~~[400]~~ 1,250 feet of any lot or parcel served by the water system,***

➥ the governing body of that city ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 11. NRS 268.4105 is hereby amended to read as follows:

268.4105 1. If the governing body of the city determines that:

(a) A package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is not satisfactorily serving the needs of its users; and

(b) ~~[Sewerage provided by a public utility, the city or another municipality or other public entity~~ is reasonably available to ~~*may be accessed within 400 feet of the property of*~~ those users,~~]~~ ***A user of the private septic system or package plant for sewage treatment receives water from a municipal water system,***

➥ the governing body ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the plant to connect into the available sewers provided by ~~[a]~~ ***the*** public utility, the city or another municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the cost of connecting into those sewers. These assessments are not subject to the jurisdiction of the Public Utilities Commission of Nevada.

2. If the State Department of Conservation and Natural Resources has found that a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is violating any of the conditions of NRS 445A.465 to 445A.515, inclusive, and has notified the holder of the permit that he or she must bring the plant into compliance, but the holder of the permit has failed to comply within a reasonable time after the date of the notice, the governing body of the city in which the plant is located may take the following actions independently of any further action by the State Department of Conservation and Natural Resources:

(a) Give written notice, by certified mail, to the owner of the plant and the owners of the property served by the plant that if the violation is not corrected within 30 days after the date of the notice, the governing body of the city will seek a court order authorizing it to assume control; and

(b) After the 30-day period has expired, if the plant has not been brought into compliance, apply to the district court for an order authorizing the governing body to assume control of the plant and assess the property for the continued operation and maintenance of the plant as provided in subsection 4.

3. If the governing body of the city determines at any time that immediate action is necessary to protect the public health and welfare, it may assume physical control and operation of a package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, without complying with any of the requirements set forth in subsection 2. The governing body may not maintain control of the plant pursuant to this subsection for a period greater than 30 days unless it obtains an order from the district court authorizing an extension.

4. Each lot and parcel served by a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is subject to assessment by the governing body of the city in which the plant is located for its proportionate share of the cost of continued operation and maintenance of the plant if there is a default or the city assumes control and operation of the plant pursuant to subsection 2 or 3.

Sec. 12. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ~~***[When]***~~ ***In a county whose population is 700,000 or more, when any subdivider proposes to subdivide land that will be served by a public water system, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body, shall file a copy of the subdivider's tentative map with the supplier of water. The supplier of water shall, within 30 days, review and comment in writing upon the tentative map to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

Sec. 14. ***A final map presented for filing which is subject to the provisions of*** ~~***[section 13 of this act or]***~~ ***NRS 278.347 or section 13 of this act must include a certificate by the supplier of water showing that the final map is approved by the supplier of water with regard to the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

Sec. 15. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 13 and 14 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 16. NRS 278.347 is hereby amended to read as follows:

278.347 ***1.*** When any subdivider proposes to subdivide land, any part of which is located within the boundaries of any general improvement district

organized or reorganized pursuant to chapter 318 of NRS, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with ~~[the]~~ ***:***

(a) The board of trustees of the district ~~[. The board of trustees may within]~~ ***; and***

(b) If the subdivision will be served by a public water system, the supplier of water in the district.

2. Within 30 days ***:***

(a) The board of trustees may review and comment in writing upon the ***tentative*** map ***filed pursuant to subsection 1*** to the planning commission or governing body ~~[.]~~ ***; and***

(b) If applicable, the supplier of water shall review and comment in writing upon the tentative map filed pursuant to subsection 1 to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

3. The planning commission or governing body shall take any such comments ***submitted pursuant to subsection 2 by the board of trustees and the supplier of water, if applicable,*** into consideration before approving the tentative map.

Sec. 17. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands;

(k) The potential impacts to wildlife and wildlife habitat; and

(l) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless ~~[~~the~~]~~ ***:***

(a) The subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest ~~[.]~~ ***; and***

(b) For any tentative map subject to the requirements of ~~[section 13 of this act or]~~ NRS 278.347 or section 13 of this act , the supplier of water that will serve the subdivision has determined that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

➥ Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 18. NRS 278.373 is hereby amended to read as follows:

278.373 The certificates and acknowledgments required by NRS 116.2109 and 278.374 to 278.378, inclusive, ***and section 14 of this act, if applicable,*** must appear on a final map and may be combined where appropriate.

Sec. 19. NRS 278.4955 is hereby amended to read as follows:

278.4955 1. The map of reversion submitted pursuant to NRS 278.490 must contain the appropriate certificates required by NRS 278.376 **,** ~~[and]~~ 278.377 ***and section 14 of this act, if applicable,*** for the original division of the land, any agreement entered into for a required improvement pursuant to NRS 278.380 for the original division of the land, and the certificates required by NRS 278.496 and 278.4965. If the map includes the reversion of any street or easement owned by a city, a county or the State, the provisions of NRS 278.480 must be followed before approval of the map.

2. The final map of reversion must:

(a) Be prepared by a professional land surveyor licensed pursuant to chapter 625 of NRS. The professional land surveyor shall state in his or her certificate that the map has been prepared from information on a recorded map or maps that are being reverted. The professional land surveyor may state in the certificate that he or she assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in the certificate information which is sufficient to identify clearly the recorded map or maps being reverted.

(b) Be clearly and legibly drawn in black permanent ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with black permanent ink.

3. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

4. The scale of the final map must be large enough to show all details clearly, and enough sheets must be used to accomplish this end.

5. The particular number of the sheet and the total number of sheets comprising the final map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

6. Each future conveyance of the reverted property must contain a metes and bounds legal description of the property and must include the name and mailing address of the person who prepared the legal description.

Sec. 20. NRS 278.582 is hereby amended to read as follows:

278.582 1. Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture ***or landscape irrigation fixture*** which does not meet the

standards made applicable for the respective county or city pursuant to this section.

2. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A urinal which continually flows or flushes water must not be installed.

3. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification

for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. ***Except as otherwise provided in subsection 7, each residential, commercial or industrial structure on which construction begins on or after January 1, 2024, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of ~~[~~subsection~~]~~ ***subsections*** 4 ~~[:]~~ ***and 5:***

(a) A plumbing fixture ***or landscape irrigation fixture*** is considered certified under the WaterSense program if the fixture has been:

(1) Tested by an accredited third-party certifying body or laboratory in accordance with the United States Environmental Protection Agency's WaterSense program or an analogous successor program;

(2) Certified by the certifying body or laboratory as meeting the performance and efficiency requirements of the WaterSense program or an analogous successor program; and

(3) Authorized by the WaterSense program or an analogous successor program to use the WaterSense label or the label of an analogous successor program.

(b) If the WaterSense program modifies the requirements for a plumbing fixture ***or landscape irrigation fixture*** to be certified under the WaterSense program, a plumbing fixture ***or landscape irrigation fixture*** that was certified under the previous requirements shall be deemed certified for use under the WaterSense program for a period of 12 months following the modification of the requirements for certification.

~~[~~6.~~]~~ ***7.*** The requirements of this section ~~[~~for~~]~~ ***:***

(a) For the installation of certain plumbing fixtures ~~***[and landscape irrigation fixtures]***~~ do not apply ~~***[:***~~

~~***(a) Apply]***~~ to any portion of:

~~[(a)]~~ ***(1)*** An existing residential, commercial or industrial structure which is not being expanded or renovated; or

~~[(b)]~~ ***(2)*** An existing residential, commercial or industrial structure if the structure was constructed 50 years or more before the current year, regardless of whether that structure has been expanded or renovated since its original construction.

(b) Except as otherwise provided in federal law, do not prohibit the governing body of a county or city from adopting more stringent requirements for plumbing fixtures or landscape irrigation fixtures.

Sec. 21. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan which has been given final approval by the city or county must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance with that plan. A county recorder shall not file for record any final plan unless it includes:

(a) A final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and sections 13 and 14 of this act;***

(b) The certifications required pursuant to NRS 116.2109; and

(c) The same certificates of approval as are required under NRS 278.377 ***and section 14 of this act, if applicable,*** or evidence that:

(1) The approvals were requested more than 30 days before the date on which the request for filing is made; and

(2) The agency has not refused its approval.

2. Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.

3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of any landowners affected by the modification and in accordance with the provisions of NRS 278A.410.

4. For the recording or filing of any final map, plat or plan, the county recorder shall collect a fee of $50 for the first sheet of the map, plat or plan plus $10 for each additional sheet. The fee must be deposited in the general fund of the county where it is collected.

Sec. 22. NRS 338.193 is hereby amended to read as follows:

338.193 1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.

2. Except as otherwise provided in subsection 6, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing public building which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.

3. Except as otherwise provided in subsection 6, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing public building which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection 6, each public building, other than a prison or jail, on which construction begins on or after January 1, 2020, and each existing public building which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. For the purposes of subsection 4, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

6. ***Each public building, other than a prison or jail, on which construction begins on or after January 1, 2024, and each existing public building which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

7. For the purposes of subsection 6, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

8. The requirements of this section for the installation of certain plumbing fixtures ~~***[or landscape irrigation fixtures]***~~ do not apply to any portion of:

(a) An existing public building which is not being expanded or renovated; or

(b) A public building if the public building was constructed 50 years or more before the current year, regardless of whether that public building has been expanded or renovated since its original construction.

Sec. 23. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

(1) Piping or lining of an irrigation canal;

(2) Recovery or recycling of wastewater or tailwater;

(3) Scheduling of irrigation;

(4) Measurement or metering of the use of water;

(5) Improving the efficiency of irrigation operations; and

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with ***plugging and abandoning a well and*** connecting ~~[a]~~ ***the property formerly served by the*** well to a municipal water system, ***if the State Engineer requires the plugging of the well pursuant to subsection 3 of NRS 534.180 or*** if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(3) The cost of plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system.

(f) A governing body to pay the costs associated with developing and maintaining a water resource plan.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section:

(a) "Eligible recipient" means:

(1) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

(2) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) "Governing body" has the meaning ascribed to it in NRS 278.015.

(c) "Water resource plan" means a water resource plan created pursuant to NRS 278.0228.

Sec. 24. NRS 489.706 is hereby amended to read as follows:

489.706 1. Each manufactured home or mobile home on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured home or mobile home on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured home or mobile home on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured home or mobile home on which construction begins on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 24.5. **NRS 533.027 is hereby amended to read as follows:**

533.027 1. The provisions of this chapter do not apply to ~~[the]~~ **:**

(a) The use of water in emergency situations to extinguish fires by a public agency or a volunteer fire department; or

(b) The de minimus collection of precipitation:

~~[(a)]~~ ***(1)*** From the rooftop of a single-family dwelling for nonpotable domestic use; or

~~[(b)]~~ ***(2)*** If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. The guzzler must:

~~[(1)]~~ ***(I)*** Have a capacity of 20,000 gallons or less;

~~[(2)]~~ ***(II)*** Have a capture area of 1 acre or less;

~~[(3)]~~ ***(III)*** Have a pipe length of 1/4 mile or less;

~~[(4)]~~ ***(IV)*** Be developed by a state or federal agency responsible for wildlife management or by any other person in consultation with the Department of Wildlife; and

~~[(5)]~~ ***(V)*** Be approved for use by the Department of Wildlife.

2. As used in this section:

(a) "Domestic use" has the meaning ascribed to it in NRS 534.013 ***.*** ~~[; and]~~

(b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

(c) "Public agency" means an agency, bureau, board, commission, department or division of this State or a political subdivision of this State.

Sec. 25. ~~[NRS 534.110 is hereby amended to read as follows:~~

~~534.110 1. The State Engineer shall administer this chapter and shall prescribe all necessary regulations within the terms of this chapter for its administration.~~

~~2. The State Engineer may:~~

~~(a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.~~

~~(b) Upon his or her own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.~~

~~3. The State Engineer shall determine whether there is unappropriated water in the area affected and may issue permits only if the determination is affirmative. The State Engineer may require each applicant to whom a permit is issued for a well:~~

~~(a) For municipal, quasi-municipal or industrial use; and~~

~~(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,~~

~~to report periodically to the State Engineer concerning the effect of that well on other previously existing wells that are located within 2,500 feet of the well.~~

~~4. It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water and that the right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining a reasonable lowering of the static water level in a particular area, the State Engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of using water on the economy of the area in general.~~

~~— 5. This section does not prevent the granting of permits to applicants later in time on the ground that the diversions under the proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as any protectable interests in existing domestic wells as set forth in NRS 533.024 and the rights of holders of existing appropriations can be satisfied under such express conditions. At the time a permit is granted for a well:~~

~~— (a) For municipal, quasi-municipal or industrial use; and~~

~~— (b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,~~

~~➥ the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse effects.~~

~~— 6. Except as otherwise provided in subsection 7, the State Engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants, and if the findings of the State Engineer so indicate, except as otherwise provided in subsection 9, the State Engineer~~ **[**~~may~~**]** ***shall*** ~~order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted to conform to priority rights.~~

~~— 7. The State Engineer:~~

~~— (a) May designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin.~~

~~— (b) Shall designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such a designation which is signed by a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer.~~

~~➥ The designation of a basin as a critical management area pursuant to this subsection may be appealed pursuant to NRS 533.450. If a basin has been designated as a critical management area for~~ **[**~~at least~~**]** ~~10 consecutive years, except as otherwise provided in subsection 9, the State Engineer shall order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights, unless a groundwater management plan has been approved for the basin pursuant to NRS 534.037.~~

~~— 8. In any basin or portion thereof in the State designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells. Any order or decision of the State~~

~~Engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to NRS 533.450.~~

~~— 9. If a court of competent jurisdiction orders the State Engineer to restrict withdrawals to conform to priority rights or if pursuant to subsection 6 or 7 the State Engineer orders that withdrawals be restricted to conform to priority rights, the State Engineer must limit the restriction of withdrawals from a domestic well to allow a domestic well to continue to withdraw 0.5 acre-feet of water per year, which must be recorded by a water meter.~~ **(Deleted by amendment.)**

Sec. 26. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. ~~[Except as otherwise provided in subsection 5, the]~~ ***The*** State Engineer may ~~[:~~

~~(a) Issue]~~ ***only issue*** temporary permits to appropriate groundwater ~~[which]~~ ***if water cannot be furnished by a public entity such as a water district or municipality presently engaged in furnishing water to the inhabitants thereof. Such temporary permits*** can be limited as to time and ~~[which]~~ may, ~~[except as limited by subsection 4, shall]~~ be revoked if and when ~~[water]~~ ***:***

(a) Water can be furnished by ~~[an]~~ ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof ~~[.]~~ ***; and***

(b) ***The property served is within 1,250 feet of the water furnished pursuant to paragraph (a).***

➥ The holder of a temporary permit that is revoked pursuant to this subsection must be given 730 days from the date of revocation to connect to the public entity furnishing water.

4. [The] In a basin designated pursuant to NRS 534.030, the State Engineer [shall:] may:

(a) Deny applications to appropriate groundwater for any use in areas served by ~~[such an]~~ ***a public*** entity ~~[.~~

~~— (c)~~] ***such as a water district or a municipality presently engaged in furnishing water to the inhabitants of the area.***

(b) Limit the depth of domestic wells.

[~~(d)~~] ***(c)*** Prohibit the drilling of wells for domestic use [~~, as defined in NRS 534.013,~~] in areas where water can be furnished by [~~an~~] ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

[~~(e)~~] ***(d)*** In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

[~~4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~— (a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~— (b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well-drilling rig.~~]

5. [~~The State Engineer may, in~~] ***In*** an area in which have been issued temporary permits pursuant to subsection 3, [~~limit~~] ***the State Engineer:***

(a) Shall:

(1) Deny any applications to appropriate groundwater for use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water;

(2) Limit the depth of a domestic well [~~pursuant to paragraph (c) of subsection 3 or~~] ***; or***

(3) Prohibit the drilling of wells for domestic use in areas where water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants; and

(b) May prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from [~~an~~] ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

[~~(a)~~] ***(1)*** The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

[~~(b)~~] ***(2)*** The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. ~~*[6.]*~~ The provisions of this section do not prohibit the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from ~~[an]~~ ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

~~*[7. Not later than June 30, 2025, the State Engineer shall adopt regulations setting forth the requirements for the issuance, use and revocation of temporary permits pursuant to this section.]*~~

Sec. 27. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year.

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada ~~*[.]*~~ ,

➥ but only if ~~[the charge for making the connection to the service is less than $200.]~~ ***such a well is within 1,250 feet of a municipal water system.***

4. If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:

(a) The owner of the well shall:

(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;

(2) Install a water meter capable of measuring the total withdrawal of water from the well; and

(3) Ensure the total withdrawal of water from the well does not exceed 2 acre-feet per year;

(b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;

(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.

Sec. 27.5. **NRS 538.171 is hereby amended to read as follows:**

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada under and by virtue of any Act of the Congress of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of such waters, or to change the ***holder of the entitlement to appropriate water,*** place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the Commission in accordance with the regulations of the Commission. In considering such an application, the Commission shall use the criteria set forth in ~~[subsection 3 of]~~ NRS 533.370. The Commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The Commission shall furnish to the State Engineer a copy of all agreements entered into by the Commission concerning the original appropriation and use of such waters. It shall also furnish to the State Engineer any other information it possesses relating to the use of water from the Colorado River which the State Engineer deems necessary to allow the State Engineer to act on applications for permits for the subsequent appropriation of these waters after they fall within the State Engineer's jurisdiction.

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the Commission or by any entity to whom or with whom the Commission has contracted the water is not subject to regulation by the State Engineer.

5. Any use of water from the Muddy River or the Virgin River for the creation of any developed shortage supply or intentionally created surplus does not require the submission of an application to the State Engineer to change the place of diversion, manner of use or place of use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in NRS 533.030.

(b) "Intentionally created surplus" has the meaning ascribed to it in NRS 533.030.

Sec. 28. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 37.5, immediately following section 37, to read as follows:

Sec. 37.5. "General Manager" means the General Manager of the Southern Nevada Water Authority.

Sec. 29. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto new sections to be designated as sections 38.2, 38.4 and 38.6, respectively, immediately following section 38, to read as follows:

Sec. 38.2. 1. If the Federal Government declares a shortage on the Colorado River for the upcoming year, the Board of Directors may limit each single-family residence that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or a member agency of the Southern Nevada Water Authority to not more than 0.5 acre-feet of water for that upcoming year. Any limitation imposed by the Board of Directors may not go into effect before December 31 of the year before the year for which the shortage is declared.

2. If the Board of Directors limits water usage of single-family residences pursuant to subsection 1, the Southern Nevada Water Authority and the member agencies of the Southern Nevada Water Authority shall notify all customers of the action of the Board of Directors to limit water usage by not later than October 1 of the year before the year for which the shortage is declared.

Sec. 38.4. 1. Except as otherwise provided in this section, on and after the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority:

(a) No new septic system may be installed; and

(b) If the parcel of property has an existing septic system installed and ~~[there is a public sewer system that may be accessed within 400 feet of the property;]~~ a connection to a municipal water system, the owner of the property shall be required to connect to the public sewer system and discontinue the use of the existing septic system.

2. The General Manager may, in his or her discretion, approve a waiver of the prohibitions set forth in subsection 1.

3. The provisions of this section do not apply to any decreed, certificated or permitted right to appropriate water that is diverted from the Virgin River or Muddy River.

4. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground which is

typically composed of a septic tank and a subsurface fluid distribution or disposal system.

Sec. 38.6. 1. Except as otherwise provided in this subsection, beginning on the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, and ending on December 31, 2023, new turf may not be installed on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority. The provisions of this subsection do not apply to the installation of warm-season turf in parks, schools or cemeteries.

2. Except as otherwise provided in subsection 4, on and after January 1, 2024, any new turf that is installed on a parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority must be installed in accordance with any requirements for turf adopted by the Board of Directors pursuant to subsection 3.

3. The Board of Directors shall adopt requirements for the installation of new turf on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority.

4. The General Manager or his or her designee may approve a waiver from the prohibition set forth in subsection 2 or any turf requirements adopted by the Board of Directors pursuant to subsection 3.

Sec. 30. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 39.5, immediately following section 39, to read as follows:

Sec. 39.5. 1. Except as otherwise provided in this section, the Southern Nevada Water Authority shall require the owner of any parcel of property that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority to participate in an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority, if the parcel of property:

(a) Is not used exclusively as a single-family residence; and

(b) Consists of 20,000 square feet or more of turf.

2. The Board of Directors shall:

(a) Develop and establish policies and guidelines for an irrigation water efficiency monitoring program;

(b) Establish deadlines within the service area of the Southern Nevada Water Authority for any owner subject to the requirements of

subsection 1 to begin participating in the irrigation water efficiency monitoring program; and

(c) Not later than January 1, ~~[2024,]~~ 2025, notify the owner of any parcel of property subject to the requirements of subsection 1 that he or she is required to participate in the irrigation water efficiency monitoring program by the deadline established pursuant to paragraph (b).

3. The General Manager or his or her designee may approve an extension or waiver from:

(a) The provisions of subsection 1; or

(b) The provisions of the policies and guidelines developed pursuant to subsection 2.

Sec. 31. Section 39 of the Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2180, is hereby amended to read as follows:

Sec. 39. 1. Except as otherwise provided in this section, on and after January 1, 2027, the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority may not be used to irrigate nonfunctional turf on any ***parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence.

2. The Board of Directors shall:

(a) Define "functional turf" and "nonfunctional turf" for the purposes of subsection 1 and promulgate the definitions in the service rules ***, ordinances or codes*** of the member agencies of the Southern Nevada Water Authority; and

(b) Develop a plan to identify and facilitate the removal of existing nonfunctional turf within the service area of the Southern Nevada Water Authority on ***each parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence. The plan must, without limitation:

(1) Establish phases for the removal of nonfunctional turf based on categories of water users; and

(2) Establish deadlines within the service area of the Southern Nevada Water Authority for existing customers to remove nonfunctional turf on ***any parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence before December 31, 2026.

3. The ~~[Board of Directors]~~ ***General Manager or his or her designee*** may approve an extension or a waiver from:

(a) The prohibition set forth in subsection 1; and

(b) The provisions of the plan developed pursuant to subsection 2.

4. The provisions of this section do not prohibit a person from:

(a) Complying with any requirement adopted by the governing body of a county or city pursuant to chapter 278 of NRS to maintain open space

or drought tolerant landscaping on any property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single family residence; or

(b) Using alternative sources of water to irrigate nonfunctional turf on and after January 1, 2027, on any property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence.

Sec. 32. Section 13 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 13. 1. The Southern Nevada Water Authority may establish and collect each calendar year a fee to be assessed on users of groundwater in the Basin. Money raised from the fees must be used as provided in section 14 of this act.

2. Except as otherwise provided in this section:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $13 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $13.

3. Except as otherwise provided in subsections 4 and 5, if the Southern Nevada Water Authority operates a project for the recharge and recovery or underground storage and recovery of water ***or a program for the conversion of properties served by a septic system*** pursuant to section 14.5 of this act:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $30 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $30.

4. The maximum fees specified in subsections 2 and 3 may be adjusted ***not more than*** once each year for inflation. The maximum amount of the adjustment must be determined by multiplying the respective amounts of the fees by the percentage of inflation, if any. The Consumer Price Index published by the United States Department of Labor for July preceding the year for which the adjustment is made must be used in determining the percentage of inflation.

5. The maximum fees may be increased by an amount that is greater than the amount of the adjustment for inflation as calculated pursuant to subsection 4 only if the increase is approved by the Legislature.

6. As used in this section, "water right" means the legal right to use water that has been appropriated pursuant to chapters 533 and 534 of NRS by means of application, permit, certificate, decree or claim of vested right.

Sec. 33. Section 14.5 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 14.5. ***1.*** The Southern Nevada Water Authority may, in consultation with the Advisory Committee, operate ~~[a]~~ ***:***

(a) A project for the recharge and recovery or underground storage and recovery of water pursuant to chapter 534 of NRS for the benefit of owners of wells in the Basin ~~[.]~~ ***; and***

(b) A program for the conversion of properties served by a septic system to a municipal sewer system.

2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.

Sec. 34. The Southern Nevada Water System Act of 1995, being chapter 393, Statutes of Nevada 1995, at page 963, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. 1. The ~~[General Manager]~~ Board of Directors of the Southern Nevada Water Authority may , by resolution, authorize the General Manager to restrict the use of water:

(a) During any period in which the Federal Government has declared a water shortage in the Colorado River;

(b) If emergency conditions exist; or

(c) If the delivery system is unable to provide adequate volumes of water.

2. Any restrictions imposed by the General Manager pursuant to subsection 1 ~~[may be modified]~~ must be ratified by the Board of Directors of the Southern Nevada Water Authority ~~[.]~~ not more than 15 calendar days after the date the restrictions are imposed.

Sec. 35. The provisions of NRS 354.599 do not apply to any additional expense of a local government that are related to the provisions of this act.

Sec. 36. This act becomes effective upon passage and approval.

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. 237.

Bill read second time.

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

Amendment No. 176.

SUMMARY—Makes revisions relating to ~~[Medicaid.]~~ **health care.** (BDR 38-328)

AN ACT relating to ~~[Medicaid; establishing the Alternative Billing Resource Office in the Division of Health Care Financing and Policy of the Department of Health and Human Services for the purpose of providing certain assistance relating to participation in Medicaid as a provider;]~~ **health care; requiring the Director of the Department of Health and Human Services to take certain measures to facilitate the provision of health services to pupils who are recipients of Medicaid;** requiring a Medicaid managed care program to negotiate in good faith with each school-based health center for the provision of health care services to recipients of Medicaid; ~~[providing for a study of the requirements applicable to school-based health centers that provide health care services to recipients of]~~ **requiring a private insurer to provide certain reimbursement for certain services provided by a school health services program; providing for the increase of certain rates of reimbursement under** Medicaid; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services, through the Division of Health Care Financing and Policy of the Department, to administer Medicaid. (NRS 422.2357, 422.270) **Section 2** of this bill defines "school-based health center" to mean a health center located or based on, in or near school grounds, property, buildings or any other school district facilities for the purpose of rendering care or services to any person. ~~[Section 3 of this bill establishes the Alternative Billing Resource Office within the Division for the purpose of assisting school-based health centers and other providers of services under the State Plan for Medicaid and persons and entities who wish to provide such services to evaluate and utilize different methods of participating in and billing Medicaid.]~~ **Section 3.5 of this bill requires the Director of the Department to establish a means to facilitate the sharing of data concerning a child who is a recipient of Medicaid between: (1) educational agencies; and (2) school-based health centers and other qualified providers of services covered by Medicaid. Section 3.5 also requires the Director to: (1) take any action necessary to ensure that local and state educational agencies are able to receive reimbursement for health services covered by Medicaid when provided on the premises of a school; and (2) establish incentives for certain providers to enter into an agreement with a school district or charter school or the Department of Education to provide health services to pupils.** **Sections 4 and 6** of this bill make conforming changes to indicate the proper placement of **sections 2 and** ~~[3]~~ **3.5** in the Nevada Revised Statutes. ~~[Section 7 of this bill requires the Division and the Department of Education to: (1) conduct a study of the requirements applicable to school-based health centers that provide health care~~

~~services to recipients of Medicaid; and (2) report to the Joint Interim Standing Committee on Health and Human Services concerning the results of the study.]~~

Existing law requires a health maintenance organization with which the Department of Health and Human Services contracts for the provision of services through a Medicaid managed care program to negotiate in good faith with federally-qualified health centers, the University Medical Center of Southern Nevada and the University of Nevada School of Medicine to provide services to recipients of Medicaid. (NRS 422.273) **Section 5** of this bill similarly requires such a health maintenance organization to negotiate in good faith with each school-based health center in this State to provide services to recipients of Medicaid. **Section 7.5 of this bill requires the Director to apply for any necessary federal authority to increase by at least 5 percent the rates of reimbursement for services covered by Medicaid when provided on the premises of a school by an employee or independent contractor of: (1) a school district or charter school; or (2) the Department of Education.**

Sections 6.1, 6.2-6.6 and 6.8 of this bill require private health insurers to reimburse a school health services program for certain health services provided to an insured who is a pupil enrolled in a public school in this State at certain rates. Sections 6.7 and 6.9 of this bill exclude insurers that provide services to recipients of Medicaid or members of the Public Employees' Benefits Program through managed care from that requirement. Section 6.15 of this bill makes a conforming change to indicate the proper placement of section 6.1 in the Nevada Revised Statutes. Section 6.75 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 6.6 of this bill. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections 6.1, 6.2-6.5 and 6.8. (NRS 680A.200)

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 the provisions set forth as sections 2 and ~~[3]~~ **3.5** of this act.

Sec. 2. ***"School-based health center" means a health center located or based on, in or near school grounds, property, buildings or any other school district facilities for the purpose of rendering health care or services to any person.***

Sec. 3. ~~***[1. The Alternative Billing Resource Office is hereby established within the Division.***~~

~~***2. The Alternative Billing Resource Office shall assist school-based health centers and other providers of services under the State Plan for Medicaid and persons and entities that wish to provide such services to:***~~

~~*(a) Evaluate the benefits and drawbacks of various methods of participating in and billing Medicaid that are available to the provider, person or entity,*~~

~~*including, without limitation, different provider types under which a provider, person or entity may be authorized to participate in and bill Medicaid; and*~~

~~*(b) Meet the requirements and carry out the procedures necessary to participate in and bill Medicaid using the methods chosen by the provider, person or entity, as applicable.*~~

~~*3. The Division shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the Office to carry out its functions.]*~~ **(Deleted by amendment.)**

Sec. 3.5. ***1. The Director shall:***

(a) Establish a means to facilitate the sharing of data concerning a child who is a recipient of Medicaid between:

(1) The Department of Education, school districts and charter schools; and

(2) School-based health centers and other qualified providers of health services covered by Medicaid.

(b) Allow an applicant for Medicaid to opt out of the sharing of data pursuant to paragraph (a).

(c) Take any action necessary to ensure that school districts, charter schools and the Department of Education are able to receive reimbursement for health services covered by Medicaid when such services are provided on the premises of a school to children who are recipients of Medicaid.

(d) Establish a program of incentive payments that increase the effective rates of reimbursement provided under Medicaid to a certified community behavioral health clinic or federally-qualified health center that enters into an agreement with a school district, a charter school or the Department of Education to provide services covered by Medicaid to pupils who are:

(1) Enrolled in a public school; and

(2) Recipients of Medicaid.

2. The incentives provided pursuant to paragraph (d) of subsection 1 may be provided through increased rates of reimbursement or value-based payment models.

3. The Department shall apply to the Secretary of Health and Human Services for any necessary waiver, amendment of the State Plan for Medicaid or other federal authority that authorizes the Department to receive federal funding to carry out the provisions of this section. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver, amendment or other federal authority pursuant to this section.

4. As used in this section:

(a) "Certified community behavioral health clinic" means a community behavioral health clinic certified in accordance with section 223 of the Protecting Access to Medicare Act of 2014, Public Law No. 113-93.

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Value-based payment model" means a method of payment for health care services that provides incentives based on the quality of care.

Sec. 4. NRS 422.001 is hereby amended to read as follows:

422.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 422.003 to 422.054, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) ***Negotiated in good faith with each school-based health center in this State to provide health care services to recipients of Medicaid;***

(c) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

~~[(c)]~~ ***(d)*** Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

➥ Nothing in this section shall be construed as exempting a federally-qualified health center, ***a school-based health center,*** the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a

managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

6. As used in this section, unless the context otherwise requires:

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 6. 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 sections 2 and ~~[2]~~ 3.5 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. 6.1. **Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a policy of health insurance provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the insurer; and

(b) The insurer shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the insurer must be:

(a) If the insurer covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the insurer;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between an insurer and a provider of health care specifying the rights and responsibilities of the insurer and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which an insurer has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.15. **NRS 689A.330 is hereby amended to read as follows:**

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~.~~ ***, and section 6.1 of this act.***

Sec. 6.2. **Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a policy of group health insurance provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the insurer; and

(b) The insurer shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the insurer must be:

(a) If the insurer covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the insurer;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between an insurer and a provider of health care specifying the rights and responsibilities of the insurer and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which an insurer has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.3. **Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a health benefit plan provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the carrier; and

(b) The carrier shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the carrier must be:

(a) If the carrier covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the carrier;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, 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.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between a carrier and a provider of health care specifying the rights and responsibilities of the carrier and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which a carrier has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.35. **NRS 689C.425 is hereby amended to read as follows:**

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 6.3 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6.4. **Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a benefit contract provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the society; and

(b) The society shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the society must be:

(a) If the society covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the society;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between a society and a provider of health care specifying the rights and responsibilities of the society and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which a society has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.5. **Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a policy of health insurance provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the hospital or medical services corporation; and

(b) The hospital or medical services corporation shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not

participate in the network plan of the hospital or medical services corporation must be:

(a) If the hospital or medical services corporation covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the hospital or medical services corporation;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between a hospital or medical services corporation and a provider of health care specifying the rights and responsibilities of the hospital or medical services corporation and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which a hospital or medical services corporation has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.6. **Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a health care plan provides coverage for a qualified health-related service:

(a) An enrollee who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the health maintenance organization; and

(b) The health maintenance organization shall not require an enrollee to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the health maintenance organization must be:

(a) If the health maintenance organization covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the health maintenance organization;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, 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.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between a health maintenance organization and a provider of health care specifying the rights

and responsibilities of the health maintenance organization and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which a health maintenance organization has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.7. **NRS 695C.050 is hereby amended to read as follows:**

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 ***and section 6.6 of this act*** do not apply to a health maintenance organization that provides health care services through managed care 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. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of section 6.6 of this act do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 6.75. **NRS 695C.330 is hereby amended to read as follows:**

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 6.6 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 6.8. **Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a health care plan provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the managed care organization; and

(b) The managed care organization shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the managed care organization must be:

(a) If the managed care organization covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the managed care organization;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, 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.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between a managed care organization and a provider of health care specifying the rights and responsibilities of the managed care organization and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment, or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which a managed care organization has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district or charter school or the Department of Education to provide health services to pupils.

Sec. 6.9. **NRS 695G.090 is hereby amended to read as follows:**

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.127, 695G.164, 695G.1645, 695G.167 and 695G.200 to 695G.230, inclusive, ***and section 6.8 of this act*** do not apply to a managed care organization that provides health care 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. ~~[This subsection does]~~

4. The provisions of section 6.8 of this act do not apply to a managed care organization that provides health care services to members of the Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043.

5. Subsections 3 and 4 do not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 7. ~~[1. The Division of Health Care Financing and Policy of the Department of Health and Human Services and the Department of Education shall:~~

~~(a) Conduct a study of the requirements applicable to school-based health centers that provide health care services to recipients of Medicaid. The study must consist of:~~

~~(1) A review of the standards for school-based health centers to become eligible to provide health care services to recipients of Medicaid and possible ways of increasing the flexibility and reducing the complexity of those standards, including, without limitation:~~

~~(I) Increased flexibility for school-based health centers to operate on or off the premises of a school or as a mobile unit;~~

~~(II) The use of telehealth in each setting in which a school-based health center is authorized to operate;~~

~~(III) Authorization for school-based health centers to offer behavioral health services and dental services;~~

~~(IV) The integration of school-based health centers into other health services offered by, on the premises of or in association with schools; and~~

~~(V) Opportunities to serve parents, siblings and other family members of pupils;~~

~~(2) An evaluation of the need for an on-site laboratory at a school-based health center;~~

~~(3) A review of the need for the board of trustees of a school district to approve the operation of a school-based health center that is near to or associated with, but not on the premises of, a school;~~

~~(4) A review of rates of reimbursement under the State Plan for Medicaid for school-based health centers, a comparison of those rates of reimbursement~~

~~to the rates of reimbursement under the State Plan for physicians and federally-qualified health centers and possible ways to create parity between rates of reimbursement under the State Plan for all persons and entities described in this subparagraph; and~~

~~(5) A consideration of strategies to incentivize the formation and operation of school-based health centers including, without limitation, through the promotion of well visits and the use of value-based payments.~~

~~(b) On or before December 31, 2023, submit a report of the findings of the study conducted pursuant to paragraph (a) and any recommendations resulting from those findings to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.~~

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

~~(a) "Federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).~~

~~(b) "School-based health center" has the meaning ascribed to it in section 2 of this act.~~

~~(c) "Telehealth" has the meaning ascribed to it in NRS 629.515.~~

~~(d) "Value-based payment" means a model of paying for health care in which providers are reimbursed based on health outcomes including, without limitation, helping patients improve their health, reduce the effects and incidence of chronic disease and live healthier lives, in an evidence-based manner.~~

~~(e) "Well visit" means a regularly scheduled physical examination.~~] **(Deleted by amendment.)**

Sec. 7.5. **On or before October 1, 2023, the Director of the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid or for any other necessary federal authority to increase by at least 5 percent the rates of reimbursement for services covered by Medicaid when provided:**

1. On the premises of a school; and

2. By an employee or independent contractor of a school district, a charter school or the Department of Education.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Section ~~[7]~~ **7.5** of this act becomes 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]~~ **on** July 1, 2023 **.** ~~[, for all other purposes.]~~

3. Sections 1 to ~~[6,]~~ **7,** inclusive, 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, 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. 242.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 383.

AN ACT relating to elections; revising provisions relating to the authorized methods of voting in an election under certain circumstances; revising provisions relating to accommodations for certain voters who are elderly or have a disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that voting at any election conducted under title 24 of NRS must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law. (NRS 293.270) Existing law also provides that mechanical voting systems may be used to cast, register, record and count ballots or votes in all statewide, county, city and district elections of any kind held in this State. (NRS 293B.050) **Sections 5, 9 and 15** of this bill prohibit the ~~[use]~~ **marking** of paper ballots **by hand** when voting in person at the polls at an election in this State and instead require that all votes cast in person at a polling place be cast using a mechanical voting system. **Sections 2, 4, 7, 11, 14, 16, 18, 21, 25, 27, 29, 31, 33, 35, 37, 39, 40, 42, 44 and 46** of this bill make conforming changes to remove references to paper ballots and printing on paper ballots. **Sections 1, 3, 10, 12, 13, 20, 22-24, 26, 28, 30, 32, 34, 36, 38, 41, 43, 45 and 47** of this bill make conforming changes to require the use of a mechanical voting system when voting in person. **Section 49** of this bill makes conforming changes to repeal certain provisions relating to paper ballots and the discretionary use of mechanical voting systems. **Section 8.5 of this bill revises the term "mechanical voting system" to include marking a mail ballot which is subsequently counted on an electronic tabulator.**

Existing law requires that, with certain exceptions, each polling place must have at least one voting booth that is specifically designed, designated and equipped for voters who are elderly or voters with a disability. (NRS 293.2955, 293C.281) **Sections 6 and 17** of this bill instead require, with certain exceptions, that each polling place must have at least two such voting booths and additional voting booths if determined necessary by the county clerk or

city clerk. **Sections 6 and 17** further require each county clerk, city clerk and all election board officers to complete training in the use of the voting booths and specially equipped voting devices in order to assist such voters. **Sections 8 and 19** of this bill make conforming changes to revise existing internal references relating to **sections 6 and 17**.

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

Section 1. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of 5,000 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct **.** ~~[in those precincts in which a mechanical voting system is used.]~~

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 2. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of:

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

(2) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to ~~[be printed]~~ ***appear*** on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must ~~[be printed]~~ ***appear*** only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide ~~[paper]~~ ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 3. NRS 293.267 is hereby amended to read as follows:

293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the words "no political party" or the abbreviation "NPP," as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation "NP."

4. ~~[Where a]~~ ***For ballots cast using a mechanical voting*** system ***,*** ~~[of voting other than by paper ballot is used,]~~ the Secretary of State may provide for any placement of the name or abbreviation of the political party, the words "no political party" or "nonpartisan" or the abbreviation "NPP" or "NP," as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

> The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 4. NRS 293.2693 is hereby amended to read as follows:

293.2693 ~~[If a county or city uses paper ballots, including, without limitation, for mail ballots, the]~~ ***The*** county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

Sec. 5. NRS 293.270 is hereby amended to read as follows:

293.270 1. Voting at any election regulated by this title must be ~~[on printed]~~ ***by mechanical voting system, by mail*** ballots or by any other system approved by the Secretary of State or specifically authorized by law.

2. ***Except as otherwise provided in subsection 3, all votes cast in person at a polling place at any election must be cast using a mechanical voting***

system and not by the marking of a paper ballot ~~[.]~~ by hand. This includes votes cast by:

(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and

(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

3. The requirements of subsection 2 do not ~~[apply]~~ :

(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.

(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.

4. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the ballot prepared by the election officers, and no person may write in the name of an additional candidate for any office.

5. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 6. NRS 293.2955 is hereby amended to read as follows:

293.2955 1. Except as otherwise provided in subsection 2, at all times during which a polling place is open:

(a) The polling place must:

(1) Be accessible to a voter who is elderly or a voter with a disability; and

(2) Have at least ~~[one]~~ ***two*** voting ~~[booth]~~ ***booths*** that ~~[is:]~~ ***are:***

(I) Designed to allow a voter in a wheelchair to vote;

(II) Designated for use by a voter who is elderly or a voter with a disability;

(III) Equipped to allow a voter who is elderly or a voter with a disability to vote with the same privacy as a voter who is not elderly or as a voter without a disability; and

(IV) Equipped with a mechanical recording device which directly records the votes electronically and which may be used by a voter with a disability; and

(b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

2. A polling place that does not comply with the provisions of paragraph (a) of subsection 1 may be used if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.

3. ***If, in the opinion of the county clerk, more than two voting booths described in subparagraph (2) of paragraph (a) of subsection 1 are required to accommodate the needs of voters who are elderly or voters with a disability, the county clerk shall place additional voting booths at the polling place as needed.***

4. At each polling place, the county clerk is encouraged to:

(a) Post in a conspicuous place, in at least 12-point type, instructions for voting;

(b) Provide ballots in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability; and

(c) Provide, in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability, all materials that are:

(1) Related to the election; and

(2) Made available to a voter in printed form at the polling place.

~~[4.]~~ ***5.*** As an alternative to carrying out the functions described in subsection ~~[3,]~~ ***4,*** if, in the opinion of the county clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices will be best served by placing such devices at centralized voting locations, the county clerk may so provide. If the county clerk provides for the placement of specially equipped voting devices at centralized locations, a voter who is elderly or disabled and requires the use of such a device to be able to cast a ballot without assistance may cast his or her ballot at any centralized voting location designated by the county clerk.

6. Each county clerk and all election board officers must complete training in the use of the voting booths and specially equipped voting devices required pursuant to this section to ensure that the county clerk and election board officers are able to assist voters who are elderly or voters with a disability in the use of such voting booths and devices.

Sec. 7. NRS 293.363 is hereby amended to read as follows:

293.363 ~~[1.]~~ When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~— (b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.~~

~~— (c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~**]**

Sec. 8. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection ~~[4]~~ ***5*** of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

13. The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 8.5. **NRS 293B.033 is hereby amended to read as follows:**

293B.033 "Mechanical voting system" means a system of voting whereby a voter may cast a vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By marking a paper ballot ***, including, without limitation, a mail ballot,*** which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 9. NRS 293B.050 is hereby amended to read as follows:

293B.050 ***1.*** At all statewide, county, city and district elections of any kind held in this State, ballots or votes ~~[may]~~ ***:***

(a) May be cast, registered ~~[,]~~ ***and*** recorded ~~[and counted]~~ by means of a mechanical voting system.

(b) Must be counted by means of a mechanical voting system.

2. Except as otherwise provided in subsection 3, all votes cast in person at a polling place in an election must be cast using a mechanical voting system and not by the marking of a paper ballot ~~[.]~~ by hand. This includes votes cast by:

(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and

(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

3. The requirements of subsection 2 do not ~~[apply]~~ :

(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.

(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.

4. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 10. NRS 293B.105 is hereby amended to read as follows:

293B.105 The board of county commissioners of any county or the city council or other governing body of any city may purchase and adopt for use at elections any mechanical voting system and mechanical recording device **[**~~. The system or device may be used at any or all elections held in the county or city,~~**]** for voting, registering and counting votes cast.

Sec. 11. NRS 293B.110 is hereby amended to read as follows:

293B.110 A mechanical voting system or mechanical recording device may be adopted ***and used*** for some of the precincts or districts in the same county or city, while the remainder of the precincts or districts in that county or city may **[**~~be furnished with paper ballots or any other~~**]** ***adopt and use a different*** mechanical voting system or mechanical recording device.

Sec. 12. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election **, [**~~where a mechanical voting system is to be used,~~**]** the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, without limitation, overvotes or, in a primary election or presidential preference primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year;

(2) A presidential preference primary election; or

(3) A general election,

➥ the total votes, other than mail ballots, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election or presidential preference primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 13. NRS 293B.175 is hereby amended to read as follows:

293B.175 ~~[In those districts or precincts in which a mechanical voting system is used, the]~~ ***The*** list of offices and candidates and the statements of measures appropriate for use with ~~[that]~~ ***a mechanical voting*** system in combination with the device upon which a vote is registered is an official ballot.

Sec. 14. NRS 293B.365 is hereby amended to read as follows:

293B.365 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ~~[paper]~~ ballots to the ballot duplicating board.

5. Receive duplicates of damaged ~~[paper]~~ ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct.

6. Place each damaged original ~~[paper]~~ ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct.

7. Reject any ~~[paper]~~ ballot that has been marked in a way that identifies the voter.

8. Place each rejected ~~[paper]~~ ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot.

Sec. 15. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, all votes cast in person at a polling place in an election must be cast using a mechanical voting system and not by the marking of a paper ballot ~~*[.]*~~ ***by hand. This includes votes cast by:***

(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and

(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

2. The requirements of subsection 1 do not ~~*[apply]*~~ ***:***

(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.

(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.

3. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 16. NRS 293C.262 is hereby amended to read as follows:

293C.262 1. The offices for which there are candidates, the names of the candidates therefor and the questions to be voted upon must ~~[be printed]~~ ***appear*** on ballots for a city election in the following order:

(a) City offices:

(1) Mayor;

(2) Council members according to ward in numerical order, if no wards, in alphabetical order; and

(3) Municipal judges.

(b) Questions presented to the voters of a city or a portion of a city with advisory questions listed in consecutive order after any other questions presented to the voters of the city.

2. The city clerk:

(a) May divide ~~[paper]~~ ballots into two sheets in a manner that provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 17. NRS 293C.281 is hereby amended to read as follows:

293C.281 1. Except as otherwise provided in subsection 2, at all times during which a polling place is open:

(a) The polling place must:

(1) Be accessible to a voter who is elderly or a voter with a disability; and

(2) Have at least ~~[one]~~ ***two*** voting ~~[booth]~~ ***booths*** that ~~[is:]~~ ***are:***

(I) Designed to allow a voter in a wheelchair to vote;

(II) Designated for use by a voter who is elderly or a voter with a disability;

(III) Equipped to allow a voter who is elderly or a voter with a disability to vote with the same privacy as a voter who is not elderly or as a voter without a disability; and

(IV) Equipped with a mechanical recording device which directly records the votes electronically and which may be used by persons with disabilities; and

(b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

2. A polling place that does not comply with the provisions of paragraph (a) of subsection 1 may be used if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.

3. ***If, in the opinion of the city clerk, more than two voting booths described in subparagraph (2) of paragraph (a) of subsection 1 are required to accommodate the needs of voters who are elderly or voters with a disability, the city clerk shall place additional voting booths at the polling place as needed.***

4. At each polling place, the city clerk is encouraged to:

(a) Post in a conspicuous place, in at least 12-point type, instructions for voting;

(b) Provide ballots in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability; and

(c) Provide, in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability, all materials that are:

(1) Related to the election; and

(2) Made available to a voter in printed form at the polling place.

~~[4.]~~ ***5.*** As an alternative to carrying out the functions described in subsection ~~[3,]~~ ***4,*** if, in the opinion of the city clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices will be best served by placing such devices at centralized voting locations, the city clerk may so provide. If the city clerk provides for the placement of specially equipped voting devices at centralized locations, a voter who is elderly or disabled and requires the use of such a device to be able to cast a ballot without assistance may cast his or her ballot at any centralized voting location designated by the city clerk.

6. Each city clerk and all election board officers must complete training in the use of the voting booths and specially equipped voting devices required pursuant to this section to ensure that the city clerk and election board officers are able to assist voters who are elderly or voters with a disability in the use of such voting booths and devices.

Sec. 18. NRS 293C.362 is hereby amended to read as follows:

293C.362 ~~[1.]~~ When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which~~

~~must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.~~

~~(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~**]**

Sec. 19. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection ~~[4]~~ ***5*** of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 20. NRS 293C.600 is hereby amended to read as follows:

293C.600 1. Before any election **,** ~~[where a mechanical voting system will be used,]~~ the city clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, but not limited to, overvotes must not be counted.

(c) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered that lacks a code identifying the precinct in which it was voted.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The city clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 21. NRS 293C.645 is hereby amended to read as follows:

293C.645 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the storage devices that store the ballots voted on mechanical recording devices that directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ~~[paper]~~ ballots to the ballot duplicating board.

5. Receive duplicates of damaged ~~[paper]~~ ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct.

6. Place each damaged original ~~[paper]~~ ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct.

7. Reject any ~~[paper]~~ ballot that has been marked in a way that identifies the voter.

8. Place each rejected ~~[paper]~~ ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot.

Sec. 22. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks.

3. The title of the statute or resolution must be set out on the ballot, and the question ~~[printed]~~ ***appear*** upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. ~~[Where]~~ ***For ballots cast using*** a mechanical voting system ***,*** ~~[~~is used,~~]~~ the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 23. NRS 295.170 is hereby amended to read as follows:

295.170 1. The subject matter of such questions must be stated concisely on the ballot, and the question ~~[~~printed~~]~~ ***appear*** upon the ballot for the information of the voter must be as follows: "Shall the act (setting out the title thereof) be approved?"

2. ~~[Where]~~ ***For ballots cast using*** a mechanical voting system ***,*** ~~[~~is used,~~]~~ the title of the act must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed by the district attorney to 20 words.

3. The district attorney shall prepare an explanation of each such question, which must be placed on the ballot or the list of offices and candidates and the statements of measures to be voted on, or posted in the polling place.

4. The votes cast upon such question must be counted and canvassed as the votes for county officers are counted and canvassed.

Sec. 24. NRS 306.060 is hereby amended to read as follows:

306.060 1. If the officer against whom the petition is filed furnishes no justification of the officer's course in office, none need appear on the ballot at the election upon the officer's recall.

2. ~~[Where]~~ ***For ballots cast using*** a mechanical voting system ***,*** ~~[~~is used,~~]~~ the reason for demanding the recall of the officer and the officer's justification need not ~~[~~be printed~~]~~ ***appear*** on the ballot, but must be printed on sample ballots, which must be presented to registered voters upon their application to vote.

Sec. 25. Section 5.050 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1728, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[~~printed~~]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[~~printed~~]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[~~be printed~~]~~ ***appear*** in bold type.

Sec. 26. Section 5.090 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 67, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 27. Section 5.040 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible before the close of filing and any applicable period for withdrawal of candidacy, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 28. Section 5.080 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 616, is hereby amended to read as follows:

Sec. 5.080 Voting machines. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 29. Section 5.050 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 30. Section 5.090 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 306, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The Board ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 31. Section 5.040 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 32. Section 5.080 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 464, is hereby amended to read as follows:

Sec. 5.080 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting votes ~~[that is not inconsistent]~~ ***in accordance*** with ~~[law or the]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 33. Section 5.050 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 34. Section 5.090 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 417, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 35. Section 5.050 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all of the candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same name or names which are so similar as likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballots; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 36. Section 5.090 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1416, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or for counting the votes, or both, ~~[which are not inconsistent]~~ ***in accordance*** with the ~~[law or the]~~ ***election laws of this State and any*** regulations of the Secretary of State.

Sec. 37. Section 5.060 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1886, is hereby amended to read as follows:

Sec. 5.060 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of both candidates must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 38. Section 5.090 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1887, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 39. Section 5.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

3. In any election regulated by this Charter, the names of candidates as ~~[printed]~~ ***placed*** on the ballot shall not include any title, designation or other reference which will indicate the profession or occupation of such candidates.

Sec. 40. Section 5.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 41. Section 5.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1979, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 42. Section 5.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 43. Section 5.090 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 737, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 44. Section 5.040 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 493, Statutes of Nevada 2009, at page 2938, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible before the close of filing and any applicable period for withdrawal of candidacy, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 45. Section 5.080 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 470, is hereby amended to read as follows:

Sec. 5.080 Voting machines. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 46. Section 5.040 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 47. Section 5.080 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.080 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 48. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 49. NRS 293.365, 293.373, 293B.050, 293C.365 and 293C.375 are hereby repealed.

Sec. 50. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

293.365 Accounting for all paper ballots before counting of votes begins. Except as otherwise provided in NRS 293.269931, no counting board in any precinct, district or polling place in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.

293.373 Duties of officers of counting board after ballots counted if paper ballots used. If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The rosters and tally lists must be returned to the county clerk.

293B.050 Authorization for use of mechanical voting system. At all statewide, county, city and district elections of any kind held in this State, ballots or votes may be cast, registered, recorded and counted by means of a mechanical voting system.

293C.365 Accounting for all paper ballots before counting of votes begins. Except as otherwise provided in NRS 293C.26331, a counting board in any precinct, district or polling place in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.

293C.375 Duties of officers of counting board after ballots counted if paper ballots used. If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.
2. The rosters and tally lists must be returned to the city clerk.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 318.

AN ACT relating to health care; establishing the substantive rights of a person compelled to submit to a mental or physical examination under certain circumstances; authorizing a person who has been aggrieved by the violation of certain rights to institute an action for injunctive and other appropriate relief; repealing provisions relating to a mental or physical examination required of certain persons in a civil action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an observer to be present at a mental or physical examination ordered by a court for the purpose of discovery in a civil action. The observer may: (1) be an attorney for the person undergoing the examination; and (2) make an audio or stenographic recording of the examination. (NRS 52.380) In 2021, the Nevada Supreme Court held that such a statute is unconstitutional because it: (1) is a procedural statute that does not create a substantive right; and (2) attempts to abrogate an existing rule of procedure that the court "prescribed under its inherent authority to regulate the judicial process." (*Lyft, Inc. v. Eighth Jud. Dist. Court*, 137 Nev. Adv. Op. 86, 501 P.3d 994, 1002 (2021); N.R.C.P. 35) **Section 2** of this bill repeals this statute.

Section 1 of this bill provides that **, with certain exceptions,** a person compelled to submit to a mental or physical examination pursuant to a court order, a contractual obligation or any other type of obligation has the right to: (1) receive notice of the examination at least 21 days before the date of the examination; (2) have an interpreter and certain observers present throughout

the examination; (3) take notes or appoint an observer to take notes during the examination; and (4) after providing notice to the person conducting the examination, make certain recordings of the examination. **Section 1** further provides that the testimony or reports of the person conducting the examination are not privileged communications. **Section 1** authorizes a person compelled to submit to a mental or physical examination to bring an action against a person who has violated the rights established by **section 1** and to obtain certain remedies in that action, including: (1) attorney's fees; (2) actual damages or a fine of $1,500, whichever is greater; (3) injunctive and protective relief; and (4) an order prohibiting the use of any information gathered during the examination in any judicial or administrative proceeding.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law ~~[,]~~ and except as otherwise provided in this section, a person compelled to submit to a mental or physical examination pursuant to a court order, a contractual obligation or any other type of obligation retains the right to:

(a) Unless otherwise specified or agreed upon by both parties, receive notice of the requesting party's intention to compel the person to submit to a mental or physical examination at least 21 days before the date of the examination;

(b) Have any observer of choice present throughout the examination, including, without limitation, the person's attorney, provider of health care or any other person hired by or on behalf of the person;

(c) Have an interpreter present if the person believes that an interpreter is necessary to facilitate communication with the examiner;

(d) Take notes or appoint an observer to take notes during the examination; and

(e) After providing notice to the person conducting the examination, make an audio, stenographic or video recording of the examination or appoint an observer to make such a recording.

2. The testimony or reports of a person who conducts an examination of a person compelled to submit to a mental or physical examination described in subsection 1 are not privileged communications.

3. A person compelled to submit to a mental or physical examination may bring an action in a court of competent jurisdiction for a violation of this section to seek any or all of the following relief:

(a) Attorney's fees;

(b) Actual damages or a fine of $1,500, whichever is greater;

(c) Injunctive relief;

(d) Protective relief; or

(e) An order prohibiting the use of any information gathered at the examination in any judicial or administrative proceeding.

4. The provisions of subsection 1 do not apply to a person compelled to submit to a mental or physical examination pursuant to titles 5, 14 and 15 of NRS and chapter 432B of NRS.

5. As used in this section, "mental or physical examination" does not include any evaluation made with respect to a child custody proceeding, as defined in NRS 125A.055.

Sec. 1.5. **1. The amendatory provisions of this act do not apply to a mental or physical examination conducted before October 1, 2023.**

2. As used in this section, "mental or physical examination" has the meaning ascribed to it in section 1 of this act.

Sec. 2. NRS 52.380 is hereby repealed.

TEXT OF REPEALED SECTION

52.380 Attendance by observer.

1. An observer may attend an examination but shall not participate in or disrupt the examination.

2. The observer attending the examination pursuant to subsection 1 may be:

(a) An attorney of an examinee or party producing the examinee; or

(b) A designated representative of the attorney, if:

(1) The attorney of the examinee or party producing the examinee, in writing, authorizes the designated representative to act on behalf of the attorney during the examination; and

(2) The designated representative presents the authorization to the examiner before the commencement of the examination.

3. The observer attending the examination pursuant to subsection 1 may make an audio or stenographic recording of the examination.

4. The observer attending the examination pursuant to subsection 1 may suspend the examination if an examiner:

(a) Becomes abusive towards an examinee; or

(b) Exceeds the scope of the examination, including, without limitation, engaging in unauthorized diagnostics, tests or procedures.

5. An examiner may suspend the examination if the observer attending the examination pursuant to subsection 1 disrupts or attempts to participate in the examination.

6. If the examination is suspended pursuant to subsection 4 or 5, the party ordered to produce the examinee may move for a protective order pursuant to the Nevada Rules of Civil Procedure.

7. As used in this section:

(a) "Examination" means a mental or physical examination ordered by a court for the purpose of discovery in a civil action.

(b) "Examinee" means a person who is ordered by a court to submit to an examination.

(c) "Examiner" means a person who is ordered by a court to conduct an examination.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 253.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 393.

AN ACT relating to cannabis; providing for the licensure and regulation by the Cannabis Compliance Board of certain events at which the sale and consumption of cannabis or cannabis products is allowed; setting forth certain requirements for the issuance of a ~~[cannabis event organizer license,]~~ temporary cannabis event permit and portable cannabis vendor license; setting forth certain requirements concerning the operation of a temporary cannabis event; imposing various requirements on ~~[cannabis event organizers and]~~ portable cannabis vendors; revising provisions relating to social equity applicants; requiring the Board to adopt regulations establishing certain fees; revising provisions relating to the consumption of cannabis in a public place; revising provisions relating to the excise tax on retail sales of cannabis and cannabis products; exempting a ~~[cannabis event organizer]~~ **portable cannabis vendor** who holds a temporary cannabis event from certain provisions prohibiting a person from maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) This bill provides for the licensure and regulation of events at which the sale of cannabis or cannabis products and the consumption of cannabis or cannabis products by persons 21 years of age or older is allowed. **Section 6** of this bill designates such events as "temporary cannabis events."

Section 14 of this bill prohibits a person from holding a temporary cannabis event unless: (1) the person has been licensed by the Board as a **portable** cannabis ~~[event organizer;]~~ **vendor;** and (2) the Board has issued a temporary cannabis event permit for the event. **Section 4 of this bill defines "portable cannabis vendor" to mean, in general, a business that: (1) is licensed by the Board; (2) holds temporary cannabis events; and (3) purchases cannabis or cannabis products from an adult-use cannabis retail store and**

sells such cannabis or cannabis products at temporary cannabis events held by the business. Section ~~[13]~~ 18 of this bill establishes requirements for licensure as a ~~[cannabis event organizer.]~~ **portable cannabis vendor. Section 14** sets forth certain requirements for a ~~[cannabis event organizer]~~ **portable cannabis vendor** to obtain a temporary cannabis event permit. **Section 14.5 of this bill: (1) deems a temporary cannabis event permit conditional until the portable cannabis vendor has obtained the necessary approvals from the local government having jurisdiction over the location where the temporary cannabis event will be located; (2) requires the Board to adopt regulations requiring the surrender of a conditional temporary cannabis event permit for the failure to obtain such approvals within a certain period of time; and (3) requires a portable cannabis vendor who is issued a temporary cannabis event permit to comply with all local ordinances and rules.**

Section 15 of this bill prohibits a person other than ~~[a participating adult-use cannabis retail store or]~~ **the** portable cannabis vendor **to whom the temporary cannabis event permit was issued** from selling cannabis or cannabis products at a temporary cannabis event and sets forth certain requirements for such sales. ~~[Sections]~~ **Section 16** ~~[and 17]~~ of this bill ~~[impose]~~ **imposes** certain requirements and restrictions on a ~~[cannabis event organizer]~~ **portable cannabis vendor** relating to the operation of a temporary cannabis event.

~~[Section 18 of this bill establishes requirements for licensure as a "portable cannabis vendor," which is defined by section 4 of this bill to mean a business that: (1) is licensed by the Board; and (2) purchases cannabis or cannabis products from an adult-use cannabis retail store and sells such cannabis or cannabis products at a temporary cannabis event.]~~

Section 19 of this bill requires a portable cannabis vendor who ~~[participates in]~~ **holds** a temporary cannabis event to purchase all cannabis or cannabis products for resale at a temporary cannabis event from an adult-use cannabis retail store.

Existing law defines "social equity applicant" to mean, in general, an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge who has been adversely affected by previous laws which criminalized activity relating to cannabis. (NRS 678B.065) Existing law requires the Board to adopt regulations establishing criteria for determining whether an applicant qualifies as a social equity applicant. (NRS 678B.323) **Section 24** of this bill expands the definition of "social equity applicant" to include an applicant for the issuance or renewal of a ~~[cannabis event organizer license or]~~ portable cannabis vendor license who has been adversely affected by previous laws which criminalized activity relating to cannabis. **Section 27** of this bill requires the Board to adopt regulations establishing criteria for determining whether such an applicant qualifies as a social equity applicant. **Section 21** of this bill

requires the Board to ~~[give priority]~~ **issue the first portable cannabis vendor license** to a social equity applicant ~~[in: (1) processing applications for a cannabis event organizer license or]~~ **and the second** portable cannabis vendor license ~~[; and (2) the issuance of such a license.]~~ **to an applicant who is not a social equity applicant. After the issuance of the first two portable cannabis vendor licenses, section 21 requires the Board to issue portable cannabis vendor licenses by alternately issuing such a license to a social equity applicant and an applicant who is not a social equity applicant.**

Section 22 of this bill sets forth certain requirements for the issuance of ~~[cannabis event organizer licenses and]~~ **a** portable cannabis vendor ~~[licenses in a local governmental jurisdiction that limits the number of business licenses issued to cannabis event organizers and portable cannabis vendors, which include, among other requirements, a requirement that a certain number of those licenses be issued to social equity applicants.]~~ **license under circumstances in which more than one qualified applicant has applied for a license. Section 22 requires the Board to revoke the license of a portable cannabis vendor who has not held a temporary cannabis event in the immediately preceding 18 months and provides for the reissuance of such a revoked license.**

Existing law imposes an excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge. (NRS 372A.290) **Section 39** of this bill applies this excise tax to retail sales of cannabis or cannabis products by a portable cannabis vendor. **Sections 36 and 38** of this bill make conforming changes to reflect the imposition of the excise tax on retail sales of cannabis or cannabis products by a portable cannabis vendor.

Section 20 of this bill authorizes a local government to charge a ~~[cannabis event organizer]~~ **portable cannabis vendor** a fee for holding a temporary cannabis event. **Section 29** of this bill requires the Board to adopt regulations establishing fees associated with a ~~[cannabis event organizer license, temporary cannabis event permit and]~~ portable cannabis vendor license. Existing law authorizes the Board to establish reduced fees for the initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge for social equity applicants. (NRS 678B.390) **Section 29** similarly authorizes the Board to establish reduced fees for the initial issuance or renewal of a ~~[cannabis event organizer license and]~~ portable cannabis vendor license for social equity applicants.

Section 9 of this bill includes a ~~[cannabis event organizer and]~~ portable cannabis vendor within the definition of "cannabis establishment" provided in existing law, thereby subjecting such businesses to the requirements of existing law applicable to cannabis establishments. (NRS 678A.095) Similarly, **section 10** of this bill includes a ~~[cannabis event organizer license,]~~ a temporary cannabis event permit and a portable cannabis vendor license within the definition of "license" provided in existing law, thereby subjecting

the holders of such licenses to the provisions of existing law applicable to holders of other licenses issued by the Board. (NRS 678A.160) **Section 11** of this bill authorizes the Board to adopt regulations providing policies and procedures under which the Board is authorized to waive any requirement applicable to a cannabis establishment that the Board determines is not appropriate for a ~~[cannabis event organizer or]~~ portable cannabis vendor. **Section 31** of this bill requires the Board to adopt regulations concerning the safe and healthful operation of temporary cannabis events.

Section 23 of this bill provides that a **portable cannabis vendor** license or **temporary cannabis event** permit issued by the Board pursuant to the provisions of this bill is a revocable privilege. **Sections 25 and 26** of this bill prohibit the issuance of a medical cannabis establishment license or an adult-use cannabis establishment license, respectively, if any of the persons proposed to be owners, officers or board members of the establishment have previously served in such a position for a cannabis establishment that has had a **portable cannabis vendor** license or **temporary cannabis event** permit issued by the Board ~~[pursuant to the provisions of this bill]~~ revoked.

Existing law requires the Board to adopt regulations setting forth procedures and requirements for the transfer of a license. (NRS 678B.380) **Section 28** of this bill specifies that such regulations must set forth procedures and requirements for the transfer of a ~~[cannabis event organizer license or]~~ portable cannabis vendor license that is held by a social equity applicant.

Section 30 of this bill revises provisions of existing law that prohibit a person from selling or advertising the sale of cannabis or cannabis products for the purpose of authorizing the holder of a portable cannabis vendor license to engage in such activities. (NRS 678B.530) Existing law exempts, in general, persons who hold certain licenses issued by the Board from state prosecution for certain offenses relating to cannabis. (NRS 678D.200) **Section 33** of this bill expands this exemption to include the holder of a ~~[cannabis event organizer license or]~~ portable cannabis vendor license.

Existing law prohibits, with certain exceptions, the consumption of cannabis or cannabis products in a public place. (NRS 678C.300, 678D.300, 678D.310) **Sections 32, 34 and 35** of this bill revise these provisions for the purposes of authorizing a person to consume cannabis or cannabis products in an area designated for that activity at a temporary cannabis event.

Existing law prohibits a person from opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance. (NRS 453.316) **Section 41** of this bill exempts a ~~[cannabis event organizer]~~ **portable cannabis vendor** whose activities are confined to those authorized under the provisions of this bill from the application of this provision.

Sections ~~[2-7]~~ 4-7 of this bill define words and terms applicable to the provisions of this bill. **Sections 8 and 37** of this bill make conforming changes to indicate the proper placement of new provisions in the Nevada Revised

Statutes. **Section 40** of this bill makes a conforming change to reflect the addition of the provisions of **section 29**.

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

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ~~***[“Cannabis event organizer” means a business that:***~~

~~***1. Is licensed by the Board pursuant to section 13 of this act; and***~~

~~***2. Permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to temporary cannabis events.]***~~ **(Deleted by amendment.)**

Sec. 3. ~~***[“Cannabis event organizer license” means a license that is issued by the Board pursuant to section 13 of this act to authorize the operation of a cannabis event organizer.]***~~ **(Deleted by amendment.)**

Sec. 4. ***“Portable cannabis vendor” means a business that:***

1. Is licensed by the Board pursuant to section 18 of this act; ~~***[and]***~~

2. Permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to temporary cannabis events; and

3. Purchases cannabis or cannabis products from an adult-use cannabis retail store and sells such cannabis or cannabis products at a temporary cannabis event ~~***[.]***~~ ***held by the business.***

Sec. 5. ***“Portable cannabis vendor license” means a license that is issued by the Board pursuant to section 18 of this act to authorize the operation of a portable cannabis vendor.***

Sec. 6. ***“Temporary cannabis event” means an event held by a*** ~~***[cannabis event organizer]***~~ ***portable cannabis vendor for which a temporary cannabis event permit has been issued by the Board pursuant to section 14 of this act and at which:***

1. ~~***[Participating adult-use cannabis retail stores or]***~~ ***The portable cannabis*** ~~***[vendors sell]***~~ ***vendor sells cannabis or cannabis products to persons 21 years of age or older; and***

2. The consumption of cannabis or cannabis products by persons 21 years of age or older is allowed.

Sec. 7. ***“Temporary cannabis event permit” means a license that is issued by the Board pursuant to section 14 of this act to authorize a*** ~~***[cannabis event organizer]***~~ ***portable cannabis vendor to hold a temporary cannabis event.***

Sec. 8. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, ***and sections 2 to 7, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 678A.095 is hereby amended to read as follows:

678A.095 "Cannabis establishment" means:

1. An adult-use cannabis establishment; ~~[or]~~

2. A medical cannabis establishment ~~[.]~~ ***; or***

3. ~~[A cannabis event organizer; or~~

~~***4.]***~~ ***A portable cannabis vendor.***

Sec. 10. NRS 678A.160 is hereby amended to read as follows:

678A.160 "License" means:

1. An adult-use cannabis establishment license; ~~[or]~~

2. A medical cannabis establishment license ~~[.]~~ ***;***

3. ~~[A cannabis event organizer license;~~

~~***4.]***~~ ***A temporary cannabis event permit; or***

~~***[5.]***~~ ***4. A portable cannabis vendor license.***

Sec. 11. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) ***Policies and procedures governing the circumstances under which the Board may waive any requirement applicable to a cannabis establishment***

that the Board determines is not appropriate for a ~~[cannabis event organizer or]~~ portable cannabis vendor.

(i) Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

4. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 12. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 22, inclusive, of this act.

Sec. 13. ***~~[1. A person shall not engage in the business of a cannabis event organizer unless the person holds a cannabis event organizer license issued pursuant to this section.~~***

~~2. A person who wishes to engage in the business of a cannabis event organizer must submit to the Board an application on a form prescribed by the Board.~~

~~3. The Board shall issue a cannabis event organizer license to an applicant if:~~

~~(a) The person who wishes to engage in the business of a cannabis event organizer has submitted to the Board all of the following:~~

~~(1) The application fee, as set forth in NRS 678B.390;~~

~~(2) An application, which must include:~~

~~(I) The legal name of the proposed cannabis event organizer;~~

~~(II) The physical address where the proposed cannabis event organizer will be located;~~

~~(III) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed cannabis event organizer, a complete set of the person's fingerprints and written permission of the person 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; and*~~

~~*(IV) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed cannabis event organizer;*~~

~~*(3) Operating procedures consistent with the rules of the Board for oversight of the proposed cannabis event organizer; and*~~

~~*(4) Such other information as the Board may require by regulation;*~~

~~*(b) None of the persons who are proposed to be owners, officers or board members of the proposed cannabis event organizer have:*~~

~~*(1) Served as an owner, officer or board member for a cannabis establishment that has had its cannabis event organizer license, temporary cannabis event permit, portable cannabis vendor license, adult use cannabis establishment license or medical cannabis establishment license revoked;*~~

~~*(2) Previously had a cannabis establishment agent registration card revoked;*~~

~~*(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or*~~

~~*(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and*~~

~~*(c) None of the persons who are proposed to be owners, officers or board members of the proposed cannabis event organizer are under 21 years of age.*~~

~~*4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed cannabis event organizer, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.*~~

~~*5. Except as otherwise provided in section 22 of this act, if an applicant for licensure to engage in the business of a cannabis event organizer satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant a cannabis event organizer license. A cannabis event organizer license expires 1 year after the date of issuance and may be renewed upon:*~~

~~*(a) Submission of the information required by the Board by regulation; and*~~

~~*(b) Payment of the renewal fee set forth in NRS 678B.390.]*~~ **(Deleted by amendment.)**

Sec. 14. *1. A person shall not hold a temporary cannabis event unless the person:*

(a) Is a ~~*[cannabis event organizer;]*~~ ***portable cannabis vendor;*** *and*

(b) Has been issued a temporary cannabis event permit for the temporary cannabis event by the Board pursuant to this section.

2. A ~~[cannabis event organizer]~~ portable cannabis vendor who wishes to obtain a temporary cannabis event permit must submit to the Board the application ~~[fee,]~~ deposit, as set forth in ~~[NRS 678B.390,]~~ subsection 6, and an application on a form prescribed by the Board. The application must include:

(a) The name , ~~[and]~~ address , telephone number and electronic mail address of the applicant;

(b) The physical address of the location at which the proposed temporary cannabis event will be held ~~[;]~~ , the location of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the temporary cannabis event permit was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the temporary cannabis event permit was submitted to the Board or, if the temporary cannabis event will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the temporary cannabis event permit was submitted to the Board;

(c) The date or dates of the proposed temporary cannabis event ~~[;]~~ , which must not exceed 3 consecutive days;

(d) The number of persons reasonably expected to attend the proposed temporary cannabis event ~~[;]~~ , which must be not less than 750 persons, estimated using the method set forth by the Board by regulation, and evidence to support this expectation;

(e) A ~~[detailed description of each area within]~~ diagram of the physical layout of the proposed temporary cannabis event , which clearly sets forth each:

(1) Entrance and exit to the proposed temporary cannabis event that will be used by participants during the event;

(2) Area within the proposed temporary cannabis event designated for the sale of cannabis or cannabis products;

~~[(f) A detailed description of each area]~~

(3) Area within the proposed temporary cannabis event designated for the consumption of cannabis or cannabis products; and

(4) Area within the proposed temporary cannabis event designated for the storage of cannabis or cannabis products;

~~[(g)]~~ (f) Operating procedures consistent with the regulations of the Board for the safe and healthful operation of temporary cannabis events ~~[;~~

~~(h) Evidence that the local government having jurisdiction over the location in which the proposed temporary cannabis event is to be held has~~

~~*approved the event to be held at the specified location and on the specified date or dates;*~~

~~*(i) A list of each adult-use cannabis retail store, portable cannabis vendor and cannabis establishment agent that will be participating in the proposed temporary cannabis event; and*~~

~~*(j)*~~ *, including, without limitation:*

(1) Procedures to ensure the use of adequate security measures;

(2) The use of an inventory control system; and

(3) Procedures to ensure adequate controls for the sale of cannabis and cannabis products;

(g) An attestation by the applicant that he or she understands and agrees to comply with the requirements set forth in section 16 of this act; and

(h) Such other information as the Board may require by regulation.

3. The Board shall issue a temporary cannabis event permit to an applicant if:

(a) The application satisfies the requirements of this section;

(b) The applicant is a ~~*[cannabis event organizer]*~~ *portable cannabis vendor who is qualified in the determination of the Board pursuant to NRS 678B.200; and*

(c) The temporary cannabis event is not disqualified from being licensed pursuant to any other applicable law.

4. Each temporary cannabis event permit issued pursuant to this section must set forth the location and date or dates of the temporary cannabis event for which the temporary cannabis event permit is issued.

5. The Board shall not issue a temporary cannabis event permit to a portable cannabis vendor that has held a temporary cannabis event within the immediately preceding 30 days.

6. The Board shall, by regulation, set forth the amount of the application deposit required by subsection 2, which must be an amount sufficient to cover the actual administrative cost of processing the application. Not more than 30 days after the issuance or denial of a temporary cannabis event permit pursuant to this section, the Board shall return to the applicant any unused money from the deposit.

7. For the purposes of paragraph (b) of subsection 2, the distance must be measured from the main entrance of the proposed temporary cannabis event to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" has the meaning ascribed to it in NRS 678B.250.

Sec. 14.5. 1. The issuance by the Board of a temporary cannabis event permit pursuant to section 14 of this act shall be deemed to be conditional until the local government having jurisdiction over the location in which the event will be located has issued a business license for the operation of the

temporary cannabis event, if applicable, and any other approval necessary for the operation of the temporary cannabis event.

2. The Board shall adopt regulations:

(a) Requiring the surrender of a conditional temporary cannabis event permit if the portable cannabis vendor to which the permit is issued does not satisfy the requirements of subsection 1 within a period of time determined by the Board; and

(b) Authorizing a portable cannabis vendor to request an extension of the period of time established pursuant to paragraph (a) as a result of factors outside of the control of the portable cannabis vendor that cause a delay is satisfying the requirements of subsection 1.

3. A portable cannabis vendor that is issued a temporary cannabis event permit shall comply with all applicable ordinances and rules of the local government having jurisdiction over the location in which the temporary cannabis event will be located, including, without limitation, ordinances and rules pertaining to zoning and land use and ordinances and rules imposing any other requirement upon the portable cannabis vendor and the temporary cannabis event.

Sec. 15. *1. A person shall not sell cannabis or cannabis products at a temporary cannabis event unless the person is ~~[an adult-use cannabis retail store or a]~~ the portable cannabis vendor ~~[and has been listed as a participant in the event in a list submitted to the Board pursuant to section 14 of this act.]~~ to whom the temporary cannabis event permit was issued.*

2. Except as otherwise provided by regulations adopted by the Board, all provisions of this title and the regulations adopted pursuant thereto relating to the testing and labeling of cannabis and cannabis products and the sale of cannabis and cannabis products on the premises of an adult-use cannabis retail store or a retail cannabis consumption lounge also apply to cannabis and cannabis products sold at a temporary cannabis event.

Sec. 16. *A ~~[cannabis event organizer]~~ portable cannabis vendor that holds a temporary cannabis event shall:*

1. Ensure that only persons who are 18 years of age or older are allowed to access the temporary cannabis event and only persons 21 years of age or older are allowed to access areas within the temporary cannabis event designated for the sale or consumption of cannabis or cannabis products;

2. Comply with all procedures and requirements prescribed by regulation of the Board for the collection and disposal of cannabis or cannabis products which are left at the temporary cannabis event ~~[;]~~ and for the management of other cannabis waste;

3. Ensure that all sales and consumption of cannabis or cannabis products at the temporary cannabis event are confined to areas within the event designated for such activities;

4. Ensure that ~~[each adult-use cannabis retail store and portable cannabis vendor that participates in the temporary cannabis event complies~~

~~*with the requirements set forth in section 15 of this act and any other requirements prescribed by regulation of the Board; and]*~~ *firearms and other weapons are prohibited at the temporary cannabis event;*

5. Ensure that no sales of cannabis or cannabis products are conducted within 1 hour before the close of the temporary cannabis event on each day of the temporary cannabis event;

6. Ensure that the temporary cannabis event is held entirely outdoors; and

7. Comply with any other requirements prescribed by regulation of the Board.

Sec. 17. ~~*[A cannabis event organizer shall not sell cannabis or cannabis products at a temporary cannabis event unless the cannabis event organizer is an adult-use cannabis retail store or portable cannabis vendor and has been listed as a participant in the event in a list submitted to the Board pursuant to section 14 of this act.]*~~ **(Deleted by amendment.)**

Sec. 18. *1. A person shall not engage in the business of a portable cannabis vendor unless the person holds a portable cannabis vendor license issued pursuant to this section.*

2. A person who wishes to engage in the business of a portable cannabis vendor must submit to the Board an application on a form prescribed by the Board.

3. The Board shall issue a portable cannabis vendor license to an applicant if:

(a) The person who wishes to engage in the business of a portable cannabis vendor has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed portable cannabis vendor;

(II) The physical address where the proposed portable cannabis vendor will be located;

(III) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed portable cannabis vendor, a complete set of the person's fingerprints and written permission of the person 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; and

(IV) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed portable cannabis vendor;

(3) Operating procedures consistent with the rules of the Board for oversight of the proposed portable cannabis vendor; and

(4) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed portable cannabis vendor have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its portable cannabis vendor license ***[, cannabis event organizer license,]*** *or temporary cannabis event permit* ***[, adult-use cannabis establishment license or medical cannabis establishment license]*** *revoked;*

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(c) None of the persons who are proposed to be owners, officers or board members of the proposed portable cannabis vendor are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed portable cannabis vendor, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in ***[section]*** *sections 21 and 22 of this act, if an applicant for licensure to engage in the business of a portable cannabis vendor satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant a portable cannabis vendor license. A portable cannabis vendor license expires 1 year after the date of issuance and may be renewed upon:*

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

Sec. 19. *A portable cannabis vendor that* ***[participates in]*** *holds a temporary cannabis event shall purchase all cannabis or cannabis products for resale at the temporary cannabis event from an adult-use cannabis retail store.*

Sec. 20. *A local government having jurisdiction over the location in which a temporary cannabis event is to be held may charge the* ***[cannabis event organizer]*** *portable cannabis vendor a fee for holding the event.*

Sec. 21. ***[In processing applications for a cannabis event organizer license or portable cannabis vendor license and in the issuance of such a license,]***

1. Except as otherwise provided in section 22 of this act, the Board shall ***[give priority to a social equity applicant.]*** *issue:*

(a) The first portable cannabis vendor license to a social equity applicant; and

(b) The second portable cannabis vendor license to an applicant who is not a social equity applicant.

2. After the Board has issued the first two portable cannabis vendor licenses pursuant to subsection 1, the Board:

(a) Shall issue portable cannabis vendor licenses by alternately issuing such a license to a social equity applicant and an applicant who is not a social equity applicant; and

(b) Shall not issue a license to an applicant who is not a social equity applicant unless the previous license issued by the Board was issued to a social equity applicant and vice versa.

Sec. 22. ***1. ~~[The]*** ***Subject to the requirements of section 21 of this act, if there is more than one qualified applicant for a single portable cannabis vendor license, the*** Board shall ***~~[, for each local governmental jurisdiction that limits the number of business licenses that may be issued to cannabis event organizers and portable cannabis vendors, determine the number of licenses allocated to the jurisdiction for cannabis event organizers and portable cannabis vendors,]~~ select the qualified applicant to be issued the license at random.***

2. ~~[Except as otherwise provided in this subsection, at least 50 percent of the licenses allocated to a local governmental jurisdiction pursuant to subsection 1 must be issued to social equity applicants. If there are an insufficient number of social equity applicants to distribute licenses in that manner, the local governmental jurisdiction shall issue business licenses to all qualified social equity applicants and hold the remaining business licenses in reserve for future issuance to social equity applicants.~~

~~3. If the number of qualified applicants in a local governmental jurisdiction exceeds the number of licenses allocated to that jurisdiction pursuant to subsection 1, the Board shall issue cannabis event organizer licenses and portable cannabis vendor licenses in the local governmental jurisdiction to qualified applicants who are not social equity applicants using a separate lottery system for each type of license.~~

~~4. As used in this section, "local governmental jurisdiction" means a city or unincorporated area within a county.]~~ The Board shall revoke the license of a portable cannabis vendor who has not held a temporary cannabis event in the immediately preceding 18 months. If the portable cannabis vendor whose license is revoked pursuant to this section is:

(a) A social equity applicant, the Board shall reissue the license to another qualified social equity applicant; and

(b) Not a social equity applicant, the Board shall reissue the license to another qualified applicant who is not a social equity applicant.

Sec. 23. NRS 678B.010 is hereby amended to read as follows:

678B.010 The Legislature hereby finds and declares that:

1. The purpose for licensing cannabis establishments and registering cannabis establishment agents is to protect the public health and safety and the general welfare of the people of this State.

2. Any:

(a) Medical cannabis establishment license issued pursuant to NRS 678B.210;

(b) Adult-use cannabis establishment license issued pursuant to NRS 678B.250;

(c) ~~***[Cannabis event organizer license issued pursuant to section 13 of this act;***~~

~~***— (d)]***~~ ***Temporary cannabis event permit issued pursuant to section 14 of this act;***

~~**[**(e)~~**]** ***(d) Portable cannabis vendor license issued pursuant to section 18 of this act;***

~~**[**(f)~~**]** ***(e)*** Cannabis establishment agent registration card issued pursuant to NRS 678B.340;

~~**[**(d)~~**]** ~~**[**(g)~~**]** ***(f)*** Cannabis establishment agent registration card for a cannabis executive issued pursuant to NRS 678B.350; and

~~**[**(e)~~**]** ~~**[**(h)~~**]** ***(g)*** Cannabis establishment agent registration card for a cannabis receiver issued pursuant to NRS 678B.355,

➥ is a revocable privilege and the holder of such a license or card, as applicable, does not acquire thereby any vested right.

Sec. 24. NRS 678B.065 is hereby amended to read as follows:

678B.065 "Social equity applicant" means an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge ~~***[, cannabis event organizer license]***~~ ***or portable cannabis vendor license*** who has been adversely affected by provisions of previous laws which criminalized activity relating to cannabis, as determined by the Board in accordance with the regulations adopted pursuant to NRS 678B.323. Such adverse effects may include, without limitation, adverse effects on an owner or officer of the applicant.

Sec. 25. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person 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; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license **,** ~~[or]~~ adult-use cannabis establishment license **,** ~~***[cannabis event organizer license,]***~~ ***temporary cannabis event permit or portable cannabis vendor license*** revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 26. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270, 678B.280, 678B.322 and 678B.324 to 678B.328, inclusive, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person 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; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license **,** ~~[or]~~ medical cannabis establishment license **,** ***~~[cannabis event organizer license,]~~ temporary cannabis event permit or portable cannabis vendor license*** revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or 678B.324, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 27. NRS 678B.323 is hereby amended to read as follows:

678B.323 1. The Board shall adopt regulations establishing criteria to be used by the Board for determining whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge ~~[, cannabis event organizer license]~~ ***or portable cannabis vendor license*** qualifies as a social equity applicant for the purposes of this chapter.

2. The regulations adopted pursuant to subsection 1 must establish the minimum percentage of ownership in a proposed independent cannabis

consumption lounge ~~*[, cannabis event organizer]*~~ ***or portable cannabis vendor*** which will be held by a person or group of persons who have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis for the applicant to qualify as a social equity applicant.

Sec. 28. NRS 678B.380 is hereby amended to read as follows:

678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:

(a) A cannabis establishment agent registration card.

(b) A cannabis establishment agent registration card for a cannabis executive.

(c) A cannabis establishment agent registration card for a cannabis receiver.

(d) A medical cannabis establishment license.

(e) An adult-use cannabis establishment license.

(f) ~~*[A cannabis event organizer license.*~~

~~*(g)]*~~ ***A temporary cannabis event permit.***

~~*[(h)]*~~ ***(g) A portable cannabis vendor license.***

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of a license ***, including, without limitation, the holder of a*** ~~*[cannabis event organizer license or]*~~ ***portable cannabis vendor license who is a social equity applicant,*** may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter. Such regulations may give priority in the processing of transfers of licenses to a transfer in which the transferor is:

(a) Subject to a receivership;

(b) Involved in a recapitalization; or

(c) A party to a court proceeding involving financial distress.

3. The regulations adopted pursuant to subsection 2 must:

(a) Prohibit the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge from transferring the license until at least 2 years from the date on which the independent cannabis consumption lounge for which the license was issued became operational;

(b) Require the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge who wishes to cease operations before the independent cannabis consumption lounge for which the license was issued has been operational for at least 2 years to surrender the license to the Board; and

(c) Require the Board to hold a license surrendered pursuant to paragraph (b) in reserve for issuance to an applicant for such a license in the future.

Sec. 29. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary $30,000

For the renewal of a medical cannabis establishment license for a medical cannabis dispensary 5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility 3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility 1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility 3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility 1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory 5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory 3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store 20,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store 6,600
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility 30,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility 10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility 10,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility 3,300
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory 15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory 5,000
For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge 10,000
For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge 10,000
For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge 10,000

For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge 10,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor 15,000

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor 5,000

For each person identified in an application for the initial issuance of a cannabis establishment agent registration card 150

For each person identified in an application for the renewal of a cannabis establishment agent registration card 150

2. ***The Board shall establish by regulation fees for*** ~~***[:***~~

~~***(a) The issuance and renewal of a cannabis event organizer license.***~~

~~***(b) The issuance of a temporary cannabis event permit.***~~

~~***(c) The]***~~ ***the issuance and renewal of a portable cannabis vendor license.***

3. The Board may by regulation establish reduced fees for:

(a) The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; ~~[and]~~

(b) The application fee set forth in ***paragraph (c) of*** subsection ~~[3,]~~ ***4; and***

(c) ~~***[The initial issuance and renewal of a cannabis event organizer license; and***~~

~~***(d)]***~~ ***The initial issuance and renewal of a portable cannabis vendor license,***

➥ for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection ~~[2,]~~ ***3,*** in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license or adult-use cannabis establishment license must pay to the Board:

(a) For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a one-time, nonrefundable application fee of $5,000;

(b) For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of $100,000;

(c) For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of $10,000; and

(d) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

~~[4.]~~ ***5.*** Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 30. NRS 678B.530 is hereby amended to read as follows:

678B.530 1. A person shall not:

(a) Advertise the sale of cannabis or cannabis products by the person; or

(b) Sell, offer to sell or appear to sell cannabis or cannabis products or allow the submission of an order for cannabis or cannabis products,

➥ unless the person holds an adult-use cannabis establishment license **,** ~~[or]~~ a medical cannabis establishment license ~~[.]~~ ***or a portable cannabis vendor license.***

2. A local government shall not regulate the content of an advertisement for the sale of cannabis or cannabis products unless the local government adopts an ordinance setting forth such regulations.

Sec. 31. NRS 678B.650 is hereby amended to read as follows:

678B.650 The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;

2. Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;

3. Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in NRS 678C.080 and 678C.070, respectively;

(b) Minimum requirements for the oversight of cannabis establishments;

(c) Minimum requirements for the keeping of records by cannabis establishments;

(d) Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and

(e) Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from hemp, as

defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;

4. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 678B.390 may be reduced over time to ensure that the fees imposed pursuant to NRS 678B.390 are, insofar as may be practicable, revenue neutral;

5. Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and a cannabis establishment agent registration card for a cannabis receiver and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;

6. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;

7. Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;

8. Determine whether any provision of this chapter or chapter 678C or 678D of NRS would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable;

9. Allow for any record relating to the delivery of cannabis or cannabis products that is required to be kept by a cannabis establishment to be created and maintained in an electronic format;

10. Prescribe the manner in which the Board will determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses pursuant to NRS 678B.325 and 678B.328;

11. Set forth rules pertaining to the safe and healthful operation of cannabis consumption lounges, including, without limitation:

(a) Standards for the air quality in a cannabis consumption lounge;

(b) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a cannabis consumption lounge; and

(c) Requirements for the training of employees of a cannabis consumption lounge in the sale and safe consumption of single-use cannabis products and ready-to-consume cannabis products; ~~[and]~~

12. ***Set forth rules pertaining to the safe and healthful operation of temporary cannabis events, including, without limitation:***

(a) Requirements for the testing, labeling and sale of cannabis and cannabis products at a temporary cannabis event; ~~[and]~~

(b) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a temporary cannabis event ~~[.]~~ and the management of cannabis waste; and

(c) The method by which a portable cannabis vendor must estimate the expected attendance at a proposed temporary cannabis event; and

13. Address such other matters as the Board deems necessary to carry out the provisions of this title.

Sec. 32. NRS 678C.300 is hereby amended to read as follows:

678C.300 1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to NRS 678C.230 or 678C.270 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged or assisted in the medical use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Delivering cannabis to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

(f) Delivering cannabis for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

2. Except as otherwise provided in NRS 678C.240 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.

3. ***For the purposes of sub-subparagraph (I) of subparagraph (1) of paragraph (d) of subsection 1, an area within a temporary cannabis event***

that is designated for the consumption of cannabis or cannabis products is not a public place or a place open to the public or exposed to public view.

4. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678D of NRS relating to the adult use of cannabis.

~~[4.]~~ ***5.*** As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 33. NRS 678D.200 is hereby amended to read as follows:

678D.200 1. Except as otherwise provided in NRS 678D.300, a person who is 21 years of age or older is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the adult use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person:

(a) Is 21 years of age or older;

(b) Is not employed by any agency or political subdivision of this State in a position which requires the person to be certified by the Peace Officers' Standards and Training Commission;

(c) Engages in the adult use of cannabis in accordance with the provisions of this title;

(d) Does not, at any one time, possess, deliver or produce more than:

(1) One ounce of usable cannabis;

(2) One-eighth of an ounce of concentrated cannabis;

(3) Six cannabis plants, irrespective of whether the cannabis plants are mature or immature; and

(4) A maximum allowable quantity of adult-use cannabis products as established by regulation of the Board;

(e) Cultivates, grows or produces not more than six cannabis plants:

(1) Within an enclosed area that is not exposed to public view that is equipped with locks or other security devices which allow access only by an authorized person; and

(2) At a residence or upon the grounds of a residence in which not more than 12 cannabis plants are cultivated, grown or produced;

(f) Delivers 1 ounce or less of usable cannabis or one-eighth of an ounce or less of concentrated cannabis without remuneration to a person who is 21 years of age or older so long as such delivery is not advertised or promoted to the public; and

(g) Assists another person who is 21 years of age or older in carrying out any of the acts described in paragraphs (a) to (f), inclusive.

4. If a person possesses, uses or produces cannabis in an amount which exceeds the amount set forth in paragraph (d) of subsection 3 or in any manner other than that set forth in subsection 3, the person is not exempt from state prosecution for the possession, delivery or production of cannabis.

5. A person who holds an adult-use cannabis establishment license issued to the person pursuant to NRS 678B.250, ~~***[a cannabis event organizer license issued to the person pursuant to section 13 of this act,]***~~ ***a portable cannabis vendor license issued to the person pursuant to section 18 of this act,*** a cannabis establishment agent registration card issued to the person pursuant to NRS 678B.340, a cannabis establishment agent registration card for a cannabis executive issued to the person pursuant to NRS 678B.350 or a cannabis establishment agent registration card for a cannabis receiver issued to the person pursuant to NRS 678B.355, and confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. The commission of any act by a person for which the person is exempt from state prosecution pursuant to this section must not be used as the basis for the seizure or forfeiture of any property of the person or for the imposition of a civil penalty.

Sec. 34. NRS 678D.300 is hereby amended to read as follows:

678D.300 1. A person is not exempt from state prosecution for any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged in the adult use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Knowingly delivering cannabis to another person who is not 21 years of age or older unless:

(1) The recipient holds a valid registry identification card or letter of approval issued to the person by the Division of Public and Behavioral Health of the Department of Health and Human Services or its designee pursuant to NRS 678C.230 or 678C.270.

(2) The person demanded and was shown bona fide documentary evidence of the age and identity of the recipient issued by a federal, state, county or municipal government, or subdivision or agency thereof.

2. ***For the purposes of sub-subparagraph (I) of subparagraph (1) of paragraph (d) of subsection 1, an area within a temporary cannabis event that is designated for the consumption of cannabis or cannabis products is not a public place or a place open to the public or exposed to public view.***

3. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 35. NRS 678D.310 is hereby amended to read as follows:

678D.310 1. Except as otherwise provided in chapter 678C of NRS, a person shall not:

(a) Cultivate cannabis within 25 miles of an adult-use cannabis retail store licensed pursuant to chapter 678B of NRS, unless the person is an adult-use cannabis cultivation facility or is a cannabis establishment agent volunteering at, employed by or providing labor to an adult-use cannabis cultivation facility;

(b) Cultivate cannabis plants where they are visible from a public place by normal unaided vision; or

(c) Cultivate cannabis on property not in the cultivator's lawful possession or without the consent of the person in lawful physical possession of the property.

2. A person who violates the provisions of subsection 1 is guilty of:

(a) For a first violation, a misdemeanor punished by a fine of not more than $600.

(b) For a second violation, a misdemeanor punished by a fine of not more than $1,000.

(c) For a third violation, a gross misdemeanor.

(d) For a fourth or subsequent violation, a category E felony.

3. Except as otherwise provided in subsection 10 or by regulations adopted by the Board pursuant to NRS 678B.645, a person who smokes or otherwise consumes cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle is guilty of a misdemeanor punished by a fine of not more than $600.

4. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain cannabis is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 2 of NRS 484C.350,

➥ or any combination thereof.

5. If a person under 21 years of age fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

6. A person under 21 years of age who knowingly enters, loiters or remains on the premises of an adult-use cannabis establishment shall be punished by a fine of not more than $500 unless the person is authorized to possess cannabis pursuant to chapter 678C of NRS and the adult-use cannabis establishment is a dual licensee.

7. A person who manufactures cannabis by chemical extraction or chemical synthesis, unless done pursuant to an adult-use cannabis establishment license for an adult-use cannabis production facility issued by the Board or authorized by this title, is guilty of a category E felony.

8. A person who knowingly gives cannabis or a cannabis product to any person under 21 years of age or who knowingly leaves or deposits any cannabis

or cannabis product in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

9. A person who knowingly gives cannabis to any person under 18 years of age or who knowingly leaves or deposits any cannabis in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

10. A person may smoke or otherwise consume cannabis or a cannabis product in ~~[a]~~ ***:***

(a) A cannabis consumption lounge.

(b) An area within a temporary cannabis event that is designated for the consumption of cannabis or cannabis products.

Sec. 36. Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:

"Portable cannabis vendor" has the meaning ascribed to it in section 4 of this act.

Sec. 37. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, ***and section 36 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, ***and section 36 of this act,*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 372A.250 is hereby amended to read as follows:

372A.250 "Taxpayer" means a:

1. Cannabis cultivation facility;
2. Adult-use cannabis retail store; ~~[or]~~
3. Cannabis consumption lounge ~~[.]~~ ***; or***
4. Portable cannabis vendor.

Sec. 39. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store ***,*** ~~[or]~~ cannabis consumption lounge ***or portable cannabis vendor*** at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the seller of the cannabis or cannabis product;

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(c) "Local government" has the meaning ascribed to it in NRS 360.640.

(d) "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.

(e) "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.

(f) "Wholesale sale" means a sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

Sec. 40. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The money identified in subsection 8 of NRS 120A.610;

(e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;

(g) The money identified in subsection 1 of NRS 328.450;

(h) The money identified in subsection 1 of NRS 328.460;

(i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(k) The money required to be transferred to the State Education Fund pursuant to NRS 362.100;

(l) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(m) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(n) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(o) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(p) The money identified in subsection 5 of NRS 445B.640;

(q) The money identified in paragraph (b) of subsection ~~[4]~~ ***5*** of NRS 678B.390;

(r) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(s) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(t) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;

(u) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(v) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

(w) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;

(x) The money required to be distributed to the State Education Fund pursuant to NRS 363D.290; and

(y) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

Sec. 41. NRS 453.316 is hereby amended to read as follows:

453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.

3. This section does not apply to:

(a) Any rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.

(b) Any cannabis consumption lounge, as defined in NRS 678A.087, whose activities are confined to those authorized in title 56 of NRS.

(c) A ~~[cannabis event organizer,]~~ portable cannabis vendor, as defined in section ~~[2]~~ 4 of this act, that holds a temporary cannabis event, as defined in section 6 of this act, and whose activities are confined to those authorized in title 56 of NRS.

~~[(c)]~~ ***(d)*** Any person who opens or maintains any public place in which a person is authorized to consume cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, pursuant to regulations adopted by the Cannabis Compliance Board pursuant to NRS 678B.645, and whose activities are confined to those authorized by such regulations.

Sec. 42. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 41, inclusive, 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 July 1, 2024 for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time.

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

Amendment No. 295.

AN ACT relating to providers of health care; providing for the licensure and regulation of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; requiring an anesthesiologist assistant to work under the supervision of a supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable, except when rendering emergency care under certain circumstances; establishing the maximum fee the Boards may impose for the licensure of an anesthesiologist assistant and the biennial registration of such licenses; exempting an anesthesiologist assistant from civil liability under certain circumstances; requiring an anesthesiologist assistant to report instances of neglect or abuse of older persons and vulnerable persons; authorizing an anesthesiologist assistant to be simultaneously licensed by the Board of Medical Examiners and the State Board of Osteopathic Medicine; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure by the Board of Medical Examiners and the State Board of Osteopathic Medicine of a physician assistant who works under the supervision of a physician or osteopathic physician, respectively. (NRS 630.273, 633.305) **Sections 8, 9, 47 and 48** of this bill

provide for the licensure of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine, respectively, and prescribe the qualifications necessary for licensure. **Sections 12, 13, 51 and 52** of this bill require that an anesthesiologist assistant work under the supervision of a supervising anesthesiologist or supervising osteopathic anesthesiologist, except when rendering emergency care directly related to an emergency or disaster, under certain circumstances. **Sections 10 and 49** of this bill require the Boards to adopt regulations establishing requirements for the licensure of anesthesiologist assistants. **Sections 31 and 66** of this bill prescribe the maximum fee that the Boards may charge for the respective applications for and the issuance of a license to practice as an anesthesiologist assistant and the biennial registration of an anesthesiologist assistant. **Section 24** of this bill authorizes the Board of Medical Examiners to select anesthesiologist assistants to serve as advisory members of the Board. **Sections 25-30, 33, 37, 61, 64, 65, 67, 70-73 and 77-84** of this bill make conforming changes to the duties of the Boards to include anesthesiologist assistants for the purposes of licensure, investigation and discipline.

Sections 7 and 46 of this bill authorize a licensed anesthesiologist assistant to assist in the practice of medicine under the supervision of a supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable. **Sections 7 and 46** list the services and duties that an anesthesiologist assistant may perform, including requirements for the ~~[ordering]~~ **possession** and administration of controlled substances. **Sections 7 and 46** also provide that an anesthesiologist assistant may not perform any duties that are outside the scope of the duties assigned to the anesthesiologist assistant by the supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable, or delegate to any other person any medical care task assigned to the anesthesiologist assistant by a supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable.

Sections 32, 74-76 and 87-89 of this bill establish the process for the filing with the Boards of certain complaints concerning an anesthesiologist assistant. **Sections 33, 62, 63 and 67** set forth procedures for the investigation of complaints and the imposition of disciplinary action by the Boards against an anesthesiologist assistant. **Sections 39 and 90** of this bill provide that a person who holds himself or herself out as an anesthesiologist assistant without being licensed as such by the Board is guilty of a category C or D felony. **Sections 14 and 53** of this bill require each medical facility in this State employing an anesthesiologist assistant to submit to the Boards a list of such personnel at least three times annually, as directed by the Boards. **Sections 14, 53 and 97** of this bill provide that such a list is confidential. **Sections 14 and 53** also require a medical facility to obtain validation from the Boards that a prospective employee is licensed pursuant to the provisions of **sections 8, 9, 47 or 48** of this bill, as applicable.

Sections 1, 94, 95, 101 and 102 of this bill include anesthesiologist assistants in the definition of the term "provider of health care" for certain purposes. **Section 40** of this bill requires an anesthesiologist assistant to report to the Executive Director of the State Board of Nursing any conduct of a licensee of that Board or holder of a certificate issued by that Board which violates provisions governing nursing. **Sections 86, 92 and 93** of this bill provide that an anesthesiologist assistant is immune from civil liability for rendering medical care in certain emergency situations. **Section 96** of this bill requires an anesthesiologist assistant to report instances of suspected abuse, neglect, exploitation, isolation or abandonment of older persons and vulnerable persons.

Sections 99 and 100 of this bill include anesthesiologist assistants as a medical field of study eligible for certain scholarships.

Sections 3-6 and 42-45 of this bill define certain terms pertaining to anesthesiologist assistants. **Sections 11 and 50** of this bill require an anesthesiologist assistant to identify himself or herself as an anesthesiologist assistant when engaged in professional duties. **Sections 19-23, 27, 34-36, 38, 41, 98, 101, 103 and 104** of this bill make conforming changes to include anesthesiologist assistants with certain other providers of health care for certain purposes.

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) ***An anesthesiologist assistant;***

(d) A dentist;

~~[(d)]~~ ***(e)*** A licensed nurse;

~~[(e)]~~ ***(f)*** 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)]~~ ***(g)*** A dispensing optician;

~~[(g)]~~ ***(h)*** An optometrist;

~~[(h)]~~ ***(i)*** A speech-language pathologist;

~~[(i)]~~ ***(j)*** An audiologist;

~~[(j)]~~ ***(k)*** A practitioner of respiratory care;

~~[(k)]~~ ***(l)*** A licensed physical therapist;

~~[(l)]~~ ***(m)*** An occupational therapist;

~~[(m)]~~ ***(n)*** A podiatric physician;

~~[(n)]~~ ***(o)*** A licensed psychologist;

~~[(o)]~~ ***(p)*** A licensed marriage and family therapist;

~~[(p)]~~ ***(q)*** A licensed clinical professional counselor;

~~[(q)]~~ ***(r)*** A music therapist;

~~[(r)]~~ ***(s)*** A chiropractic physician;

~~[(s)]~~ ***(t)*** An athletic trainer;

~~[(t)]~~ ***(u)*** A perfusionist;

~~[(u)]~~ ***(v)*** A doctor of Oriental medicine in any form;

~~[(v)]~~ ***(w)*** A medical laboratory director or technician;

~~[(w)]~~ ***(x)*** A pharmacist;

~~[(x)]~~ ***(y)*** A licensed dietitian;

~~[(y)]~~ ***(z)*** 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)]~~ ***(aa)*** An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

~~[(aa)]~~ ***(bb)*** An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

~~[(bb)]~~ ***(cc)*** A behavior analyst, assistant behavior analyst or registered behavior technician; or

~~[(cc)]~~ ***(dd)*** 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 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 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 18, inclusive, of this act.

Sec. 3. ***"Anesthesiologist assistant" means a person who has been issued a license by the Board pursuant to section 8 or 9 of this act, as applicable, and is approved by the Board to assist in the practice of medicine under the supervision of a supervising anesthesiologist.***

Sec. 4. ***"Assist in the practice of medicine" means an anesthesiologist assistant personally performs the duties assigned to the anesthesiologist assistant by and under the supervision of a supervising anesthesiologist.***

Sec. 5. ***"Certification examination" means the initial certifying examination approved by the Board for the certification of anesthesiologist assistants, including, without limitation, the examination administered by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistants that has been reviewed and approved by the Board.***

Sec. 6. *"Supervising anesthesiologist" means an active physician who is licensed and in good standing in this State, is certified or is eligible to be certified as an anesthesiologist by the American Board of Anesthesiology or its successor organization and supervises one or more anesthesiologist assistants.*

Sec. 7. *1. An anesthesiologist assistant licensed under the provisions of this chapter may assist in the practice of medicine in accordance with the regulations adopted by the Board pursuant to section 10 of this act and under the supervision of a supervising anesthesiologist.*

2. An anesthesiologist assistant may perform the following duties and responsibilities as delegated by and under the supervision of a supervising anesthesiologist, including, without limitation:

(a) Developing and implementing an anesthesia care plan for a patient;

(b) Obtaining the comprehensive health history of a patient, performing relevant elements of a physical examination of a patient and recording relevant data;

(c) Ordering and performing preoperative and postoperative anesthetic patient evaluations and consultations and maintaining patient progress notes;

(d) Subject to the limitations of NRS 453.375, ~~[ordering]~~ possessing and administering preoperative and perioperative medications, including, without limitation, controlled substances, administering anesthetic agents, related pharmaceutical agents, fluid and blood products and adjunctive treatment, ~~[maintaining]~~ for purposes of:

(1) Maintaining and altering the levels of anesthesia and providing continuity of anesthetic care into and during the postoperative recovery period;

(2) The continuation of perioperative medications;

(3) Performing general anesthesia, including, without limitation, induction, maintenance, emergence and other procedures associated with general anesthesia;

(4) Administering vasoactive drugs and starting and titrating vasoactive infusions to treat a response of a patient to anesthesia; and

(5) Administering postoperative sedation, anxiolysis or analgesia medication to treat patient responses to anesthesia;

(e) Entering in the medical record of a patient verbal or written medication chart orders as prescribed by the supervising anesthesiologist;

(f) Changing or discontinuing an anesthesia care plan after consulting with the supervising anesthesiologist;

~~[(f)]~~ (g) Obtaining informed consent from a patient or the parent or guardian of the patient, as applicable, for the administration of anesthesia or related procedures;

~~[(g) Ordering perioperative continuation of current medications;]~~

(h) Pretesting and calibrating anesthesia delivery systems and obtaining information from such systems and from monitors;

(i) Implementing medically accepted monitoring techniques;

(j) Establishing airway interventions and performing ventilatory support, including, without limitation, endotracheal intubation, laryngeal mask insertion and other advanced airway techniques;

(k) Establishing peripheral intravenous lines, including, without limitation, the use of subcutaneous lidocaine, and performing invasive procedures, including, without limitation, the placement of arterial lines, central lines and Swan-Ganz catheters;

(l) ~~[Performing general anesthesia, including, without limitation, induction, maintenance, emergence and other procedures associated with general anesthesia;~~

~~(m) Administering vasoactive drugs and starting and titrating vasoactive infusions to treat patient responses to anesthesia;~~

~~(n)]~~ Performing, maintaining, evaluating and managing epidural, spinal and regional anesthesia, including, without limitation, catheters;

~~[(o)]~~ (m) Performing monitored anesthesia care;

~~[(p)]~~ (n) Conducting laboratory and other related studies, including, without limitation, taking blood samples and administering blood, blood products and supportive fluids;

~~[(q)]~~ (o) Performing, ordering and interpreting preoperative, point-of-care, intraoperative or postoperative diagnostic testing or procedures;

~~[(r)]~~ (p) Monitoring the patient while in the preoperative suite, recovery area or labor suites and making postanesthesia rounds;

~~[(s) Ordering postoperative sedation, anxiolysis or analgesia, postoperative respiratory therapy and medication to treat patient responses to anesthesia and postoperative oxygen therapy, including, without limitation, ventilator therapy;~~

~~(t)~~ (q) Participating in administrative, research and clinical teaching activities, including, without limitation, supervising student anesthesiologist assistants and students involved in anesthesia training;

~~[(u)]~~ (r) Initiating and managing cardiopulmonary resuscitation in response to a life-threatening situation; and

~~[(v)]~~ (s) Performing such other tasks that are not otherwise prohibited by law and in which the anesthesiologist assistant has been trained and is competent.

3. An anesthesiologist assistant shall not prescribe any controlled substance or any dangerous drug, as defined in NRS 454.201.

4. An anesthesiologist assistant may not perform any duties which are outside the scope of the duties assigned to the anesthesiologist assistant by the supervising anesthesiologist or delegate any medical care task assigned to the anesthesiologist assistant by the supervising anesthesiologist to any other person.

Sec. 8. *1. The Board may issue a license to practice as an anesthesiologist assistant to an applicant who:*

(a) Graduated from an anesthesiologist assistant program accredited by the Commission on Accreditation of Allied Health Education Programs or its predecessor or successor organization;

(b) Has passed a certification examination administered by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistants that has been reviewed and approved by the Board;

(c) Is certified by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistances that has been reviewed and approved by the Board;

(d) Submits an application for a license as an anesthesiologist assistant in accordance with the regulations adopted by the Board pursuant to section 10 of this act;

(e) Pays the application fee for the application for and issuance of a license as an anesthesiologist assistant required by NRS 630.268; and

(f) Meets the qualifications prescribed by the regulations adopted by the Board pursuant to section 10 of this act to assist in the practice of medicine under the supervision of a supervising anesthesiologist.

2. An applicant for a license to practice as an anesthesiologist assistant submitted pursuant to this section must include, without limitation, all the information required by the Board to complete the application.

3. A license issued by the Board pursuant to subsection 1 is valid for a period of 2 years and may be renewed in a manner consistent with the regulations adopted by the Board pursuant to section 10 of this act.

Sec. 9. *1. The Board may issue a temporary license to practice as an anesthesiologist assistant to an applicant who:*

(a) Graduated from an anesthesiologist assistant program accredited by the Commission on Accreditation of Allied Health Education Programs or its predecessor or successor organization or another program for educating and training anesthesiologist assistants but who has not yet passed the certification examination required by paragraph (b) of subsection 1 of section 8 of this act;

(b) Submits an application for temporary licensure; and

(c) Pays the application fee required by NRS 630.268.

2. An applicant for a temporary license to practice as an anesthesiologist assistant submitted pursuant to this section must include all the information required by the Board to complete the application.

3. An applicant issued a temporary license to practice as an anesthesiologist assistant pursuant to subsection 1 must take the next

available certification examination required by paragraph (b) of subsection 1 of section 8 of this act after receiving a temporary license.

4. A temporary license to practice as an anesthesiologist assistant issued pursuant to subsection 1 is valid for a period of 1 year and is subject to any requirements established by the regulations adopted by the Board pursuant to section 10 of this act.

Sec. 10. *The Board shall adopt regulations establishing the requirements for the issuance of a license to practice as an anesthesiologist assistant pursuant to section 8 of this act and a temporary license to practice as an anesthesiologist assistant pursuant to section 9 of this act, including, without limitation:*

1. The required qualifications of an applicant for such a license or temporary license;

2. The academic or educational certificates, credentials or programs of study required of an applicant for such a license or temporary license;

3. The procedures for submitting an application for such a license or temporary license;

4. The standards of review for applications submitted pursuant to sections 8 and 9 of this act and procedures for the issuance of such licenses;

5. The testing or examination of applicants by the Board;

6. The renewal, revocation, suspension and termination of licenses;

7. The regulation and discipline of anesthesiologist assistants, including, without limitation, the reporting of complaints, conducting investigations of alleged misconduct and disciplinary proceedings;

8. The requirements for the supervision of an anesthesiologist assistant by a supervising anesthesiologist; and

9. Consistent with the provisions of section 7 of this act, the duties which an anesthesiologist assistant may perform under the supervision of a supervising anesthesiologist.

Sec. 11. *An anesthesiologist assistant licensed pursuant to section 8 or 9 of this act shall identify himself or herself as an anesthesiologist assistant when engaged in professional duties.*

Sec. 12. *1. An anesthesiologist assistant licensed pursuant to section 8 or 9 of this act who is responding to a need for medical care created by an emergency or disaster, as declared by a governmental agency, may render emergency care that is directly related to the emergency or disaster without the supervision of a supervising anesthesiologist as required by this chapter. The provisions of this subsection apply only for the duration of the emergency or disaster.*

2. A supervising anesthesiologist who supervises an anesthesiologist assistant who is rendering emergency care that is directly related to an emergency or disaster, as described in subsection 1, is not required to meet the requirements set forth in this chapter for such supervision.

Sec. 13. *1. A supervising anesthesiologist shall be immediately available in such proximity to an anesthesiologist assistant during the performance of his or her duties that the supervising anesthesiologist is able to effectively reestablish direct contact with the patient to meet the medical needs of the patient and intervene to address any urgent or emergent clinical problems.*

2. A supervising anesthesiologist shall supervise an anesthesiologist assistant in a manner consistent with any applicable federal rule or regulation for reimbursement for anesthesia services.

Sec. 14. *1. Each medical facility in this State employing an anesthesiologist assistant shall submit to the Board a list of such personnel at least three times annually, as directed by the Board. Except as otherwise provided in NRS 239.0115, each list submitted to the Board pursuant to this subsection is confidential.*

2. A medical facility shall, before hiring an anesthesiologist assistant, obtain validation from the Board that the prospective employee is licensed pursuant to the provisions of section 8 or 9 of this act, as applicable.

Sec. 15. *A person applying for an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS must:*

1. Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS;

2. Apply for a license to practice as an anesthesiologist assistant to:

(a) The Board pursuant to this chapter; and

(b) The State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The fee for application for and issuance of a simultaneous license as an anesthesiologist assistant pursuant to NRS 630.268; and

(b) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 633.501.

Sec. 16. *A person applying to renew an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous anesthesiologist assistant license pursuant to the provisions of chapter 633 of NRS must:*

1. Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS;

2. Apply:

(a) To renew an anesthesiologist assistant license to the Board pursuant to this chapter; and

(b) For an anesthesiologist assistant license to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The fee for biennial simultaneous registration of an anesthesiologist assistant pursuant to NRS 630.268; and

(b) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 633.501.

Sec. 17. ***If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS, the person must:***

1. Apply for an anesthesiologist assistant license to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

2. Pay all applicable fees, including, without limitation:

(a) The fee for biennial simultaneous registration of an anesthesiologist assistant pursuant to NRS 630.268; and

(b) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 633.501.

Sec. 18. ***On or before the last day of each quarter, the Board shall provide the State Board of Osteopathic Medicine a list of all anesthesiologist assistants licensed by the Board.***

Sec. 19. NRS 630.003 is hereby amended to read as follows:

630.003 1. The Legislature finds and declares that:

(a) It is among the responsibilities of State Government to ensure, as far as possible, that only competent persons practice medicine, perfusion and respiratory care within this State;

(b) For the protection and benefit of the public, the Legislature delegates to the Board of Medical Examiners the power and duty to determine the initial and continuing competence of physicians, perfusionists, physician assistants ***, anesthesiologist assistants*** and practitioners of respiratory care who are subject to the provisions of this chapter;

(c) The Board must exercise its regulatory power to ensure that the interests of the medical profession do not outweigh the interests of the public;

(d) The Board must ensure that unfit physicians, perfusionists, physician assistants ***, anesthesiologist assistants*** and practitioners of respiratory care are removed from the medical profession so that they will not cause harm to the public; and

(e) The Board must encourage and allow for public input into its regulatory activities to further improve the quality of medical practice within this State.

2. The powers conferred upon the Board by this chapter must be liberally construed to carry out these purposes for the protection and benefit of the public.

Sec. 20. NRS 630.005 is hereby amended to read as follows:

630.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630.007 to 630.026, inclusive, ***and sections 3 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 630.021 is hereby amended to read as follows:

630.021 "Practice of respiratory care" includes:

1. Therapeutic and diagnostic use of medical gases, humidity and aerosols and the maintenance of associated apparatus;

2. The administration of drugs and medications to the cardiopulmonary system;

3. The provision of ventilatory assistance and control;

4. Postural drainage and percussion, breathing exercises and other respiratory rehabilitation procedures;

5. Cardiopulmonary resuscitation and maintenance of natural airways and the insertion and maintenance of artificial airways;

6. Carrying out the written orders of a physician, physician assistant, ***anesthesiologist assistant,*** certified registered nurse anesthetist or an advanced practice registered nurse relating to respiratory care;

7. Techniques for testing to assist in diagnosis, monitoring, treatment and research related to respiratory care, including the measurement of ventilatory volumes, pressures and flows, collection of blood and other specimens, testing of pulmonary functions and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and

8. Training relating to the practice of respiratory care.

Sec. 22. NRS 630.045 is hereby amended to read as follows:

630.045 1. The purpose of licensing physicians, perfusionists, physician assistants ***, anesthesiologist assistants*** and practitioners of respiratory care is to protect the public health and safety and the general welfare of the people of this State.

2. Any license issued pursuant to this chapter is a revocable privilege.

Sec. 23. NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or perfusionist or practitioner of respiratory care of the Armed Forces or a medical officer or perfusionist or practitioner of respiratory care of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) Physicians who are temporarily exempt from licensure pursuant to NRS 630.2665 and are practicing medicine within the scope of the exemption;

(e) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

(f) The practice of respiratory care by a student as part of a program of study in respiratory care that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the program and provides respiratory care only under the supervision of a practitioner of respiratory care;

(g) The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under the supervision of the physician until a practitioner of respiratory care is available;

(h) The practice of respiratory care by a person on himself or herself or gratuitous respiratory care provided to a friend or a member of a person's family if the provider of the care does not represent himself or herself as a practitioner of respiratory care;

(i) A person who is employed by a physician and provides respiratory care or services as a perfusionist under the supervision of that physician;

(j) The maintenance of medical equipment for perfusion or respiratory care that is not attached to a patient;

(k) A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his or her practice;

(l) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program; and

(m) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, perfusionist, physician assistant **,** ***anesthesiologist assistant*** or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 24. NRS 630.075 is hereby amended to read as follows:

630.075 The Board may, by majority vote, select physicians **,** ***anesthesiologist assistants*** and members of the public, who must meet the same qualifications as required for members of the Board, to serve as advisory members of the Board. One or more advisory members may be designated by the Board to assist a committee of its members in an investigation as provided in NRS 630.311 but may not vote on any matter before the committee. Advisory members may also serve as members of the panel selected to hear charges as provided in NRS 630.339 and may vote on any recommendation made by the panel to the Board.

Sec. 25. NRS 630.120 is hereby amended to read as follows:

630.120 1. The Board shall procure a seal.

2. All licenses issued to physicians, perfusionists, physician assistants **,** ***anesthesiologist assistants*** and practitioners of respiratory care must bear the seal of the Board and the signatures of its President and Secretary-Treasurer.

Sec. 26. NRS 630.137 is hereby amended to read as follows:

630.137 1. Notwithstanding any other provision of law and except as otherwise provided in this section, the Board shall not adopt any regulations that prohibit or have the effect of prohibiting a physician, perfusionist, physician assistant **,** ***anesthesiologist assistant*** or practitioner of respiratory care from collaborating or consulting with another provider of health care.

2. The provisions of this section do not prevent the Board from adopting regulations that prohibit a physician, perfusionist, physician assistant **,** ***anesthesiologist assistant*** or practitioner of respiratory care from aiding or abetting another person in the unlicensed practice of medicine or the unlicensed practice of perfusion or respiratory care.

3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 27. NRS 630.167 is hereby amended to read as follows:

630.167 1. In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine, including, without limitation, an expedited license pursuant to NRS 630.1606 or 630.1607 or chapter 629A of NRS, and each applicant for a license to practice as a perfusionist, to practice as a physician assistant ***, to practice as an anesthesiologist assistant*** or to practice respiratory care shall submit to the Board 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. Any fees or costs charged by the Board for this service pursuant to NRS 630.268 are not refundable.

2. Any communication between the Board and the Interstate Medical Licensure Compact Commission created by NRS 629A.100 relating to verification of a physician's eligibility for expedited licensure pursuant to that section must not include any information received in a report from the Federal Bureau of Investigation relating to a state and federal criminal records check performed for the purposes of an application for an expedited license issued pursuant to NRS 629A.100.

Sec. 28. NRS 630.197 is hereby amended to read as follows:

630.197 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant ***, to practice as an anesthesiologist assistant*** or to practice as a practitioner of respiratory care shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant ***, to practice as an anesthesiologist assistant*** or to practice as a practitioner of respiratory care shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice medicine, to practice as a perfusionist, to practice as a physician assistant ***, to practice as an anesthesiologist assistant*** or to practice as a practitioner of respiratory care may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the

amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 29. NRS 630.198 is hereby amended to read as follows:

630.198 1. The Board shall not issue or renew a license to practice as a physician, physician assistant ***, anesthesiologist assistant*** or perfusionist unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

2. In addition to the attestation provided pursuant to subsection 1, a physician shall attest that any person:

(a) Who is under the control and supervision of the physician;

(b) Who is not licensed pursuant to this chapter; and

(c) Whose duties involve injection practices,

➥ has knowledge of and is in compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 30. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; ~~[or]~~

(b) ***Renewal of a license as an anesthesiologist assistant; or***

(c) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of 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:

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

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

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

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

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

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that

provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 6.

(d) Must provide for the completion of 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.

(e) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

(f) Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

3. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 2.

4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

9. Except as otherwise provided in NRS 630.2535, a holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, care for persons with an addictive disorder or the screening, brief intervention and referral to treatment approach to substance use disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. 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. 31. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement $600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license 400
For renewal of a limited, restricted, authorized facility or special license..... 400
For application for and issuance of a license as a physician assistant, including a license by endorsement 400
For application for and issuance of a simultaneous license as a physician assistant..... 200
For biennial registration of a physician assistant..... 800
For biennial simultaneous registration of a physician assistant 400
For biennial registration of a physician 800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care 400
For biennial renewal of a license as a perfusionist 600
For application for and issuance of a license or temporary license to practice as an anesthesiologist assistant 400
For application for and initial issuance of a simultaneous license as an anesthesiologist assistant..... 200
For biennial registration of an anesthesiologist assistant 800
For biennial simultaneous registration of an anesthesiologist assistant 400
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive status..... 400
For written verification of licensure 50
For a duplicate identification card..... 25
For a duplicate license..... 50
For computer printouts or labels..... 500
For verification of a listing of physicians, per hour..... 20
For furnishing a list of new physicians..... 100

2. Except as otherwise provided in subsections 4 and 5, in addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) NRS 630.1607, and the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) NRS 630.2752, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

5. If an applicant submits an application for a license by endorsement pursuant to NRS 630.1606 or 630.2751, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the application for and initial issuance of a license.

Sec. 32. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care to practice that is based on:

(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division of Public and Behavioral Health determines that any such facility or society failed to comply with the requirements of subsection 3 or 4, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

7. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 33. NRS 630.309 is hereby amended to read as follows:

630.309 To institute a disciplinary action against a perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care, a written complaint, specifying the charges, must be filed with the Board by:

1. The Board or a committee designated by the Board to investigate a complaint;

2. Any member of the Board; or

3. Any other person who is aware of any act or circumstance constituting a ground for disciplinary action set forth in the regulations adopted by the Board.

Sec. 34. NRS 630.326 is hereby amended to read as follows:

630.326 1. If an investigation by the Board regarding a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care reasonably determines that the health, safety or welfare of the

public or any patient served by the licensee is at risk of imminent or continued harm, the Board may summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal complaint against the licensee. The order of summary suspension may be issued only by the Board or an investigative committee of the Board.

2. If the Board or an investigative committee of the Board issues an order summarily suspending the license of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care pursuant to subsection 1, the Board shall hold a hearing not later than 60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held pursuant to this section, the Board shall reinstate the license of the licensee.

3. If the Board or an investigative committee of the Board issues an order summarily suspending the license of a licensee pursuant to subsection 1 and the Board requires the licensee to submit to a mental or physical examination or an examination testing his or her competence to practice, the examination must be conducted and the results obtained not later than 30 days after the order is issued.

Sec. 35. NRS 630.329 is hereby amended to read as follows:

630.329 If the Board issues an order suspending the license of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care pending proceedings for disciplinary action, including, without limitation, a summary suspension pursuant to NRS 233B.127, the court shall not stay that order.

Sec. 36. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The formal complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or agency or any agency which is investigating a person, including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 37. NRS 630.366 is hereby amended to read as follows:

630.366 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant ***, to practice as an anesthesiologist assistant*** or to practice as a practitioner of respiratory care, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant ***, to practice as an anesthesiologist assistant*** or to practice as a practitioner of respiratory care that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 38. NRS 630.388 is hereby amended to read as follows:

630.388 1. In addition to any other remedy provided by law, the Board, through its President or Secretary-Treasurer or the Attorney General, may apply to any court of competent jurisdiction:

(a) To enjoin any prohibited act or other conduct of a licensee which is harmful to the public;

(b) To enjoin any person who is not licensed under this chapter from practicing medicine, perfusion or respiratory care;

(c) To limit the practice of a physician, perfusionist, physician assistant **,** ***anesthesiologist assistant*** or practitioner of respiratory care, or suspend his or her license to practice;

(d) To enjoin the use of the title "P.A.," "P.A.-C," ***"C.A.A.,"*** "R.C.P." or any other word, combination of letters or other designation intended to imply or designate a person as a physician assistant **,** ***anesthesiologist assistant*** or practitioner of respiratory care, when not licensed by the Board pursuant to this chapter, unless the use is otherwise authorized by a specific statute; or

(e) To enjoin the use of the title "L.P.," "T.L.P.," "licensed perfusionist," "temporarily licensed perfusionist" or any other word, combination of letters or other designation intended to imply or designate a person as a perfusionist, when not licensed by the Board pursuant to this chapter, unless the use is otherwise authorized by a specific statute.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for the purposes set forth in subsection 1:

(a) Without proof of actual damage sustained by any person;

(b) Without relieving any person from criminal prosecution for engaging in the practice of medicine, perfusion or respiratory care without a license; and

(c) Pending proceedings for disciplinary action by the Board.

Sec. 39. NRS 630.400 is hereby amended to read as follows:

630.400 1. It is unlawful for any person to:

(a) Present to the Board as his or her own the diploma, license or credentials of another;

(b) Give either false or forged evidence of any kind to the Board;

(c) Practice medicine, perfusion or respiratory care under a false or assumed name or falsely personate another licensee;

(d) Except as otherwise provided by a specific statute, practice medicine, perfusion or respiratory care without being licensed under this chapter;

(e) Hold himself or herself out as a perfusionist or use any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

(f) Hold himself or herself out as a physician assistant or use any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; ~~[or]~~

(g) ***Hold himself or herself out as an anesthesiologist assistant or use any other term indicating or implying that he or she is an anesthesiologist assistant without being licensed by the Board; or***

(h) Hold himself or herself out as a practitioner of respiratory care or use any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board.

2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, ***anesthesiologist assistant,*** psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. 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) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 41. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 42 to 57, inclusive, of this act.

Sec. 42. ***"Anesthesiologist assistant" means a person who has been issued a license by the Board pursuant to section 47 or 48 of this act, as applicable, and is approved by the Board to assist in the practice of medicine under the supervision of a supervising osteopathic anesthesiologist.***

Sec. 43. ***"Assist in the practice of medicine" means an anesthesiologist assistant personally performs the duties assigned to the anesthesiologist assistant by and under the supervision of a supervising osteopathic anesthesiologist.***

Sec. 44. ***"Certification examination" means the initial certifying examination approved by the Board for the certification of anesthesiologist assistants, including, without limitation, the examination administered by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistants that has been reviewed and approved by the Board.***

Sec. 45. ***"Supervising osteopathic anesthesiologist" means an active osteopathic physician who is licensed and in good standing in this State, is certified or eligible to be certified as an anesthesiologist by the American Board of Anesthesiology or its successor organization and supervises one or more anesthesiologist assistants.***

Sec. 46. ***1. An anesthesiologist assistant licensed under the provisions of this chapter may assist in the practice of medicine in accordance with the regulations adopted by the Board pursuant to section 49 of this act and under the supervision of a supervising osteopathic anesthesiologist.***

2. An anesthesiologist assistant may perform the following duties and responsibilities as delegated by and under the supervision of a supervising osteopathic anesthesiologist, including, without limitation:

(a) Developing and implementing an anesthesia care plan for a patient;

(b) Obtaining the comprehensive health history of a patient, performing relevant elements of a physical examination of a patient and recording relevant data;

(c) Ordering and performing preoperative and postoperative anesthetic patient evaluations and consultations and maintaining progress notes;

(d) Subject to the limitations for NRS 453.375, ~~[ordering]~~ possessing and administering preoperative and perioperative medications, including, without limitation, controlled substances, administering anesthetic agents, related pharmaceutical agents, fluid and blood products and adjunctive treatment, ~~[maintaining]~~ for purposes of:

(1) Maintaining and altering the levels of anesthesia and providing continuity of anesthetic care into and during the postoperative recovery period;

(2) The continuation of perioperative medications;

(3) Performing general anesthesia, including, without limitation, induction, maintenance, emergence and other procedures associated with general anesthesia;

(4) Administering vasoactive drugs and starting and titrating vasoactive infusions to treat a response of a patient to anesthesia; and

(5) Administering postoperative sedation, anxiolysis or analgesia medication to treat patient responses to anesthesia;

(e) Entering in the medical record of a patient verbal or written medication chart orders prescribed by the supervising osteopathic anesthesiologist;

(f) Changing or discontinuing an anesthesia care plan after consulting with the supervising osteopathic anesthesiologist;

~~*[(f)]*~~ *(g) Obtaining informed consent from a patient or the parent or guardian of the patient, as applicable, for the administration of anesthesia or related procedures;*

~~*[(g) Ordering perioperative continuation of current medications;]*~~

(h) Pretesting and calibrating anesthesia delivery systems and obtaining information from such systems and from monitors;

(i) Implementing medically accepted monitoring techniques;

(j) Establishing airway interventions and performing ventilatory support, including, without limitation, endotracheal intubation, laryngeal mask insertion and other advanced airway techniques;

(k) Establishing peripheral intravenous lines, including, without limitation, the use of subcutaneous lidocaine, and performing invasive procedures, including, without limitation, the placement of arterial lines, central lines and Swan-Ganz catheters;

(l) ~~*[Performing general anesthesia, including, without limitation, induction, maintenance, emergence and other procedures associated with general anesthesia;*~~

~~*(m) Administering vasoactive drugs and starting and titrating vasoactive infusions to treat patient responses to anesthesia;*~~

~~*(n)]*~~ *Performing, maintaining, evaluating and managing epidural, spinal and regional anesthesia including, without limitation, catheters;*

~~*[(o)]*~~ *(m) Performing monitored anesthesia care;*

~~*[(p)]*~~ *(n) Conducting laboratory and other related studies, including, without limitation, taking blood samples and administering blood, blood products and supportive fluids;*

~~*[(q)]*~~ *(o) Performing, ordering and interpreting preoperative, point-of-care, intraoperative or postoperative diagnostic testing or procedures;*

~~[(r)]~~ (p) Monitoring the patient while in the preoperative suite, recovery area or labor suites and making postanesthesia rounds;

~~[(s) Ordering postoperative sedation, anxiolysis or analgesia, postoperative respiratory therapy and medication to treat patient responses to anesthesia and postoperative oxygen therapy, including, without limitation, ventilator therapy;~~

~~(t)]~~ (q) Participating in administrative, research and clinical teaching activities, including, without limitation, supervising student anesthesiologist assistants and students involved in anesthesia training;

~~[(u)]~~ (r) Initiating and managing cardiopulmonary resuscitation in response to a life-threatening situation; and

~~[(v)]~~ (s) Performing such other tasks that are not otherwise prohibited by law and in which the anesthesiologist assistant has been trained and is competent.

3. An anesthesiologist assistant shall not prescribe any controlled substance or any dangerous drug, as defined in NRS 454.201.

4. An anesthesiologist assistant may not perform any duties which are outside the scope of the duties assigned to the anesthesiologist assistant by the supervising osteopathic anesthesiologist or delegate any medical care task assigned to the anesthesiologist assistant by the supervising osteopathic anesthesiologist to any other person.

Sec. 47. *1. The Board may issue a license to practice as an anesthesiologist assistant to an applicant who:*

(a) Graduated from an anesthesiologist assistant program accredited by the Commission Accreditation of Allied Health Education Programs or its predecessor or successor organization;

(b) Has passed a certification examination administered by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized for the certification of anesthesiologist assistants that has been reviewed and approved by the Board;

(c) Is certified by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistant that has been reviewed and approved by the Board;

(d) Submits an application for a license as an anesthesiologist assistant in accordance with the regulations adopted by the Board pursuant to section 49 of this act;

(e) Pays the application fee for the application for and issuance of a license as an anesthesiologist assistant required by NRS 633.501; and

(f) Meets the qualifications prescribed by the regulations adopted by the Board pursuant to section 49 of this act to assist in the practice of medicine under the supervision of a supervising osteopathic anesthesiologist.

2. An applicant for a license to practice as an anesthesiologist assistant submitted pursuant to this section must include, without limitation, all the information required by the Board to complete the application.

3. A license issued by the Board pursuant to subsection 1 is valid for a period of 2 years and may be renewed in a manner consistent with the regulations adopted by the Board pursuant to section 49 of this act.

Sec. 48. *1. The Board may issue a temporary license to practice as an anesthesiologist assistant to an applicant who:*

(a) Graduated from an anesthesiologist assistant program accredited by the Commission on Accreditation of Allied Health Education Programs or its predecessor or successor organization or another program for educating and training anesthesiologist assistants but who has not yet passed the certification examination required by paragraph (b) of subsection 1 of section 47 of this act;

(b) Submits an application for temporary licensure; and

(c) Pays the application fee required by NRS 633.501.

2. An applicant for a temporary license to practice as an anesthesiologist assistant submitted pursuant to this section must include all the information required by the Board to complete the application.

3. An applicant issued a temporary license to practice as an anesthesiologist assistant pursuant to subsection 1 must take the next available certification examination required by paragraph (b) of subsection 1 of section 47 of this act after receiving a temporary license.

4. A temporary license to practice as an anesthesiologist assistant issued pursuant to subsection 1 is valid for a period of 1 year and is subject to any requirements established by the Board pursuant to section 47 of this act.

Sec. 49. *The Board shall adopt regulations establishing the requirements for the issuance of a license to practice as an anesthesiologist assistant pursuant to section 47 of this act and a temporary license to practice as an anesthesiologist assistant pursuant to section 48 of this act, including, without limitation:*

1. The required qualifications of an applicant for such a license or temporary license;

2. The academic or educational certificates, credentials or programs of study required of an applicant for such a license or temporary licenses;

3. The procedures for submitting an application for a license or temporary license;

4. The standards of review for applicants submitted pursuant to sections 47 and 48 of this act and procedures for the issuance of such licenses;

5. The testing or examination of applicants by the Board;

6. The renewal, revocation, suspension and termination of licenses;

7. The regulation and discipline of anesthesiologist assistants, including, without limitation, the reporting of complaints, conducting investigations of alleged misconduct and disciplinary proceedings;

8. The requirements for the supervision of an anesthesiologist assistant by a supervising osteopathic anesthesiologist; and

9. Consistent with the provisions of section 46 of this act, the duties which an anesthesiologist assistant may perform under the supervision of a supervising osteopathic anesthesiologist.

Sec. 50. *An anesthesiologist assistant licensed pursuant to section 47 or 48 of this act shall identify himself or herself as an anesthesiologist assistant when engaged in professional duties.*

Sec. 51. *1. An anesthesiologist assistant licensed pursuant to section 47 or 48 of this act who is responding to a need for medical care created by an emergency or disaster, as declared by a governmental agency, may render emergency care that is directly related to the emergency or disaster without the supervision of a supervising osteopathic anesthesiologist as required by this chapter. The provisions of this subsection apply only for the duration of the emergency or disaster.*

2. A supervising osteopathic anesthesiologist who supervises an anesthesiologist assistant who is rendering emergency care that is directly related to an emergency or disaster, as described in subsection 1, is not required to meet the requirements set forth in this chapter for such supervision.

Sec. 52. *1. A supervising osteopathic anesthesiologist shall be immediately available in such proximity to an anesthesiologist assistant during the performance of his or her duties that the supervising osteopathic anesthesiologist is able to effectively reestablish direct contact with the patient to meet the medical needs of the patient and intervene to address any urgent or emergent clinical problems.*

2. A supervising osteopathic anesthesiologist shall supervise an anesthesiologist assistant in a manner consistent with any applicable federal rule or regulation for reimbursement for anesthesia services.

Sec. 53. *1. Each medical facility in this State employing an anesthesiologist assistant shall submit to the Board a list of such personnel at least three times annually, as directed by the Board. Except as otherwise provided in NRS 239.0115, each list submitted to the Board pursuant to this subsection is confidential.*

2. A medical facility shall, before hiring an anesthesiologist assistant, obtain validation from the Board that the prospective employee is licensed pursuant to the provisions of section 47 or 48 of this act, as applicable.

Sec. 54. *A person applying for a license to practice as an anesthesiologist <u>assistant</u> pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS must:*

1. Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS;

2. Apply for a license to practice as an anesthesiologist assistant to:

(a) The Board pursuant to this chapter; and

(b) The State Board of Medical Examiners pursuant to chapter 630 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 633.501; and

(b) The fee for application for and issuance of a simultaneous license as an anesthesiologist assistant pursuant to NRS 630.268.

Sec. 55. ***A person applying to renew an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous anesthesiologist assistant license pursuant to the provisions of chapter 630 of NRS must:***

1. Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS;

2. Apply:

(a) To renew an anesthesiologist assistant license to the Board pursuant to this chapter; and

(b) For an anesthesiologist assistant license to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The fee for initial simultaneous license as an anesthesiologist assistant pursuant to NRS 633.501; and

(b) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 630.268.

Sec. 56. ***If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS, the person must:***

1. Apply for an anesthesiologist assistant license to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

2. Pay all applicable fees, including, without limitation:

(a) The fee for biennial simultaneous registration of an anesthesiologist assistant pursuant to NRS 633.501; and

(b) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 630.268.

Sec. 57. ***On or before the last day of each quarter, the Board shall provide the Board of Medical Examiners a list of all anesthesiologist assistants licensed by the Board.***

Sec. 58. NRS 633.011 is hereby amended to read as follows:

633.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 633.021 to 633.131, inclusive, ***and sections***

42 to 45, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 59. NRS 633.071 is hereby amended to read as follows:

633.071 "Malpractice" means failure on the part of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to exercise the degree of care, diligence and skill ordinarily exercised by osteopathic physicians **,** ~~[or]~~ physician assistants ***or anesthesiologist assistants*** in good standing in the community in which he or she practices.

Sec. 60. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Knowingly or willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine **,** ~~[or]~~ to practice as a physician ***assistant or to practice as an anesthesiologist*** assistant, or in applying for the renewal of a license to practice osteopathic medicine **,** ~~[or]~~ to practice as a physician ***assistant or to practice as an anesthesiologist*** assistant.

(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine or in practice as a physician ***assistant or anesthesiologist*** assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) An alcohol or other substance use disorder.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.

(j) Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.

(k) Knowingly or willfully disobeying regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or knowingly or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061, if the licensee is the custodian of health care records with respect to those records.

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each person; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

3. As used in this section, "custodian of health care records" has the meaning ascribed to it in NRS 629.016.

Sec. 61. NRS 633.151 is hereby amended to read as follows:

633.151 The purpose of licensing osteopathic physicians **,** ~~[and]~~ physician assistants ***and anesthesiologist assistants*** is to protect the public health and safety and the general welfare of the people of this State. Any license issued pursuant to this chapter is a revocable privilege, and a holder of such a license does not acquire thereby any vested right.

Sec. 62. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians **,** ~~[and]~~ physician assistants ***and anesthesiologist assistants*** for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 3 and 6 of NRS 633.533 and NRS 690B.250; and

(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

Sec. 63. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician **,** ~~[and every]~~ physician assistant ***and anesthesiologist assistant*** licensed under this chapter.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 64. NRS 633.3619 is hereby amended to read as follows:

633.3619 The Board shall not issue or renew a license to practice osteopathic medicine or as a physician ***assistant or anesthesiologist*** assistant unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 65. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 14 and NRS 633.491, every holder of a license, except a physician ***assistant or an anesthesiologist*** assistant, issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Subject to subsection 13, submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant ~~[.]~~ ***or anesthesiologist assistant.*** Subject to subsection 13, upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant ***or anesthesiologist assistant*** shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.

8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician ***,*** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

11. The Board shall require each holder of a license to practice osteopathic medicine to complete 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.

12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(a) May include the training provided pursuant to NRS 449.103, where applicable.

(b) Must be based upon a range of research from diverse sources.

(c) Must address persons of different cultural backgrounds, including, without limitation:

(1) Persons from various gender, racial and ethnic backgrounds;

(2) Persons from various religious backgrounds;

(3) Lesbian, gay, bisexual, transgender and questioning persons;

(4) Children and senior citizens;

(5) Veterans;

(6) Persons with a mental illness;

(7) Persons with an intellectual disability, developmental disability or physical disability; and

(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

13. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.

14. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 66. NRS 633.501 is hereby amended to read as follows:

633.501 1. Except as otherwise provided in subsection 2, the Board shall charge and collect fees not to exceed the following amounts:

(a) Application and initial license fee for an osteopathic physician $800

(b) Annual license renewal fee for an osteopathic physician 500

(c) Temporary license fee 500

(d) Special or authorized facility license fee 200

(e) Special event license fee 200

(f) Special or authorized facility license renewal fee 200

(g) Reexamination fee 200

(h) Late payment fee 300

(i) Application and initial license fee for a physician assistant $400

(j) Application and initial simultaneous license fee for a physician assistant 200

(k) Annual registration fee for a physician assistant 400

(l) Annual simultaneous registration fee for a physician assistant 200

(m) Inactive license fee 200

(n) Application and initial license fee for an anesthesiologist assistant 400

(o) Application and initial simultaneous license fee for an anesthesiologist assistant 200

2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) or (i) of subsection 1 which expires less than 6 months after the date of issuance.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting the meeting has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) NRS 633.399 or 633.400 and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) NRS 633.4336, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 67. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician ***assistant or anesthesiologist*** assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant ***or anesthesiologist assistant*** by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

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

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

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully 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:

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

(2) 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;

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

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record

or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter, except for a violation of NRS 633.4717, or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) 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.

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

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

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

(aa) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 68. NRS 633.512 is hereby amended to read as follows:

633.512 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine or as a physician assistant ***or anesthesiologist assistant*** and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation:

1. An inspection to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant ***or anesthesiologist assistant*** without the appropriate license issued pursuant to the provisions of this chapter; or

2. An inspection to determine whether any osteopathic physician is allowing a person to perform or participate in any activity under the

supervision of the osteopathic physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine in violation of NRS 633.6955.

Sec. 69. NRS 633.526 is hereby amended to read as follows:

633.526 1. The insurer of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** licensed under this chapter shall report to the Board:

(a) Any action for malpractice against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** not later than 45 days after the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation; and

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.

2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this State to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than $10,000 against the insurer for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

Sec. 70. NRS 633.527 is hereby amended to read as follows:

633.527 1. An osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** shall report to the Board:

(a) Any action for malpractice against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** not later than 45 days after the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation;

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition; and

(d) Any sanctions imposed against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** that are reportable to the National Practitioner Data Bank not later than 45 days after the sanctions are imposed.

2. If the Board finds that an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** has violated any provision of this section, the Board may impose a fine of not more than $5,000 against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** for each violation, in addition to any other fines or penalties permitted by law.

3. All reports made by an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** pursuant to this section are public records.

Sec. 71. NRS 633.528 is hereby amended to read as follows:

633.528 If the Board receives a report pursuant to the provisions of NRS 633.526, 633.527 or 690B.250 indicating that a judgment has been rendered or an award has been made against an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** regarding an action or claim for malpractice or that such an action or claim against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** has been resolved by settlement, the Board shall conduct an investigation to determine whether to discipline the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 72. NRS 633.529 is hereby amended to read as follows:

633.529 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board or an investigative committee of the Board receives a report pursuant to the provisions of NRS 633.526, 633.527 or 690B.250 indicating that a judgment has been rendered or an award has been made against an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** regarding an action or claim for malpractice, or that such an action or claim against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** has been resolved by settlement, the Board or committee may order the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to undergo a mental or physical examination or any other examination designated by the Board to test his or her competence to practice osteopathic medicine or to practice as a physician assistant ~~[,]~~ ***or an anesthesiologist assistant*** as applicable. An examination conducted pursuant to this subsection must be conducted by a person designated by the Board.

2. For the purposes of this section:

(a) An osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** who applies for a license or who holds a license under this chapter is deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice osteopathic medicine or to practice as a physician assistant ~~[,]~~ ***or anesthesiologist assistant,*** as applicable, pursuant to a written order by the Board.

(b) The testimony or reports of a person who conducts an examination of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant***

on behalf of the Board pursuant to this section are not privileged communications.

Sec. 73. NRS 633.531 is hereby amended to read as follows:

633.531 1. The Board or any of its members, or a medical review panel of a hospital or medical society, which becomes aware of any conduct by an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** that may constitute grounds for initiating disciplinary action shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board.

2. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 74. NRS 633.533 is hereby amended to read as follows:

633.533 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing osteopathic medicine or practicing as a physician assistant ***or anesthesiologist assistant*** in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall file a written report with the Board of any change in the privileges of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to practice while the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** is under investigation, and the outcome of any disciplinary action taken by the facility or society against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** concerning the care of a patient or the competency of the osteopathic physician **,** ~~[or]~~ physician assistant ~~[,]~~ ***or anesthesiologist assistant,*** within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** that is based on:

(a) An investigation of the mental, medical or psychological competency of the osteopathic physician **,** ~~[or]~~ physician assistant ~~[,]~~ ***or anesthesiologist assistant;*** or

(b) A suspected or alleged substance use disorder in any form by the osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division determines that any such facility or society failed to comply with the requirements of subsection 3 or 4, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after the finding, judgment or determination.

Sec. 75. NRS 633.542 is hereby amended to read as follows:

633.542 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice osteopathic medicine or as a physician assistant ***or anesthesiologist assistant*** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 76. NRS 633.561 is hereby amended to read as follows:

633.561 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board or a member of the Board designated to review a complaint pursuant to NRS 633.541 has reason to believe that the conduct of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** has raised a reasonable question as to his or her competence to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant, as applicable, with reasonable skill and safety to patients, the Board or the member designated by the Board may require the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to submit to a mental or physical examination conducted by physicians designated by the Board. If the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant***

participates in a diversion program, the diversion program may exchange with any authorized member of the staff of the Board any information concerning the recovery and participation of the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** in the diversion program. As used in this subsection, "diversion program" means a program approved by the Board for an alcohol or other substance use disorder or any other impairment of an osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant.

2. For the purposes of this section:

(a) An osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** who is licensed under this chapter and who accepts the privilege of practicing osteopathic medicine or practicing as a physician assistant ***or anesthesiologist assistant*** in this State is deemed to have given consent to submit to a mental or physical examination pursuant to a written order by the Board.

(b) The testimony or examination reports of the examining physicians are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** who is licensed under this chapter to submit to an examination pursuant to this section constitutes an admission of the charges against the osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant.

Sec. 77. NRS 633.571 is hereby amended to read as follows:

633.571 Notwithstanding the provisions of chapter 622A of NRS, if the Board has reason to believe that the conduct of any osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** has raised a reasonable question as to his or her competence to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant, as applicable, with reasonable skill and safety to patients, the Board may require the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to submit to an examination for the purposes of determining his or her competence to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant, as applicable, with reasonable skill and safety to patients.

Sec. 78. NRS 633.581 is hereby amended to read as follows:

633.581 1. If an investigation by the Board of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** reasonably determines that the health, safety or welfare of the public or any patient served by the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** is at risk of imminent or continued harm, the Board may summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal complaint against the licensee. The order of summary suspension may be issued only by the Board or an investigative committee of the Board.

2. If the Board or an investigative committee of the Board issues an order summarily suspending the license of a licensee pursuant to subsection 1, the

Board shall hold a hearing not later than 60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held pursuant to this section, the Board shall reinstate the license of the licensee.

3. Notwithstanding the provisions of chapter 622A of NRS, if the Board or an investigative committee of the Board issues an order summarily suspending the license of an osteopathic physician ***,*** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** pursuant to subsection 1 and the Board requires the licensee to submit to a mental or physical examination or a medical competency examination, the examination must be conducted and the results must be obtained not later than 30 days after the order is issued.

Sec. 79. NRS 633.591 is hereby amended to read as follows:

633.591 Notwithstanding the provisions of chapter 622A of NRS, if the Board issues an order summarily suspending the license of an osteopathic physician ***,*** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** pending proceedings for disciplinary action, including, without limitation, a summary suspension pursuant to NRS 233B.127, the court shall not stay that order unless the Board fails to institute and determine such proceedings as promptly as the requirements for investigation of the case reasonably allow.

Sec. 80. NRS 633.601 is hereby amended to read as follows:

633.601 1. In addition to any other remedy provided by law, the Board, through an officer of the Board or the Attorney General, may apply to any court of competent jurisdiction to enjoin any unprofessional conduct of an osteopathic physician ***,*** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** which is harmful to the public or to limit the practice of the osteopathic physician ***,*** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** or suspend his or her license to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant, as applicable, as provided in this section.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for such purposes:

(a) Without proof of actual damage sustained by any person, this provision being a preventive as well as punitive measure; and

(b) Pending proceedings for disciplinary action by the Board. Notwithstanding the provisions of chapter 622A of NRS, such proceedings shall be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

Sec. 81. NRS 633.631 is hereby amended to read as follows:

633.631 Except as otherwise provided in subsection 2 and chapter 622A of NRS:

1. Service of process made under this chapter must be either personal or by registered or certified mail with return receipt requested, addressed to the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** at his or her last known address, as indicated in the records of the Board. If personal service cannot be made and if mail notice is returned undelivered, the President or Secretary-Treasurer of the Board shall cause a notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** or, if no newspaper is published in that county, in a newspaper widely distributed in that county.

2. In lieu of the methods of service of process set forth in subsection 1, if the Board obtains written consent from the osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant, service of process under this chapter may be made by electronic mail on the licensee at an electronic mail address designated by the licensee in the written consent.

3. Proof of service of process or publication of notice made under this chapter must be filed with the Secretary-Treasurer of the Board and may be recorded in the minutes of the Board.

Sec. 82. NRS 633.641 is hereby amended to read as follows:

633.641 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Board, a hearing officer or a panel:

1. Proof of actual injury need not be established where the formal complaint charges deceptive or unethical professional conduct or medical practice harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license to practice osteopathic medicine or to practice as a physician assistant ***or anesthesiologist assistant*** is conclusive evidence of its occurrence.

Sec. 83. NRS 633.651 is hereby amended to read as follows:

633.651 1. If the Board finds a person guilty in a disciplinary proceeding, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period or until further order of the Board.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine.

(d) Suspend the license of the person to practice osteopathic medicine or to practice as a physician assistant ***or anesthesiologist assistant*** for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant.

(f) Impose a fine not to exceed $5,000 for each violation.

(g) Require supervision of the practice of the person.

(h) Require the person to perform community service without compensation.

(i) Require the person to complete any training or educational requirements specified by the Board.

(j) Require the person to participate in a program for an alcohol or other substance use disorder or any other impairment.

➥ The order of the Board may contain any other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 84. NRS 633.671 is hereby amended to read as follows:

633.671 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order as provided by law.

2. Every order of the Board which limits the practice of osteopathic medicine or the practice of a physician assistant ***or anesthesiologist assistant*** or suspends or revokes a license is effective from the date on which the order is issued by the Board until the date the order is modified or reversed by a final judgment of the court.

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

Sec. 85. NRS 633.681 is hereby amended to read as follows:

633.681 1. Any person:

(a) Whose practice of osteopathic medicine or practice as a physician assistant ***or anesthesiologist assistant*** has been limited; or

(b) Whose license to practice osteopathic medicine or to practice as a physician assistant ***or anesthesiologist assistant*** has been:

(1) Suspended until further order; or

(2) Revoked,

➥ may apply to the Board after a reasonable period for removal of the limitation or suspension or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license.

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination by physicians whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.

Sec. 86. NRS 633.691 is hereby amended to read as follows:

633.691 1. In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Board, a medical review panel of a hospital, a hearing officer, a panel of the Board, an employee or volunteer of a diversion program specified in NRS 633.561, or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of an osteopathic physician **,** ~~**[**or**]**~~ physician assistant ***or anesthesiologist assistant*** for gross malpractice, malpractice, professional incompetence or unprofessional conduct is immune from any civil action for such initiation or assistance or any consequential damages, if the person or organization acted in good faith.

2. Except as otherwise provided in subsection 3, the Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against an osteopathic physician **,** ~~**[**or**]**~~ physician assistant ***or anesthesiologist assistant*** for:

(a) Disclosing to a governmental entity a violation of a law, rule or regulation by an applicant for a license to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant, or by an osteopathic physician **,** ~~**[**or**]**~~ physician ***assistant or anesthesiologist*** assistant; or

(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.

3. An osteopathic physician **,** ~~**[**or**]**~~ physician assistant ***or anesthesiologist assistant*** who discloses information to or cooperates with a governmental entity pursuant to subsection 2 with respect to the violation of any law, rule or regulation by the osteopathic physician **,** ~~**[**or**]**~~ physician assistant ***or anesthesiologist assistant*** is subject to investigation and any other administrative or disciplinary action by the Board under the provisions of this chapter for such violation.

4. As used in this section, "governmental entity" includes, without limitation:

(a) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(b) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(c) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(d) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(e) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 87. NRS 633.701 is hereby amended to read as follows:

633.701 The filing and review of a complaint and any subsequent disposition by the Board, the member designated by the Board to review a complaint pursuant to NRS 633.541 or any reviewing court do not preclude:

1. Any measure by a hospital or other institution to limit or terminate the privileges of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** according to its rules or the custom of the profession. No civil liability attaches to any such action taken without malice even if the ultimate disposition of the complaint is in favor of the osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant.

2. Any appropriate criminal prosecution by the Attorney General or a district attorney based upon the same or other facts.

Sec. 88. NRS 633.711 is hereby amended to read as follows:

633.711 1. The Board, through an officer of the Board or the Attorney General, may maintain in any court of competent jurisdiction a suit for an injunction against any person:

(a) Practicing osteopathic medicine or practicing as a physician assistant ***or anesthesiologist assistant*** without a valid license to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant ~~[;]~~ ***, as applicable;*** or

(b) Providing services through telehealth, as defined in NRS 629.515, without a valid license.

2. An injunction issued pursuant to subsection 1:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Must not relieve such person from criminal prosecution for practicing without such a license.

Sec. 89. NRS 633.721 is hereby amended to read as follows:

633.721 In a criminal complaint charging any person with practicing osteopathic medicine or practicing as a physician assistant ***or anesthesiologist assistant*** without a valid license issued by the Board, it is sufficient to charge that the person did, upon a certain day, and in a certain county of this State, engage in such practice without having a valid license to do so, without averring any further or more particular facts concerning the violation.

Sec. 90. NRS 633.741 is hereby amended to read as follows:

633.741 1. It is unlawful for any person to:

(a) Except as otherwise provided in NRS 629.091, practice:

(1) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

(2) As a physician assistant ***or anesthesiologist assistant*** without a valid license under this chapter; or

(3) Beyond the limitations ordered upon his or her practice by the Board or the court;

(b) Present as his or her own the diploma, license or credentials of another;

(c) Give either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

(d) File for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

(e) Practice osteopathic medicine or practice as a physician assistant ***or anesthesiologist assistant*** under a false or assumed name or falsely personate another licensee of a like or different name;

(f) Hold himself or herself out as a physician assistant ***or anesthesiologist assistant*** or use any other term indicating or implying that he or she is a physician assistant ~~[,]~~ ***or anesthesiologist assistant, as applicable,*** unless the person has been licensed by the Board as provided in this chapter; or

(g) Supervise a person as a physician assistant ***or anesthesiologist assistant*** before such person is licensed as provided in this chapter.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 91. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS 126.121 and 652.186, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner

of respiratory care licensed pursuant to chapter 630 of NRS, ***a licensed anesthesiologist assistant,*** a licensed dentist or a registered pharmacist may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 92. NRS 41.504 is hereby amended to read as follows:

41.504 1. Any physician, physician assistant ***, anesthesiologist assistant*** or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant, physician assistant ***, anesthesiologist assistant*** or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision.

2. An emergency medical attendant, physician assistant, ***anesthesiologist assistant,*** registered nurse or licensed practical nurse who obeys an instruction given by a physician, physician assistant, ***anesthesiologist assistant,*** registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

3. As used in this section, "emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

Sec. 93. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance, including, without limitation, emergency obstetrical care or assistance, in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, physician assistant ***, anesthesiologist assistant*** or nurse from liability for damages resulting from that person's acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

2. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of that person's license to an indigent person,

➥ is not liable for any civil damages as a result of any act or omission by that person, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

3. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

4. As used in this section, "gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 94. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, ***anesthesiologist assistant,*** dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 95. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist ***, an anesthesiologist assistant*** or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician ***assistant or anesthesiologist*** assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a

clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum

term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 96. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, ***anesthesiologist assistant,*** perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to

practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the

appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 97. 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 sections 14 and 53 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. 98. NRS 244.1605 is hereby amended to read as follows:

244.1605 The boards of county commissioners may:

1. Establish, equip and maintain limited medical facilities in the outlying areas of their respective counties to provide outpatient care and emergency treatment to the residents of and those falling sick or being injured or maimed in those areas.

2. Provide a full-time or part-time staff for the facilities which may include a physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, ***an anesthesiologist assistant,*** a registered nurse or a licensed practical nurse, a certified emergency medical technician, advanced emergency medical technician or paramedic, and such other personnel as the board deems necessary or appropriate to ensure adequate staffing commensurate with the needs of the area in which the facility is located.

3. Fix the charges for the medical and nursing care and medicine furnished by the facility to those who are able to pay for them, and to provide that care and medicine free of charge to those persons who qualify as medical indigents under the county's criteria of eligibility for medical care.

4. Purchase, equip and maintain, either in connection with a limited medical facility as authorized in this section or independent therefrom, ambulances and ambulance services for the benefit of the residents of and those falling sick or being injured or maimed in the outlying areas.

Sec. 99. NRS 244.382 is hereby amended to read as follows:

244.382 The Legislature finds that:

1. Many of the less populous counties of the State have experienced shortages of physicians, surgeons, anesthetists, dentists, other medical professionals **, [**~~and~~**]** physician ***assistants and anesthesiologist*** assistants.

2. Some of the more populous counties of the State have also experienced shortages of physicians, surgeons, anesthetists, dentists, other medical

professionals **,** ~~[and]~~ physician ***assistants and anesthesiologist*** assistants in their rural communities.

3. By granting county scholarships to students in such medical professions who will agree to return to the less populous counties or the rural communities of the more populous counties for residence and practice, these counties can alleviate the shortages to a degree and thereby provide their people with needed health services.

Sec. 100. NRS 244.3821 is hereby amended to read as follows:

244.3821 1. In addition to the powers elsewhere conferred upon all counties, except as otherwise provided in subsection 2, any county may establish a medical scholarship program to induce students in the medical professions to return to the county for practice.

2. Any county whose population is 100,000 or more may only establish a medical scholarship program to induce students in the medical professions to return to the less populous rural communities of the county for practice.

3. Students in the medical professions for the purposes of NRS 244.382 to 244.3823, inclusive, include persons studying to be physician assistants licensed pursuant to chapter 630 or 633 of NRS ~~[.]~~ ***or anesthesiologist assistants licensed pursuant to chapters 630 and 633 of NRS.***

4. The board of county commissioners of a county that has established a medical scholarship program may appropriate money from the general fund of the county for medical scholarship funds and may accept private contributions to augment the scholarship funds.

Sec. 101. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse **,** ***anesthesiologist assistant*** or veterinarian licensed in accordance with state law, a physician assistant licensed pursuant to chapter 630 or 633 of NRS or a pharmacist registered pursuant to chapter 639 of NRS.

Sec. 102. NRS 441A.334 is hereby amended to read as follows:

441A.334 As used in this section and NRS 441A.335 and 441A.336, "provider of health care" means a physician, nurse **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** licensed in accordance with state law.

Sec. 103. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced practice registered nurse, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant ***or anesthesiologist assistant*** licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 104. NRS 453.375 is hereby amended to read as follows:

453.375 1. A controlled substance may be possessed and administered by the following persons:

(a) A practitioner.

(b) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(c) A paramedic:

(1) As authorized by regulation of:

(I) The State Board of Health in a county whose population is less than 100,000; or

(II) A county or district board of health in a county whose population is 100,000 or more; and

(2) In accordance with any applicable regulations of:

(I) The State Board of Health in a county whose population is less than 100,000;

(II) A county board of health in a county whose population is 100,000 or more; or

(III) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(d) A respiratory therapist, at the direction of a physician or physician assistant.

(e) ***An anesthesiologist assistant, at the direction of a supervising anesthesiologist or supervising osteopathic anesthesiologist.***

(f) A medical student, student in training to become a physician assistant or ***anesthesiologist assistant,*** student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician or physician assistant and:

(1) In the presence of a physician, physician assistant or a registered nurse; or

(2) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

~~[(f)]~~ ***(g)*** An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

~~[(g)]~~ ***(h)*** Any person designated by the head of a correctional institution.

~~[(h)]~~ ***(i)*** A veterinary technician at the direction of his or her supervising veterinarian.

~~[(i)]~~ ***(j)*** In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

~~[(j)]~~ ***(k)*** In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

~~[(k)]~~ ***(l)*** A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

~~[(l)]~~ ***(m)*** A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

2. As used in this section ~~[, "accredited]~~ ***:***

(a) "Accredited college of medicine" means:

~~[(a)]~~ ***(1)*** A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

~~[(b)]~~ ***(2)*** A school of osteopathic medicine, as defined in NRS 633.121.

(b) "Anesthesiologist assistant" means a person who holds a license issued pursuant to section 8 or 47 of this act or a temporary license issued pursuant to section 9 or 48 of this act.

Sec. 105. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS ~~[,]~~ ***or an anesthesiologist assistant,*** at the direction of his or her supervising physician or ***supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable, or*** a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant ***or anesthesiologist assistant*** licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant ***or anesthesiologist assistant*** licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed

to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 106. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 105, inclusive, 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, 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. 283.

Bill read second time.

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

Amendment No. 392.

SUMMARY—Makes changes relating to doula services. (BDR ~~[S-844)]~~ **38-844)**

AN ACT relating to health care; ~~[requiring]~~ **authorizing** the Department of Health and Human Services to **establish an incentive payment under the Medicaid program for doula services provided in rural areas; requiring the Department to** seek an increase to certain reimbursement rates under the Medicaid program for doula services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) ~~[This]~~ **Existing law requires the Director of the Department, to the extent authorized by federal law, to include under Medicaid coverage for certain doula services. (NRS 422.27717) Section 1 of this bill authorizes the Department to establish an incentive payment for enrolled doulas who provide doula services to recipients of Medicaid in rural areas of this State. Section 1**

also makes changes to reflect that federal law requires services provided under a federal waiver to be included in a waiver document that is separate from the State Plan for Medicaid. **Section 1.5 of this** bill requires the Department to submit to the United States Secretary of Health and Human Services on or before October 1, 2023, a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis pursuant to the State Plan for certain services provided by a doula ~~[to at least $1200. This bill provides that such reimbursement is limited to once per pregnancy.]~~ **to an amount that is intended to cover the cost of the services.**

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

Section 1. **NRS 422.27177 is hereby amended to read as follows:**

422.27177 1. The Director shall, to the extent authorized by federal law, include ~~[in the State Plan for]~~ ***under*** Medicaid ~~[a requirement that the State pay the nonfederal share of expenditures incurred]~~ ***coverage*** for doula services provided by an enrolled doula.

2. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 or apply for an amendment of the State Plan for Medicaid that authorizes the Department to receive federal funding to ~~[include in the State Plan for Medicaid]~~ ***provide*** coverage of doula services provided by an enrolled doula. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. A person who wishes to receive reimbursement through the Medicaid program for doula services provided to a recipient of Medicaid must submit to the Division:

(a) An application for enrollment in the form prescribed by the Division; and

(b) Proof that he or she possesses the required training and qualifications prescribed by the Division pursuant to subsection 4.

4. The Division, in consultation with community-based organizations that provide services to pregnant women in this State, shall prescribe the required training and qualifications for enrollment pursuant to subsection 3 to receive reimbursement through Medicaid for doula services.

5. ***The Department may establish a program to provide incentive payments for enrolled doulas who provide doula services to recipients of Medicaid in rural areas of this State.***

6. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Enrolled doula" means a doula who is enrolled with the Division pursuant to this section to receive reimbursement through Medicaid for doula services.

~~[Section 1.]~~ ***Sec. 1.5.*** 1. On or before October 1, 2023, the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis pursuant to the State Plan for services provided by a doula ~~[to at least $1200, limited to one reimbursement per pregnancy. Such]~~ **to an amount that is intended to cover the cost of the** services **.** ~~[must consist of services related to labor and delivery under the codes in Current Procedural Terminology published by the American Medical Association:~~

~~(a) Code 59409, Vaginal delivery only.~~

~~(b) Code 59514, Cesarean delivery only.~~

~~(c) Code 59612, Vaginal delivery only after previous cesarean delivery.~~

~~(d) Code 59620, cesarean delivery only after attempted vaginal delivery after previous cesarean delivery.]~~

2. The request submitted pursuant to subsection 1 must be supported using methods for determining reimbursement rates accepted by the Secretary.

Sec. 2. 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. 292.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 337.

~~[CONTAINS UNFUNDED MANDATE (§§ 13, 14, 15, 17, 18)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to incarceration; ~~[setting forth certain rights of offenders and prisoners; requiring certain persons and governmental entities to take certain actions relating to such rights; providing for the designation of an ombudsman for each institution, facility or jail and prescribing the powers and duties relating to that position; revising provisions relating to training for correctional staff; revising provisions relating to a risk and needs assessment; prohibiting the use of]~~ **requiring the Department of Corrections to adopt certain regulations relating to the care of women who are in the custody of the Department; requiring the warden of an institution or manager of a facility to adopt policies relating to conduct between male correctional officers and women who are incarcerated; requiring the warden of an institution or manager of a facility to adopt policies relating to the care of a pregnant offender; requiring the Department to develop and adopt**

certain policies and regulations relating to the care of a pregnant offender; requiring a correctional officer to submit a written report if restraints **are used** on a pregnant offender **;** ~~[or prisoner who is being transferred or transported under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections]~~ **Section** 2 ~~[and 13]~~ of this bill ~~[set forth certain rights of offenders in the custody of the Department of Corrections and prisoners in the custody of a jail or detention facility. Sections 3 and 14 of this bill require each institution or facility of the Department and each county, city or town jail or detention facility to treat each offender or prisoner, as applicable, in accordance with the gender identity or expression of the offender or prisoner. Sections 3 and 14 also require certain persons responsible for an institution or facility of the Department or a jail or detention facility to establish appropriate policies to carry out these requirements.~~

~~Sections 4 and 15 of this bill require certain persons responsible for the operation of an institution or facility of the Department and certain persons responsible for the operation of a jail or detention facility to designate an ombudsman for the institution, jail or facility, as applicable. Sections 4 and 15 also prescribe certain powers and duties of an ombudsman. Sections]~~ **requires the Department of Corrections to: (1) ensure that a woman who is assigned to an institution or facility completes a form to assess the needs of the woman while in the custody of the Department; (2) provide a woman who is incarcerated access to certain necessary medical and behavioral health services; and (3) provide a woman who is incarcerated with a sufficient supply of feminine hygiene products at no cost. Section 2 additionally requires the Department to provide the woman with a preferred type of feminine hygiene products upon request. Section 2 also requires the Department to adopt any regulations necessary to carry out the provisions of section 2.**

Section 5 ~~[and 16]~~ of this bill ~~[require]~~ **requires** certain persons responsible for the operation of an institution or facility of the Department ~~[and certain persons responsible for the operation of a jail or detention facility]~~ to adopt a policy setting forth standards of conduct for interactions between a **male** staff member and ~~[an offender or prisoner of]~~ a ~~[different gender identity or expression than the staff member. Sections]~~ **woman who is incarcerated in the institution or facility. Section 5** ~~[and 16 require]~~ **also requires** any such policy to ~~[include a requirement that]~~ **prohibit** a **male** staff member ~~[who searches an offender or prisoner of a different gender identity or expression or views an offender or prisoner of a different gender identity or expression]~~ **from inspecting or searching a woman who is incarcerated in an institution or facility and who is in a state of undress** while ~~[the offender or prisoner is showering, performing bodily functions or changing clothing]~~ **located in a private location, unless: (1) there are extraordinary circumstances; and**

(2) a female correctional staff member, or any female staff member of the institution or facility if a female correctional staff member is unavailable, is present at the time of the inspection or search. Section 5 additionally requires a male correctional staff member who conducts such an inspection or search to ~~[file]~~ **submit** a written report concerning the ~~[incident]~~ **inspection or search** with the ~~[ombudsman appointed pursuant to section 4 or 15, as applicable.~~

~~— Sections]~~ **warden of the institution or manager of the facility within 72 hours. Section 6** ~~[and 17]~~ of this bill ~~[: (1) require]~~ **requires the Department to provide a woman who is pregnant and in the custody of the Department access to necessary medical and behavioral health care services, including obstetrical services. Section 6 also: (1) requires** certain persons responsible for the operation of an institution or facility of the Department ~~[or a jail or detention facility]~~ to adopt a policy for the prenatal and postnatal care of an offender **;** ~~[or prisoner;]~~ and (2) ~~[prescribe]~~ **prescribes** requirements for such a policy.

~~[Existing law requires the Director of the Department to include certain topics and courses in a program of facility training for correctional staff. (NRS 209.1315) Section 7 of this bill requires training provided through the program to be trauma-informed. Section 7 also requires the program to include a course on interacting with offenders who have diverse gender identities or expressions.~~

~~— Existing law requires the Director of the Department to: (1) establish a system of classification and evaluation for offenders who are sentenced to imprisonment in the state prison; and (2) assign a person who is sentenced to imprisonment in the state prison to an appropriate institution or facility of the Department based on certain criteria. (NRS 209.341) Section 8 of this bill instead requires the Department to adopt regulations: (1) establishing such a system; and (2) prescribing procedures for the assignment of a person to an appropriate institution or facility of the Department, which must be based, in part, on the proximity of the institution or facility to the address at which any child or other dependent of the offender resides. Section 8 also requires the Department to adopt regulations which establish protocols for an institution or facility to follow when placing an offender within the institution or facility.~~

~~— Existing law requires the Director of the Department to administer a risk and needs assessment to each offender for the purpose of guiding institutional programming and placement. (NRS 209.341) Section 8 requires any such assessment to be valid and appropriate for assessing the risks and needs of an offender, regardless of the gender identity or expression of the offender.~~

~~— In general, existing]~~ **Section 6 additionally requires the Department to adopt any regulations necessary to carry out the provisions of section 6. Section 6 additionally requires the Department to develop and adopt a policy to be carried out in each institution and facility concerning the physical and mental health of offenders who are pregnant.**

Existing law prohibits the use of restraints on an offender ~~[, prisoner or child]~~ confined in a facility or institution ~~[for the detention of children]~~ who is in labor, delivering a baby or recuperating from delivery. Under existing law, if restraints are used on such a person, the restraints used must be the least restrictive restraints which are necessary to ensure safety and security. (NRS ~~[62B.230, 63.185,]~~ 209.376 ~~[, 211.155) Sections]~~ **) Section 9** ~~[and 20-22]~~ of this bill ~~[additionally prohibit]~~ **requires a correctional staff member who orders** the use of restraints on **such** an offender ~~[, prisoner or child who is being transferred or transported while the offender is pregnant.~~

~~Existing law entitles each offender in an institution or facility of the Department to appropriate, sanitary housing. (NRS 209.381) Section 10 of this bill provides that housing for an offender who is pregnant or recuperating from delivery is not appropriate if the housing is more restrictive than necessary to ensure the safety and security of the offender, other offenders and correctional staff members. Sections 20-22 similarly prohibit a prisoner or child confined in a facility or institution for the detention of children who is pregnant or recuperating from delivery from being held in more restrictive housing than necessary to ensure the safety and security of the prisoner or child, as applicable, and certain other persons.~~

~~Existing law requires the Director of the Department to establish standards for personal hygiene of offenders and for the medical and dental services of each institution or facility. (NRS 209.381) Section 10 requires such standards to: (1) ensure the protection of the rights prescribed by section 2; (2) provide for annual gynecological examinations upon request; (3) ensure access to appropriate follow-up care under certain circumstances; and (4) to the extent practicable, ensure that certain communications concerning medical or dental services are provided in the primary language of an offender.~~

~~Existing law requires the sheriff, chief of police or town marshal responsible for the operation of a jail or facility to arrange for the administration of medical care required by prisoners. (NRS 211.140) With certain exceptions, section 19 of this bill requires a sheriff, chief of police or town marshal to ensure that any significant communication concerning such care is provided in the primary language of a prisoner.~~

~~Section 11 of this bill requires the Department to adopt regulations relating to visits between offenders and certain other persons. Section 11 requires such regulations to prescribe requirements for: (1) a visitation schedule established by an institution or facility; and (2) a visitation policy for offenders who are parents. Section 18 of this bill similarly requires the sheriff, chief of police or town marshal responsible for the operation of a jail or facility to adopt a policy relating to visits between prisoners and appropriate friends and other persons. Section 18 requires such a policy to prescribe requirements for: (1) a visitation schedule established by the jail or facility; and (2) a visitation policy for prisoners who are parents.]~~ **to submit a report to the warden of the institution or manager of the facility which: (1) describes the reasons for**

the use of the restraints; and (2) must be submitted to the warden or manager within 5 hours after the use of the restraints.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***1.*** ~~***[Except as otherwise provided in subsection 2, an offender in the custody of the Department has the right:***~~

~~***(a) To be treated with basic human dignity and respect, without intentional infliction of humiliation, including, without limitation, the right to:***~~

~~***(1) Be searched by a correctional staff member of the same gender identity or expression;***~~

~~***(2) Shower, perform bodily functions and change clothes without having a correctional staff member who has a different gender identity or expression than the offender view the unclothed genitals, pubic area, anus, buttocks or breasts of the offender; and***~~

~~***(3) Be treated in accordance with the gender identity or expression of the offender.***~~

~~***(b) To receive adequate, appropriate and accessible basic necessities free of charge, including, without limitation:***~~

~~***(1) Clean clothing, undergarments and socks; and***~~

~~***(2) Personal hygiene products.***~~

~~***(c) To have]***~~ ***The Department shall ensure that each woman who is assigned to an institution or facility completes a form at the time of intake to assess the needs of the woman while in the custody of the Department. The form must include, without limitation, questions relating to:***

(a) How recently the woman has received preventative gynecological care and, if applicable, obstetrical care; and

(b) The needs of the woman for feminine hygiene products for the purpose of providing the woman with a suitable supply of feminine hygiene products.

2. The Department shall provide a woman who is in the custody of the Department access to necessary medical and behavioral health care services, including ~~***[, without limitation:***~~

~~***(1) Treatment]***~~ ***:***

(a) Counseling pertaining to mental health or a substance use disorder;

~~***[(2) Gynecological or obstetrical services, including, without limitation, prenatal and postnatal health care services; and***~~

~~***(3) Mammography.***~~

~~***(d) To be free from:***~~

~~***(1) Discrimination or harassment on the basis of the sex, sexual orientation or gender identity or expression of the offender; and***~~

~~*(2) Being searched for the purpose of harassment or as a form of punishment or discipline.*~~

~~*(e) To communicate with other persons, including, without limitation, the right:*~~

~~*(1) To have regular contact through visits, telephone calls and mail with any children of the offender; and*~~

~~*(2) Other adults with whom the offender has established a mentoring relationship, including, without limitation, persons released from incarceration, upon approval of an institution or facility.*~~

~~*(f) To report an alleged violation of any of the rights set forth in this subsection without being threatened or punished.*~~

~~*2. An institution or facility may impose reasonable restrictions on the time, place and manner in which an offender may exercise the rights set forth in*~~

~~*subsection 1 if such restrictions are necessary to preserve the order, security or safety of the offender, the public, correctional staff members or other offenders in the institution or facility.]*~~

(b) Medication prescribed for the treatment for mental health issues;

(c) An annual pelvic examination and mammography; and

(d) Any appropriate follow-up care necessary for a woman who receives an examination pursuant to paragraph (c).

3. The Department shall provide a woman who is in the custody of the Department with a sufficient supply of feminine hygiene products at no cost. The Department shall provide the woman with a preferred type of feminine hygiene products upon request. A woman may at any time inform the Department of a need to adjust the supply of feminine hygiene products necessary to constitute a sufficient supply for the needs of the woman.

4. The Department shall adopt ~~*[such]*~~ *regulations* ~~*[as it determines are]*~~ *necessary to* ~~*[ensure the protection of the rights set forth in]*~~ *carry out the provisions of this section.*

~~*[4.]*~~ *5. As used in this section:*

(a) "Feminine hygiene product" means a sanitary napkin, tampon or other similar item used during a menstrual cycle.

(b) "Mammography" has the meaning ascribed to it in NRS 457.182.

~~*[(b) "Personal hygiene products" includes, without limitation, soap, deodorant, a toothbrush, toothpaste or powder, toilet paper, shampoo, incontinence products and feminine hygiene products.]*~~

Sec. 3. ~~*[1. Each institution or facility shall treat each offender in all respects in accordance with the gender identity or expression of the offender, including, without limitation, by:*~~

~~*(a) Addressing each offender in a manner that is consistent with the gender identity or expression of the offender; and*~~

~~*(b) Providing each offender with access to commissary items, clothing and institutional programming consistent with the gender identity or expression of the offender.*~~

~~*2. Subject to the approval of the Director, the warden of each institution and the manager of each facility shall establish appropriate policies to carry out the requirements of subsection 1. Any such policy must be consistent with the regulations adopted by the Department pursuant to section 2 of this act and any other applicable laws or regulations.*~~

~~*3. Each institution or facility shall follow the protocols established in the regulations adopted pursuant to NRS 209.341 when placing an offender within the institution or facility.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[1. The warden of each institution and the manager of each facility shall designate an ombudsman for the institution or facility.*~~

~~*2. An ombudsman designated pursuant to subsection 1:*~~

~~*(a) Shall:*~~

~~*(1) Assist offenders to understand the rights prescribed by section 2 of this act;*~~

~~*(2) Monitor the implementation of the policy adopted pursuant to section 3 of this act; and*~~

~~*(3) Receive and review each report filed pursuant to section 5 of this act and reports concerning the alleged violations of the rights set forth in section 2 of this act; and*~~

~~*(b) May:*~~

~~*(1) Investigate apparent violations of the rights set forth in section 2 of this act; and*~~

~~*(2) Act to resolve disputes relating to apparent violations.]*~~ **(Deleted by amendment.)**

Sec. 5. *1. Subject to the approval of the Director, the warden of each institution and the manager of each facility shall adopt a policy setting forth standards of conduct for interactions between a* ***male*** *correctional staff member and* ~~*[an offender of]*~~ *a* ~~*[different gender identity or expression than the correctional staff member.]*~~ ***woman who is incarcerated in the institution or facility.***

2. The policy adopted pursuant to subsection 1 must:

(a) Be consistent with ~~*[the regulations adopted by the Department pursuant to section 2 of this act and]*~~ *any other applicable laws or regulations;* ~~*[and]*~~

(b) ***Prohibit a male correctional staff member from conducting an inspection or search of a woman who is incarcerated in the institution or facility and is in a state of undress in a private location, unless:***

(1) There are extraordinary circumstances; and

(2) A female correctional staff member, or any female staff member of the institution or facility if a female correctional staff member is unavailable, is present at the time of the inspection or search; and

(c) Include, without limitation, a requirement that a male correctional staff member who inspects or searches ~~[an offender of a different gender identity or expression or views an offender of a different gender identity or expression while the offender is showering, performing bodily functions or changing clothes prepare and file with]~~ a woman pursuant to paragraph (b) submit to the ~~[ombudsman appointed pursuant to section 4]~~ warden of ~~[this act]~~ the institution or manager of the facility a written report concerning the ~~[incident.]~~ inspection or search.

3. A written report filed pursuant to subsection 2 must:

(a) Be filed not later than ~~[3 days]~~ 72 hours after the ~~[date on which the incident]~~ inspection or search occurs; and

(b) Include a description of the ~~[incident]~~ inspection or search and any other information requested by the warden or manager, as applicable.

4. As used in this section:

(a) "Private location" means an area in an institution or facility in which a woman has a reasonable expectation of privacy, including, without limitation, an area which contains a shower or toilet, a medical examination room or an area in which body cavity searches are conducted.

(b) "State of undress" means that the naked or undergarment-clad genitals, pubic area, buttocks or breast of a woman are exposed.

Sec. 6. *1. The Department shall provide an offender who is pregnant and in the custody of the Department access to necessary medical and behavioral health care services, including, without limitation, obstetrical services.*

2. Subject to the approval of the Director, the warden of each institution and the manager of each facility shall adopt a policy for the prenatal and postnatal care of offenders. Any such policy must be consistent with ~~[the regulations adopted by the Department pursuant to section 2 of this act and]~~ any other applicable laws or regulations.

~~[2.]~~ 3. A policy adopted pursuant to subsection ~~[1]~~ 2 must include, without limitation:

(a) A requirement that each offender who is pregnant receive:

(1) ~~[Counseling and]~~ Training, educational programming or written materials concerning prenatal care, pregnancy, hygiene and health concerns relating to pregnancy, the impact of alcohol and drugs on a fetus, labor, the care of newborns and the postpartum period;

(2) ~~[Appropriate, trauma-informed prenatal health care services, including, without limitation, periodic monitoring and evaluation of the health of the offender and the unborn child of the offender;~~

~~(3)]~~ Prenatal vitamins or supplements, as deemed necessary by the Medical Director;

~~[(4)]~~ (3) A diet containing the nutrients necessary to maintain a healthy pregnancy, as deemed necessary by the Medical Director; ~~[and]~~

(4) Any hygiene products which are reasonably necessary and specifically designed for a person who is pregnant; and

(5) Counseling regarding parenting skills ~~[upon the request of the offender;]~~ ; and

(b) A requirement that each offender who delivers a baby while in the custody of the Department:

(1) Receives appropriate, trauma-informed medical care at the institution or facility, including, without limitation, treatment for postpartum depression;

(2) Receives counseling regarding parenting skills upon the request of the offender; and

(3) To ~~[the extent reasonably practicable,]~~ be provided an opportunity to ~~[reside]~~ bond with a baby delivered while in the custody of the Department ~~[in a safe and secure location within the institution or facility]~~ for ~~[:~~

~~(I) A]~~ a minimum period ~~[not to exceed 30 months, if the offender is assigned to an institution or facility]~~ of ~~[minimum security; or~~

~~(II) A period of time appropriate to facilitate bonding between the offender and the child, if the offender is not assigned to an institution or facility of minimum security; and~~

~~(c) A lactation policy.]~~ not less than 72 hours after delivery.

~~[3.]~~ 4. The counseling and written materials required by subsection ~~[2]~~ 3 must ~~[:~~

~~(a) Be]~~ be communicated or written in easily understood language . ~~[; and~~

~~(b) Include, without limitation, information regarding:~~

~~(1) Available options concerning the pregnancy, including, without limitation, abortion, alternatives to abortion and adoption;~~

~~(2) Prenatal nutrition;~~

~~(3) Maintaining a healthy pregnancy;~~

~~(4) The policy adopted pursuant to subsection 1; and~~

~~(5) The limitation on the use of restraints on a pregnant offender prescribed by NRS 209.376.~~

~~4.]~~ 5. The Department shall develop and adopt a policy to be carried out in each institution and facility concerning the physical and mental health of offenders who are pregnant. In developing such a policy, the Department shall take into consideration the impact of certain actions on the offender and the fetus, including, without limitation, the impact of:

(a) The use of restraints; and

(b) An invasive body cavity search.

6. The Department shall adopt any regulations necessary to carry out the provisions of this section.

7. Nothing in this section shall be construed to require an institution or facility to adopt any policy that does not comply with federal law or regulation.

Sec. 7. [NRS 209.1315 is hereby amended to read as follows:

209.1315 The Director [may continue to] ***shall*** develop and implement, in each institution and facility of the Department, a program of facility training for the correctional staff. Such training must include:

1. Training in ***trauma informed,*** evidence-based practices, including, without limitation, principles of [effective] ***:***

(a) Effective intervention [, effective] ***;***

(b) Effective case management ***;***

(c) Gender-responsive strategies; and [core]

(d) Core correctional practices; and

2. Courses on interacting with [victims] ***offenders who:***

(a) Are victims of domestic violence and trauma [and people with] ***;***

(b) Have behavioral health needs [and both] ***;***

(c) Have physical and intellectual disabilities [.] ***; and***

(d) Have diverse gender identities or expressions.] **(Deleted by amendment.)**

Sec. 8. [NRS 209.341 is hereby amended to read as follows:

209.341 1. The [Director shall:

(a) Establish, with the approval of the Board,] ***Department shall adopt regulations which establish*** a system of initial classification and evaluation for offenders who are sentenced to imprisonment in the state prison.

[(b) Assign every] ***Such regulations must include, without limitation, procedures for the assignment of a*** person who is sentenced to imprisonment in the state prison to an appropriate institution or facility of the Department [. The assignment must be] based [on an evaluation of the] ***upon:***

(a) The offender's records [,] ***;***

(b) The particular needs ***of the offender;***

(c) The proximity of the institution or facility to the address at which any child or other dependent of the offender resides, if known; and

(d) Any applicable requirements for custody.

[(c) Administer]

2. The Director shall assign every person who is sentenced to imprisonment in the state prison in accordance with the regulations adopted pursuant to subsection 1.

3. The Department shall adopt regulations which establish protocols for an institution or facility to follow when placing an offender within the institution or facility. Such regulations must be designed to ensure that each offender is placed in a manner that is appropriate for the gender identity or expression of the offender.

4. The Department shall cause to be administered a risk and needs assessment to each offender for the purpose of guiding institutional programming and placement. The Department may consider the responsivity factors of an offender when making decisions concerning such programming and placement.

~~[2.] 5. Any risk and needs assessment used by the Department pursuant to this section must [undergo] :~~

~~*(a) Be valid and appropriate for assessing the risks and needs of an offender, regardless of the gender identity or expression of the offender; and*~~

~~*(b) Undergo* a validation study not less than once every 3 years.~~

~~*6.* The Department shall establish quality assurance procedures to ensure proper and consistent scoring of any risk and needs assessment used pursuant to this section.~~

~~[3.] 7. As used in this section:~~

~~(a) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.~~

~~(b) "Risk and needs assessment" has the meaning ascribed to it in NRS 213.107.]~~ **(Deleted by amendment.)**

Sec. 9. NRS 209.376 is hereby amended to read as follows:

209.376 1. No ~~*[Except as otherwise provided in subsection 2, no]*~~ restraints of any kind may be used on an offender who is in ~~*[:*~~

~~*(a) Being transferred or transported by a correctional staff member or other authorized person while the offender is pregnant; or*~~

~~*(b) In]*~~ labor, delivering her ~~*[a]*~~ baby or ~~[recuperating from delivery .]~~ ***in the postpartum period,*** unless

~~*[2. Restraints may be used on an offender who is pregnant if]*~~ there are compelling reasons to believe that the offender presents:

(a) A serious and immediate threat of harm to herself, ~~*[the offender, correctional]*~~ staff ~~*[members]*~~ or others; or

(b) A substantial flight risk and cannot be reasonably confined by other means.

2. If an offender who is in labor, delivering her baby or ~~[recuperating from delivery]~~ ***in the postpartum period*** is restrained, only

~~*[3. Any restraints used on an offender who is pregnant must be]*~~ the least restrictive restraints which are necessary to ensure safety and security ~~[.]~~ may be used.

3. A correctional staff member who orders the use of restraints on an offender who is pregnant or in the postpartum period shall submit a written report to the warden of the institution or manager of the facility. The report must:

(a) Describe the reasons for the use of the restraints on the offender; and

(b) Be submitted to the warden or manager within 5 hours after the use of the restraints.

4. As used in this section:

(a) "Postpartum period" means the period of time an offender is recuperating from delivering a baby, as determined by the physician of the offender, immediately following delivery and directly related to the birth, including the period an offender is in a hospital or infirmary after birth.

(b) "Restraints" means any physical restraint or mechanical device used to control the movement of the limbs of a person, including, without

limitation, flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security tether chain or a convex shield.

Sec. 10. ~~[NRS 209.381 is hereby amended to read as follows:~~

~~209.381 1. Each offender in an institution or facility of the Department must be provided a healthful diet and appropriate, sanitary housing.~~ ***For purposes of this subsection, housing for an offender who is pregnant or recuperating from delivery is not appropriate if the housing is more restrictive than necessary to ensure safety and security.***

~~2. The Director with the approval of the Board shall establish standards for :~~

~~***(a) The*** personal hygiene of offenders ***, which must ensure the protection of the rights set forth in section 2 of this act;*** and ~~[for the]~~

~~***(b) The*** medical and dental services of each institution or facility ~~**[.]**~~ ***, which must:***

~~***(1) Ensure the protection of the rights set forth in section 2 of this act;***~~

~~***(2) Provide for annual gynecological examinations of offenders upon request;***~~

~~***(3) Ensure access to appropriate follow-up care is provided to an offender who receives an annual gynecological examination; and***~~

~~***(4) To the extent practicable, ensure that any significant communication concerning medical or dental services is provided in the primary language of the offender.]*** **(Deleted by amendment.)**

Sec. 11. ~~[NRS 209.423 is hereby amended to read as follows:~~

~~209.423 ***1. The Department shall adopt regulations relating to visits between offenders and appropriate friends, relatives and other persons. Such regulations must prescribe requirements for:***~~

~~***(a) A visitation schedule established by an institution or facility, including, without limitation, a requirement that any such schedule allow visitors for at least 8 hours per day on:***~~

~~***(1) Saturday and Sunday; and***~~

~~***(2) At least 4 other days per week; and***~~

~~***(b) A visitation policy for offenders who are parents of children who are under 18 years of age, which must:***~~

~~***(1) Authorize in-person visits between such offenders and their children to the greatest extent possible;***~~

~~***(2) Not limit the number of children on the authorized visitor list of an offender; and***~~

~~***(3) Not limit the number of children an offender may receive at a given time.***~~

~~***2.*** Wardens and managers may authorize visits and correspondence between offenders and appropriate friends, relatives, and others ~~[under]~~ ***in accordance with the*** regulations adopted by the ~~[~~Director and approved by the Board.~~]~~ ***Department pursuant to subsection 1.]*** **(Deleted by amendment.)**

Sec. 12. ~~[Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 18, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[*1. Except as otherwise provided in subsection 2, a prisoner in the custody of a county, city or town jail or detention facility has the right:*~~

~~*(a) To be treated with basic human dignity and respect, without intentional infliction of humiliation, including, without limitation, the right to:*~~

~~*(1) Be searched by a staff member of the same gender identity or expression;*~~

~~*(2) Shower, perform bodily functions and change clothes without having a staff member who has a different gender identity or expression than the prisoner view the unclothed genitals, pubic area, anus, buttocks or breasts of the prisoner; and*~~

~~*(3) Be treated in accordance with the gender identity or expression of the prisoner.*~~

~~*(b) To receive adequate, appropriate and accessible basic necessities free of charge, including, without limitation:*~~

~~*(1) Clean clothing, undergarments and socks; and*~~

~~*(2) Personal hygiene products.*~~

~~*(c) To have access to necessary medical and behavioral health care services, including, without limitation:*~~

~~*(1) Treatment pertaining to mental health or a substance use disorder;*~~

~~*(2) Gynecological or obstetrical services, including, without limitation, prenatal and postnatal health care services; and*~~

~~*(3) Mammography.*~~

~~*(d) To be free from:*~~

~~*(1) Discrimination or harassment on the basis of the sex, sexual orientation or gender identity or expression of the prisoner; and*~~

~~*(2) Being searched for the purpose of harassment or as a form of punishment or discipline.*~~

~~*(e) To communicate with other persons, including, without limitation, the right:*~~

~~*(1) To have regular contact through visits, telephone calls and mail with any children of the prisoner; and*~~

~~*(2) Other adults with whom the prisoner has established a mentoring relationship, including, without limitation, persons released from incarceration, upon approval of a county, city or town jail or detention facility.*~~

~~*(f) To report an alleged violation of any of the rights set forth in this subsection without being threatened or punished.*~~

~~*2. A county, city or town jail or detention facility may impose reasonable restrictions on the time, place and manner in which a prisoner may exercise the rights set forth in subsection 1 if such restrictions are necessary to*~~

~~*preserve the order, security or safety of the prisoner, the public, staff members or other prisoners in the jail or detention facility.*~~

~~*— 3. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall establish appropriate policies to ensure the protection of the rights set forth in this section.*~~

~~*— 4. As used in this section:*~~

~~*— (a) "Mammography" has the meaning ascribed to it in NRS 457.182.*~~

~~*— (b) "Personal hygiene products" includes, without limitation, soap, deodorant, a toothbrush, toothpaste or powder, toilet paper, shampoo, incontinence products and feminine hygiene products.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[1. Each county, city or town jail or detention facility shall treat each prisoner in all respects in accordance with the gender identity or expression of the prisoner, including, without limitation, by:*~~

~~*— (a) Addressing each prisoner in a manner that is consistent with the gender identity or expression of the prisoner; and*~~

~~*— (b) Providing each prisoner with access to commissary items, clothing and institutional programming consistent with the gender identity or expression of the prisoner.*~~

~~*— 2. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall establish appropriate policies to carry out the requirements of subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[1. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall designate an ombudsman for each jail or facility.*~~

~~*— 2. An ombudsman designated pursuant to subsection 1:*~~

~~*— (a) Shall:*~~

~~*— (1) Assist prisoners to understand the rights prescribed by section 13 of this act;*~~

~~*— (2) Monitor the implementation of the policy adopted pursuant to section 14 of this act; and*~~

~~*— (3) Receive and review each report filed pursuant to section 16 of this act and reports concerning the alleged violations of the rights set forth in section 13 of this act; and*~~

~~*— (b) May:*~~

~~*— (1) Investigate apparent violations of the rights set forth in section 13 of this act; and*~~

~~*— (2) Act to resolve disputes relating to apparent violations.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[1. A staff member of a city, county or town jail or detention facility who searches a prisoner of a different gender identity or expression or views a prisoner of a different gender identity or expression while the*~~

~~*prisoner is showering, performing bodily functions or changing clothes shall prepare and file with the ombudsman appointed pursuant to section 15 of this act a report concerning the incident.*~~

~~*2. A written report filed pursuant to subsection 1 must be filed not later than 3 days after the date on which the incident occurs.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[1. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall adopt a policy concerning the prenatal and postnatal care of prisoners.*~~

~~*2. The policy adopted pursuant to subsection 1 must include, without limitation:*~~

~~*(a) A requirement that each prisoner who is pregnant receive:*~~

~~*(1) Counseling and written materials concerning pregnancy, labor, the care of newborns and the postpartum period;*~~

~~*(2) Appropriate, trauma-informed prenatal health care services, including, without limitation, periodic monitoring and evaluation of the health of the prisoner and the unborn child of the prisoner;*~~

~~*(3) Prenatal vitamins or supplements, as deemed necessary by a treating physician;*~~

~~*(4) A diet containing the nutrients necessary to maintain a healthy pregnancy, as deemed necessary by a treating physician; and*~~

~~*(5) Counseling regarding parenting skills upon the request of the prisoner;*~~

~~*(b) A requirement that each prisoner who delivers a baby while in the custody of a jail or detention facility:*~~

~~*(1) Receives appropriate, trauma informed medical care at the jail or detention facility, including, without limitation, treatment for postpartum depression;*~~

~~*(2) Receives counseling regarding parenting skills upon the request of the prisoner; and*~~

~~*(3) To the extent reasonably practicable, be provided an opportunity to reside with a baby delivered while in the custody of the jail or detention facility in a safe and secure location within the jail or detention facility for a period of time appropriate to facilitate bonding between the prisoner and the baby; and*~~

~~*(c) A lactation policy.*~~

~~*3. The counseling and written materials required by subsection 2 must:*~~

~~*(a) Be communicated or written in easily understood language; and*~~

~~*(b) Include, without limitation, information regarding:*~~

~~*(1) Available options concerning the pregnancy, including, without limitation, abortion, alternatives to abortion and adoption;*~~

~~*(2) Prenatal nutrition;*~~

~~*(3) Maintaining a healthy pregnancy;*~~

~~*(4) The policy adopted pursuant to subsection 1; and*~~

~~*(5) The limitation on the use of restraints on a prisoner who is pregnant prescribed by NRS 211.155.*~~

~~*4. Nothing in this section shall be construed to require a jail or detention facility to adopt any policy that does not comply with federal law or regulation.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[1. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall adopt a policy relating to visits between prisoners and appropriate friends, relatives and other persons.*~~

~~*2. The policy adopted pursuant to subsection 1 must prescribe requirements for:*~~

~~*(a) A visitation schedule that allows visitors for at least 8 hours per day on:*~~

~~*(1) Saturday and Sunday; and*~~

~~*(2) At least 4 other days per week; and*~~

~~*(b) A visitation policy that must:*~~

~~*(1) Authorize in-person visits between prisoners who are parents of children who are under 18 years of age and the children of such prisoners to the greatest extent possible;*~~

~~*(2) Not limit the number of children on the authorized visitor list of a prisoner; and*~~

~~*(3) Not limit the number of children a prisoner may receive at a given time.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 211.140 is hereby amended to read as follows:~~

~~211.140 1. The sheriff of each county has charge and control over all prisoners committed to his or her care in the respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout this State have charge and control over all prisoners committed to their respective city and town jails and detention facilities.~~

~~2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:~~

~~(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his or her conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.~~

~~(b) An opportunity to be heard on the issue.~~

~~As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.~~

~~3. The sheriffs, chiefs of police and town marshals shall see that the prisoners under their care are kept at labor for reasonable amounts of time~~

~~within the jail or detention facility, on public works in the county, city or town, or as part of a program of release for work established pursuant to NRS 211.120 or 211.171 to 211.200, inclusive.~~

~~4. The sheriff, chief of police or town marshal shall arrange for the administration of medical care required by prisoners while in his or her custody. The county, city or town shall pay the cost of appropriate medical:~~

~~(a) Treatment provided to a prisoner while in custody for injuries incurred by a prisoner while the prisoner is in custody and for injuries incurred during the prisoner's arrest for commission of a public offense if the prisoner is not convicted of that offense;~~

~~(b) Treatment provided to a prisoner while in custody for any infectious, contagious or communicable disease which the prisoner contracts while the prisoner is in custody; and~~

~~(c) Examinations required by law or by court order conducted while the prisoner is in custody unless the order otherwise provides.~~

~~5. A prisoner shall pay the cost of medical treatment for:~~

~~(a) Injuries incurred by the prisoner during his or her commission of a public offense or for injuries incurred during his or her arrest for commission of a public offense if the prisoner is convicted of that offense;~~

~~(b) Injuries or illnesses which existed before the prisoner was taken into custody;~~

~~(c) Self-inflicted injuries; and~~

~~(d) Except treatment provided pursuant to subsection 4, any other injury or illness incurred by the prisoner.~~

~~6. A medical facility furnishing treatment pursuant to subsection 5 shall attempt to collect the cost of the treatment from the prisoner or the prisoner's insurance carrier. If the facility is unable to collect the cost and certifies to the appropriate board of county commissioners that it is unable to collect the cost of the medical treatment, the board of county commissioners shall pay the cost of the medical treatment.~~

~~7. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section may attempt to collect from the prisoner or the insurance carrier of the prisoner the cost of arranging for the administration of medical care including the cost of any transportation of the prisoner for the purpose of medical care. The prisoner shall obey the requests of, and fully cooperate with the sheriff, chief of police or town marshal in collecting the costs from the prisoner or the prisoner's insurance carrier.~~

~~8. While a prisoner is in custody, a sheriff, chief of police or town marshal, in collaboration with the Department of Health and Human Services and the various divisions thereof, for the purpose of maintaining continuity of care, shall arrange for the coordination of the care for treatment of mental health and substance use disorders provided to the prisoner by all providers of such care~~

~~in the county, city or town jail or detention facility. After a prisoner is released from custody:~~

~~— (a) The Department and the various divisions thereof shall arrange for the coordination of the care for treatment of mental health and substance use disorders provided to the prisoner.~~

~~— (b) The sheriff, chief of police or town marshal is no longer responsible for arranging the coordination of such care.~~

~~— 9. Each sheriff described in subsection 8, or his or her representative, and the Director of the Department of Health and Human Services, or his or her representative, shall, at the request of the Joint Interim Standing Committee on Health and Human Services, appear before the Committee during the legislative interim to report on the collaboration and coordination provided pursuant to subsection 8.~~

~~— 10. Treatment of mental health and substance use disorders provided pursuant to subsection 8 may include any medication that has been:~~

~~— (a) Approved by the United States Food and Drug Administration; and~~

~~— (b) Prescribed by a treating physician as medically necessary for use by the prisoner to address issues relating to mental health or a substance use disorder.~~

~~— *11. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section shall, to the greatest extent practicable, ensure that any significant communication concerning such care is provided in the primary language of the prisoner.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 211.155 is hereby amended to read as follows:~~

~~— 211.155 1. [No]~~ ***Except as otherwise provided in subsection 2, no*** ~~restraints of any kind may be used on a prisoner who is [in]~~ ***.:***

~~— *(a) Being transferred or transported by a staff member or other authorized person while the prisoner is pregnant; or*~~

~~— *(b) In*~~ labor, delivering ~~[her]~~ ***a*** baby or recuperating from delivery ~~. [unless]~~

~~— *2. Restraints may be used on a prisoner who is pregnant if*~~ there are ~~compelling reasons to believe that the prisoner presents:~~

~~— (a) A serious and immediate threat of harm to [herself,]~~ ***the prisoner, a*** ~~staff~~ ***member*** ~~or others; or~~

~~— (b) A substantial flight risk and cannot be reasonably confined by other means.~~

~~— [2. If a prisoner who is in labor, delivering her baby or recuperating from delivery is restrained, only]~~

~~— *3. Any restraints used on a prisoner who is pregnant must be*~~ ~~the least restrictive restraints which are necessary to ensure safety and security . [may be used.]~~

~~— *4. A prisoner who is pregnant or recuperating from delivery must not be held in more restrictive housing than necessary to ensure safety and security.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 62B.230 is hereby amended to read as follows:~~

~~62B.230 1. [No] *Except as otherwise provided in subsection 2, no* restraints of any kind may be used on a child who is [in] *:*~~

~~*(a) Being transferred or transported by a staff member or other authorized person while the child is pregnant; or*~~

~~*(b) In* labor, delivering [her] *a* baby or recuperating from delivery *.* [unless]~~

~~*2. Restraints may be used on a child who is pregnant if* there are compelling reasons to believe that the child presents:~~

~~(a) A serious and immediate threat of harm to [herself,] *the child, a* staff *member* or others; or~~

~~(b) A substantial flight risk and cannot be reasonably confined by other means.~~

~~[2. If]~~

~~*3. Any restraints used on* a child who is [in labor, delivering her baby or recuperating from delivery is restrained, only] *pregnant must be* the least restrictive restraints which are necessary to ensure safety and security *.* [may be used.]~~

~~*4. A child who is pregnant or recuperating from delivery must not be held in more restrictive housing than necessary to ensure the safety and security of the child, other children held in the institution and staff members of the institution.]~~ **(Deleted by amendment.)**

Sec. 22. ~~[NRS 63.185 is hereby amended to read as follows:~~

~~63.185 1. [No] *Except as otherwise provided in subsection 2, no* restraints of any kind may be used on a child who is [in] *:*~~

~~*(a) Being transferred or transported by a staff member or other authorized person while the child is pregnant; or*~~

~~*(b) In* labor, delivering [her] *a* baby or recuperating from delivery *.* [unless]~~

~~*2. Restraints may be used on a child who is pregnant if* there are compelling reasons to believe that the child presents:~~

~~(a) A serious and immediate threat of harm to [herself,] *the child, a* staff *member* or others; or~~

~~(b) A substantial flight risk and cannot be reasonably confined by other means.~~

~~[2. If]~~

~~*3. Any restraints used on* a child who is [in labor, delivering her baby or recuperating from delivery is restrained, only] *pregnant must be* the least restrictive restraints which are necessary to ensure safety and security *.* [may be used.]~~

~~*4. A child who is pregnant or recuperating from delivery must not be held in more restrictive housing than necessary to ensure the safety and security of the child, other children held in the facility and the staff members of the facility.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 24. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 23, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 369.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 396.

AN ACT relating to the judiciary; revising provisions relating to certain fines, administrative assessments and fees; revising provisions relating to community service performed in lieu of certain **fines,** administrative assessments or fees; prohibiting a person from threatening or intimidating a tribal judge under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition of certain fines, administrative assessments and fees against a defendant. (Chapter 176 of NRS) Existing law establishes the circumstances in which a person who commits a minor traffic offense is presumed to be indigent and prohibits a court from taking certain actions against an indigent person. (NRS 176.0643, 176.075) **Section 7** of this bill: (1) expands the circumstances in which a person is presumed to be indigent; and (2) makes the presumption of indigence applicable to a person who commits an offense punishable as a misdemeanor.

Under certain circumstances, existing law authorizes a judge or justice or his or her successor to reduce a fine imposed against a defendant. (NRS 176.085) **Section 4** of this bill requires: (1) the court to inform a defendant who commits a minor traffic offense or an offense punishable as a misdemeanor that the defendant may be eligible for a waiver or reduction of the fine, administrative assessment or fee if the defendant is presumed indigent; and (2) a defendant who wishes to have a fine, administrative assessment or fee waived or reduced to file an ability to pay assessment. **Section 5** of this bill requires the court to calculate the household income limit of a defendant who is presumed indigent pursuant to **section 7**. Using the guidelines prescribed by the HOME Investment Partnerships Act and the

household income limit of the defendant, **section 5** requires the court to: (1) waive any fee assessed against a defendant if the household income limit of the defendant is less than ~~[400]~~ **200** percent of the very low income limit for a family of equal size to the defendant; and (2) waive or reduce any administrative assessment or fine imposed against the defendant based upon the household income limit of the defendant. **Section 3** of this bill defines the term "HOME Investment Partnerships Act" for the purposes of **sections 5 and 7**. **Sections 2 and 6** of this bill make conforming changes related to the definition prescribed by **section 3**.

Existing law provides that any delinquent fine, administrative assessment or fee owed by a defendant for the commission of a minor traffic offense is deemed to be uncollectible if after 10 years it remains impossible or impracticable to collect the delinquent amount. (NRS 176.0647) **Section 8** of this bill: (1) reduces that period to 5 years; and (2) deems any delinquent fine, administrative assessment or fee owed by a defendant who commits an offense punishable as a misdemeanor uncollectible under the same circumstances.

Under certain circumstances, existing law authorizes a judge or justice or his or her successor to direct that a fine be paid in installments. (NRS 176.085) **Section 9** of this bill instead authorizes the court to direct a defendant to pay a fine **,** ~~[or]~~ administrative assessment **or fee** in installments. If the court directs a defendant to pay a fine **,** ~~[or]~~ administrative assessment **or fee** in installments, **section 9** provides that the amount of each installment must not exceed 2 percent of the annual income of the defendant.

Existing law authorizes a court to order a convicted person or a person who commits a minor traffic offense to perform supervised community service in lieu of all or part of certain fines, administrative assessments or fees. **Existing law additionally requires a court to provide a credit of $10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater, for each hour of community service.** (NRS 176.087, 484A.7045) **Sections 10 and 12** of this bill define "community service" for the purpose of any such order to include public service, work on public projects, supervised work for the benefit of the community and participation in certain programs and counseling. **Sections 10 and 12** also prohibit a court from ordering a person who commits an offense punishable as a misdemeanor or a person who commits a minor traffic offense to perform more than 100 hours of community service. **Sections 10 and 12** also revise certain requirements relating to a supervising authority. **Sections 10 and 12 additionally remove the ability of a court to require a convicted person to deposit a reasonable sum of money to pay for the cost of certain insurance relating to community service. Sections 10 and 12 also increase the credit that a court provides for community service from $10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater, to not less than $20. Sections 10 and 12 additionally clarify that such credit is to be counted toward the payment of any fine, administrative assessment or fee.**

Existing law establishes various crimes against public justice. (Chapter 199 of NRS) One such crime prohibits a person from threatening or intimidating a public officer, public employee or certain other persons authorized to hear or determine a controversy or matter with the intent to induce the officer, employee or person to act in a manner contrary to his or her duties with regard to the controversy or matter. (NRS 199.300) **Section 11** of this bill makes this prohibition applicable to a person who threatens or intimidates a tribal judge with such intent. Under existing law, a person who violates this prohibition is guilty of: (1) a category B or C felony, if physical force or the immediate threat of physical force is used; and (2) a gross misdemeanor, if no physical force or immediate threat of physical force is used. (NRS 199.300) **Section 11** thereby makes a person who violates this prohibition by threatening or intimidating a tribal judge guilty of a category B or C felony or a gross misdemeanor, depending on the circumstances.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 176.002 and section 3 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"HOME Investment Partnerships Act" means the HOME Investment Partnerships Act, 42. U.S.C. §§ 12701 et seq.***

Sec. 4. ***1. If a fine, administrative assessment or fee is imposed against a defendant who commits a minor traffic offense or an offense punishable as a misdemeanor, the court shall inform the defendant that:***

(a) The defendant may be eligible for a waiver or reduction of the fine, administrative assessment or fee.

(b) In order to receive a waiver or reduction of the fine, administrative assessment or fee, the defendant must comply with the requirements prescribed by subsection 2.

2. A defendant who wishes to have a fine, administrative assessment or fee waived or reduced by the court must file, on a form provided by the court, an ability to pay assessment, which must include a declaration that complies with the provisions of NRS 53.045.

3. No fee may be charged or collected for filing an ability to pay assessment.

Sec. 5. ***1. Upon the filing of an ability to pay assessment, the court shall, for each defendant who is presumed to be indigent pursuant to NRS 176.0643, calculate the household income limit of the defendant by:***

(a) Calculating the monthly income of the defendant, excluding any payments received by the defendant pursuant to the Social Security Act, including, without limitation, supplemental security income benefits and

child support payments that are processed pursuant to Part D of Title IV of the Social Security Act; and

(b) Adjusting the monthly income of the defendant based on the size of the family of the defendant in accordance with the guidelines prescribed by the HOME Investment Partnerships Act.

2. Using the guidelines prescribed by the HOME Investment Partnerships Act and the household income limit of the defendant calculated pursuant to subsection 1, the court shall calculate the ability of the defendant to pay a fine, administrative assessment or fee and:

(a) Waive any fee assessed against the defendant if the household income limit of the defendant is less than ~~[400]~~ 200 percent of the very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act; and

(b) Waive or reduce any administrative assessment or fine imposed upon the defendant in accordance with subsection 3.

3. If the household income limit of the defendant is:

(a) Below the very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act, the court shall waive any ~~[fine or]~~ administrative assessment imposed against the defendant ~~[.]~~ and reduce any fine to the lowest fine allowed by law or $10, whichever is greater.

(b) Greater than 100 percent but not more than ~~[200]~~ 125 percent of the very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act, the court shall reduce by 75 percent the amount of any fine or administrative assessment imposed against the defendant.

(c) Greater than ~~[200]~~ 125 percent but not more than ~~[300]~~ 150 percent of the very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act, the court shall reduce by 50 percent the amount of any fine or administrative assessment imposed against the defendant.

(d) Greater than ~~[300]~~ 150 percent but not more than ~~[400]~~ 200 percent of the very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act, the court shall reduce by 25 percent the amount of any fine or administrative assessment imposed against the defendant.

Sec. 6. NRS 176.002 is hereby amended to read as follows:

176.002 ~~[As used in this chapter, unless the context otherwise requires,]~~ "Division" means the Division of Parole and Probation of the Department of Public Safety.

Sec. 7. NRS 176.0643 is hereby amended to read as follows:

176.0643 1. For the purposes of this chapter, a person who commits a minor traffic offense ***or an offense punishable as a misdemeanor*** is presumed

to be indigent and not to have the ability to pay a fine, administrative assessment or fee imposed pursuant to this chapter if the person:

(a) Receives public assistance, as that term is defined in NRS 422A.065;

(b) Resides in public housing, as that term is defined in NRS 315.021; ~~[or]~~

(c) Has a household income that is less than 200 ~~*[400]*~~ percent of the ~~[federally designated level signifying poverty.]~~ ***very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act;***

(d) Has experienced homelessness at any time in the immediately preceding 12 months; or

(e) Received treatment at a psychiatric facility at any time in the immediately preceding 6 months.

2. As used in this section ~~[, "minor]~~ ***:***

(a) "Minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

~~[(a)]~~ ***(1)*** A violation of chapters 484A to 484E, inclusive, or 706 of NRS that causes the death of a person;

~~[(b)]~~ ***(2)*** A violation of NRS 484C.110 or 484C.120; or

~~[(c)]~~ ***(3)*** A violation declared to be a felony.

(b) "Psychiatric facility" means a psychiatric hospital or facility which provides residential treatment for mental illness.

Sec. 8. NRS 176.0647 is hereby amended to read as follows:

176.0647 ***1.*** Any delinquent fine, administrative assessment or fee owed by a defendant pursuant to NRS 176.064 who commits a minor traffic offense ~~[as defined in NRS 176.0643]~~ ***or an offense punishable as a misdemeanor*** is deemed to be uncollectible if after ~~[10]~~ ***5*** years it remains impossible or impracticable to collect the delinquent amount.

2. "Minor traffic offense" has the meaning ascribed to it in NRS 176.0643.

Sec. 9. NRS 176.085 is hereby amended to read as follows:

176.085 ~~[Whenever, after a fine and administrative assessment have been imposed but before they have been discharged by payment or confinement, it is made to appear to the judge or justice imposing the fine or administrative assessment or his or her successor:]~~

1. ~~[That]~~ ***In addition to any other waiver or reduction to which a defendant may be entitled pursuant to section 5 of this act,*** the ***court may waive or reduce any*** fine ***,*** ~~[or]~~ administrative assessment ***or fee imposed against a defendant pursuant to this chapter upon a determination that the fine , ~~[or]~~ administrative assessment or fee*** is excessive in relation to the financial resources of the defendant ***.*** ~~[, the judge or justice or his or her successor may reduce the fine accordingly.]~~

2. ~~[That the discharge of the]~~ ***Upon a determination by the court that payment of a*** fine ***,*** ~~[or]~~ administrative assessment ***or fee imposed against a***

defendant pursuant to this chapter is not within the defendant's present financial ability to pay, the ~~[~~judge or justice or his or her successor~~]~~ ***court*** may direct ~~[~~that~~]~~ the ***defendant to pay the*** fine ***,*** ~~[~~be paid ***or]*** ***administrative assessment or fee*** in installments. ***If the court directs a defendant to pay a fine , [or] administrative assessment or fee in installments, the amount of each installment must not exceed 2 percent of the annual income of the defendant.***

Sec. 10. NRS 176.087 is hereby amended to read as follows:

176.087 1. Except where the imposition of a specific criminal penalty is mandatory, a court may order a convicted person to perform supervised community service:

(a) In lieu of all or a part of any fine, administrative assessment, fee or imprisonment that may be imposed for the commission of a misdemeanor; or

(b) As a condition of probation granted for another offense.

2. The community service must be performed for and under the supervising authority of ~~[~~a~~]~~ ***:***

(a) A county, city, town or other political subdivision or agency of the State of Nevada ***;***

(b) An educational institution; or ~~[~~a~~]~~

(c) A charitable organization that renders service to the community or its residents.

3. ~~[The court may require the convicted person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.~~

~~4.]~~ The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed as punishment or a condition of probation and distribute the period over weekends or over other appropriate times that will allow the convicted person to continue employment and to care for the person's family. The period of community service fixed by the court must ***not necessitate the performance of more than 16 hours of community service per week and must*** not exceed, for a:

(1) Misdemeanor, ~~[~~200~~]~~ ***100*** hours;

(2) Gross misdemeanor, 600 hours; or

(3) Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for community service before the court may require the convicted person to perform community service for that supervising authority. The supervising authority ~~[~~must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located

~~within the jurisdiction of the court or, if that placement is not possible, the authority~~**]** may be located **[**~~outside the jurisdiction of the court.~~**]** ***anywhere that is accessible to a convicted person in person or remotely.***

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority. ***An official or designee may supervise the performance of community service in person or remotely.***

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

~~[5.]~~ ***4.*** For each hour of community service that is performed by a person pursuant to this section, the court must provide a credit of ~~[$10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater,]~~ ***not less than $20*** toward the payment of any fine ***, administrative assessment or fee*** that was imposed against the person for the commission of the offense for which the person was ordered to perform community service.

~~*[6.]*~~ ***5.*** ***As used in this section:***

(a) "Community service" includes, without limitation:

(1) Public service;

(2) Work on public projects;

(3) Supervised work for the benefit of the community;

(4) Any other work or activity required by the court, including, without limitation, participating in:

(I) A job skills training program;

(II) A program designed to prepare a person to take the high school equivalency assessment selected by the State Board of Education pursuant to NRS 390.055;

(III) A mentoring program;

(IV) Counseling; and

(V) A program for self-improvement.

(b) "Educational institution" includes, without limitation, a public school, vocational or technical school or college or university.

Sec. 11. NRS 199.300 is hereby amended to read as follows:

199.300 1. A person shall not, directly or indirectly, address any threat or intimidation to a public officer, public employee, juror, referee, arbitrator, appraiser, assessor or any person authorized by law to hear or determine any controversy or matter, ***including, without limitation, a tribal judge,*** with the intent to induce such a person contrary to his or her duty to do, make, omit or delay any act, decision or determination, if the threat or intimidation communicates the intent, either immediately or in the future:

(a) To cause bodily injury to any person;

(b) To cause physical damage to the property of any person other than the person addressing the threat or intimidation;

(c) To subject any person other than the person addressing the threat or intimidation to physical confinement or restraint; or

(d) To do any other act which is not otherwise authorized by law and is intended to harm substantially any person other than the person addressing the threat or intimidation with respect to the person's health, safety, business, financial condition or personal relationships.

2. The provisions of this section must not be construed as prohibiting a person from making any statement in good faith of an intention to report any misconduct or malfeasance by a public officer or employee.

3. A person who violates subsection 1 is guilty of:

(a) If physical force or the immediate threat of physical force is used in the course of the intimidation or in the making of the threat:

(1) For a first offense, a category C felony and shall be punished as provided in NRS 193.130.

(2) For a second or subsequent offense, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(b) If no physical force or immediate threat of physical force is used in the course of the intimidation or in the making of the threat, a gross misdemeanor.

4. As used in this section, "public employee" means any person who performs public duties for compensation paid by the State, a county, city, local government or other political subdivision of the State or an agency thereof, including, without limitation, a person who performs a service for compensation pursuant to a contract with the State, county, city, local government or other political subdivision of the State or an agency thereof.

Sec. 12. NRS 484A.7045 is hereby amended to read as follows:

484A.7045 1. Except where the imposition of a specific civil penalty is mandatory, a court may order a person who is found to have committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, to perform community service that is supervised in accordance with subsection 2:

(a) In lieu of all or a part of any civil penalty**,** ~~[or]~~ administrative assessment ~~[, or both,]~~ ***or fee*** that may be imposed for the commission of the civil infraction; or

(b) As all or part of the punishment for the commission of the civil infraction.

2. The community service must be performed for and under the supervising authority of ~~[a]~~ ***:***

(a) A county, city, town or other political subdivision or agency of the State of Nevada ***;***

(b) An educational institution; or ~~[a]~~

(c) A charitable organization that renders service to the community or its residents.

3. ~~[The court may require the person who committed the civil infraction to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.~~

~~4.]~~ The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed and distribute the period over weekends or over other appropriate times that will allow the person to continue employment and to care for his or her family. The period of community service fixed by the court must not ***necessitate the performance of more than 16 hours of community service per week and must not*** exceed ~~[200]~~ ***100*** hours.

(b) A supervising authority listed in subsection 2 must agree to accept the person for community service before the court may require the person to perform community service for that supervising authority. The supervising authority ~~[must be located in or be the town or city of the person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority]~~ may be located ~~[outside the jurisdiction of the court.]~~ ***anywhere that is accessible to a person in person or remotely.***

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority. ***An official or designee may supervise the performance of community service in person or remotely.***

(d) The court may require the supervising authority to report periodically to the court the person's performance in carrying out the community service.

(e) A person performing community service in lieu of the payment of a civil penalty ***, administrative assessment or fee*** must receive credit toward the civil penalty ***, administrative assessment or fee*** at a rate per hour of community service performed that is equal to at least ~~[$10 or the state minimum wage for an employee who is not provided health benefits by his or her employer, whichever is greater.]~~ ***$20.***

~~[5.]~~ ***4. As used in this section:***

(a) "Community service" includes, without limitation:

(1) Public service;

(2) Work on public projects;

(3) Supervised work for the benefit of the community;

(4) Any other work or activity required by the court, including, without limitation, participating in:

(I) A job skills training program;

(II) A program designed to prepare a person to take the high school equivalency assessment selected by the State Board of Education pursuant to NRS 390.055;

(III) A mentoring program;

(IV) Counseling; and

(V) A program for self-improvement.

(b) "Educational institution" includes, without limitation, a public school, vocational or technical school or college or university.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 381.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 338.

AN ACT relating to guardianship; revising various provisions relating to certain petitions regarding guardianships; revising various provisions relating to a guardian ad litem; authorizing a protected person or proposed protected person to object to certain petitions; revising provisions relating to the termination or modification of a guardianship; revising provisions relating to the rights of a protected person; making various other changes relating to guardianships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes a proposed protected person, a governmental agency, a nonprofit organization or any interested person to petition the court for the appointment of a guardian; and (2) requires a petition for the appointment of a guardian to include certain information. (NRS 159.044) **Section 1** of this bill requires a petition for the appointment of a guardian to contain certain additional information, including the telephone number and electronic mail address of certain persons. ~~[Section 1 also makes a technical change to reorganize certain requirements relating to the information and documentation that must be filed with a petition.]~~

Existing law authorizes a court to appoint a person to represent a protected person or proposed protected person as a guardian ad litem if the court believes that the protected person or proposed protected person will benefit from the appointment and the services of the guardian ad litem will be beneficial in determining the best interests of the protected person or proposed protected person. Existing law requires the guardian ad litem to represent the protected person or proposed protected person until relieved of that duty by court order. Existing law further authorizes a court to appoint a person who is not an attorney as a guardian ad litem to represent a protected person or proposed

protected person if a court-approved volunteer advocate program for guardians ad litem has been established in the judicial district. (NRS 159.0455)

Section 2 of this bill: (1) requires a court to set forth with specificity in the order of appointment the scope and the duties of the guardian ad litem; (2) authorizes the protected person or proposed protected person to object to the appointment and to have a hearing on the objection before the guardian ad litem commences performing services; (3) ~~[requires, rather than authorizes, a court to appoint a person who is not an attorney as a guardian ad litem to represent a protected person or proposed protected person if a court-approved volunteer advocate program for guardians ad litem has been established in the judicial district; (4)]~~ clarifies that the appointment of a guardian ad litem does not relieve the court of its obligation to appoint counsel to represent the protected person or proposed protected person; ~~[(5)]~~ **(4)** requires the court, in the order of appointment, to set the hourly rate of compensation for the guardian ad litem ~~[,]~~ and **, unless the guardian ad litem is a volunteer;** ~~[(6)]~~ **(5)** provides that if the guardian ad litem is an attorney, the hourly rate of compensation set by the court must not exceed the customary hourly rate of compensation for a guardian ad litem who is not an attorney.

Existing law: (1) authorizes a petitioner to request that the court appoint a temporary guardian for a proposed protected person; and (2) requires the petitioner to support such a request with documentation that shows the proposed protected person faces a substantial and immediate risk of physical harm or needs immediate medical attention and lacks capacity to respond to the risk of harm or obtain the necessary medical attention. (NRS 159.0523) **Section 3** of this bill: (1) requires the petitioner to set forth in the petition and present under oath a detailed explanation of the substantial and immediate risk of physical harm the proposed protected person faces or the immediate medical attention the proposed protected person needs ~~[but]~~ **and** lacks capacity to respond to the risk of harm or obtain the necessary medical attention; and (2) provides that if the court appoints a temporary guardian, the court must limit the authority of the temporary guardian to that which is necessary to respond to a specific risk of harm or to a specific need for immediate medical attention identified in the petition.

Existing law authorizes a petitioner to request that the court appoint a temporary guardian for a protected person who is unable to respond to a substantial and immediate risk of financial loss. (NRS 159.0525) **Section 4** of this bill provides that any court order for the appointment of a temporary guardian or to extend a temporary guardianship must state the specific substantial and immediate risk of financial loss, the powers of the temporary guardian and the reasons that the powers of the temporary guardian are necessary to address the specific substantial and immediate risk of financial loss.

Existing law requires the court to: (1) dismiss a petition for the appointment of a guardian if the court finds that the proposed protected person is not

incapacitated and is not in need of a guardian; and (2) appoint a guardian if the court finds that appointment of a guardian is required. (NRS 159.054) **Section 5** of this bill requires the court to: (1) dismiss a petition if the court finds that either the proposed protected person is not incapacitated and is not in need of a guardian or that there are less restrictive alternatives to guardianship available to the proposed protected person; and (2) appoint a guardian if the court finds that there are no less restrictive alternatives to guardianship available to the proposed protected person and the proposed protected person is in need of a guardian.

Existing law requires the court to include certain information in an order appointing a guardian. (NRS 159.055) **Section 6** of this bill requires that an order of appointment must state that there are no less restrictive alternatives to guardianship available to the proposed protected person and that the proposed protected person is in need of a guardian.

Existing law provides that subject to the discretion and approval of the court, a guardian must be allowed reasonable compensation for his or her services and reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services. Existing law authorizes the court to consider certain factors in determining whether the compensation is reasonable. (NRS 159.183) **Section 7** of this bill: (1) provides that a guardian is not allowed reasonable expenses incurred for retaining attorneys to represent a petitioner or guardian in the guardianship proceeding; and (2) requires, rather than authorizes, the court to consider certain factors in determining whether the compensation is reasonable.

Existing law authorizes a protected person, the guardian or another person to petition the court for the termination or modification of a guardianship. Existing law provides that for such a petition to be granted, the petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship is in the best interests of the protected person. (NRS 159.1905) **Section 8** of this bill instead requires: (1) the petitioner to present prima facie evidence showing that the guardianship is no longer necessary or in the best interests of the protected person and should be terminated or that the needs of the protected person have changed such that the powers of the guardian should be modified; and (2) the court to terminate the guardianship if it is shown by clear and convincing evidence that the guardianship is no longer necessary or in the best interests of the protected person or to modify the guardianship if it is shown by clear and convincing evidence that the needs of the protected person have changed such that the powers of the guardian should be modified. If the petitioner meets the burden of proof, **section 8** requires the court to enter an order: (1) terminating the guardianship unless it is proven by clear and convincing evidence that continuation of the guardianship is in the best interests of the protected person; or (2) modifying the guardianship unless it is shown that the needs of the protected person have changed such that the powers of the guardian should be

modified. **Section 8** additionally requires the court, in ruling on a petition to terminate a guardianship, to consider whether less restrictive alternatives to a guardianship are available to the protected person. Finally, **section 8** authorizes **[**~~: (1)~~**]** the protected person to seek reasonable attorney's fees from any person who opposed the petition **[**~~if the protected person prevails on a petition for termination or modification; and (2) the court to impose sanctions on the objector in an amount sufficient to reimburse the estate of the protected person for expenses and any other losses incurred as the result of the objection.~~**]** **under certain circumstances.**

Existing law establishes the Protected Persons' Bill of Rights, which sets forth certain specific rights of each protected person. (NRS 159.327, 159.328) Existing law authorizes, for good cause, a guardian to petition a court to issue an order restricting the ability of a relative or person of natural affection to communicate, visit or interact with the protected person. (NRS 159.333) **Section 9** of this bill: (1) clarifies that the right of a protected person to communicate, visit and interact with other persons includes, without limitation, the right to have regular contact through telephone calls and personal mail and have visitors, unless his or her guardian and the court determine the particular communications or interactions or a particular visitor will cause harm to the protected person; and (2) adds the right to deny communication, visitation or interaction with another person. **Section 10** of this bill: (1) prohibits a court, under any circumstances, from issuing an order requiring a protected person to communicate, visit or interact with a **relative or a** person **[**~~,~~**]** **of natural affection;** and (2) requires the court to appoint an attorney for a protected person after a petition is filed by a guardian to restrict communication, unless an attorney has already been appointed for the protected person or the protected person has already retained an attorney. **Section 11** of this bill places the burden of proof on the guardian if he or she opposes a petition filed by the protected person to modify or restrict an order restricting communication, visitation or interaction between a protected person and a relative or person of natural affection.

Existing law authorizes a person who is liable for attorney's fees and costs incurred for retaining an attorney to represent a party in a guardianship proceeding to petition the court for an order authorizing payment for such fees and costs from the estate of a protected person. Existing law sets forth a list of factors that the court may consider in determining whether attorney's fees are just, reasonable and necessary. (NRS 159.344) **Section 12** of this bill: (1) requires, rather than authorizes, the court to consider the list of factors; (2) **[**~~prohibits the court from awarding compensation for time spent performing tasks that could be performed by a different type of professional; (3) clarifies certain provisions in the list of factors; (4)~~**]** requires the court, regardless of whether or not the court orders the payment of attorney's fees, to include in its order written findings on the list of factors; **[**~~and (5)~~**]** **(3)** provides that a guardian is not allowed attorney's fees for services incurred by the guardian

as a result of a petition to have him or her removed as guardian if the court removes the guardian **~~[.]~~ ; and (4) prohibits the award of attorney's fees if the person who petitions the court for attorney's fees failed to file the required written notice.**

Existing law lists certain court orders that may be appealed. (NRS 159.375) **Section 13** of this bill adds to that list an order: (1) restricting communication, visitation or interaction between a protected person and a relative or person of natural affection; (2) ordering or authorizing a guardian to move a protected person from this State to another state; or (3) ordering or authorizing a guardian to consent to experimental medical, biomedical or behavioral treatment of a protected person, the participation of a protected person in any biomedical or behavioral experiment or the sterilization of a protected person.

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

Section 1. NRS 159.044 is hereby amended to read as follows:

159.044 1. A proposed protected person, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name **,** ~~[and]~~ address ***, telephone number and electronic mail address*** of the petitioner.

(b) The name, date of birth **,** ~~[and]~~ current address ***, telephone number and electronic mail address*** of the proposed protected person.

(c) A copy of one of the following forms of identification of the proposed protected person which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;
(2) A taxpayer identification number;
(3) A valid driver's license number;
(4) A valid identification card number;
(5) A valid passport number;
(6) A valid permanent resident card number; or
(7) A valid tribal identification card number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) Whether the proposed protected person is a resident or nonresident of this State.

(e) The names **,** ~~[and]~~ addresses ***, telephone numbers and electronic mail addresses*** of the spouse of the proposed protected person and the relatives of

the proposed protected person who are within the second degree of consanguinity.

(f) The name, date of birth **,** ~~[and]~~ current address **,** ***telephone number and electronic mail address*** of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595 or 159A.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one protected person who is not related to the person by blood or marriage. As used in this paragraph, "protected person" includes a protected minor.

(g) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number;

(5) A valid passport number;

(6) A valid permanent resident card number; or

(7) A valid tribal identification card number.

(h) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(i) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

(I) The need for a guardian;

(II) Whether the proposed protected person presents a danger to himself or herself or others;

(III) Whether the attendance of the proposed protected person at a hearing would be detrimental to the proposed protected person;

(IV) Whether the proposed protected person would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed protected person is capable of living independently with or without assistance; and

(2) If the proposed protected person is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the protected person.

(j) Whether the appointment of a general or a special guardian is sought.

(k) A general description and the probable value of the property of the proposed protected person and any income to which the proposed protected person is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed protected person by the United States through the Department of Veterans Affairs, the petition must so state.

(l) The name **,** ~~[and]~~ address ***and telephone number*** of any person or care provider having the care, custody or control of the proposed protected person.

(m) If the petitioner is not the spouse or natural child of the proposed protected person, a declaration explaining the relationship of the petitioner to the proposed protected person or to the family or friends of the proposed protected person, if any, and the interest, if any, of the petitioner in the appointment.

(n) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(o) If the guardianship is sought as the result of an investigation of a report of abuse, neglect, exploitation, isolation or abandonment of the proposed protected person, whether the referral was from a law enforcement agency or a state or county agency.

(p) Whether the proposed protected person or the proposed guardian is a party to any pending criminal or civil litigation.

(q) Whether the guardianship is sought for the purpose of initiating litigation.

(r) Whether the proposed protected person has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

(s) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed protected person must provide the court with an assessment of the needs of the proposed protected person completed by a licensed physician which identifies the limitations of capacity of the proposed protected person and how such limitations affect the ability of the proposed protected person to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed protected person must be filed. ~~***[A petition pursuant to this section must include a summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The***~~

~~***documentation must be attached to the petition. The documentation must include, without limitation:***~~

~~***(a) An assessment of the needs of the proposed protected person completed by a licensed physician, psychologist or psychiatrist who identifies the limitations of capacity of the proposed protected person and how such limitations affect the ability of the proposed protected person to maintain his or her safety and basic needs; and***~~

~~***(b) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:***~~

~~***(1) The need for a guardian;***~~

~~***(2) Whether the proposed protected person presents a danger to himself or herself or others;***~~

~~***(3) Whether the attendance of the proposed protected person at a hearing would be detrimental to the proposed protected person;***~~

~~***(4) Whether the proposed protected person would comprehend the reason for a hearing or contribute to the proceeding; and***~~

~~***(5) Whether the proposed protected person is capable of living independently with or without assistance.]***~~

Sec. 2. NRS 159.0455 is hereby amended to read as follows:

159.0455 1. On or after the date of the filing of a petition to appoint a guardian:

(a) The court may, in any proceeding, appoint a person to represent the protected person or proposed protected person as a guardian ad litem if the court believes that the protected person or proposed protected person will benefit from the appointment and the services of the guardian ad litem will be beneficial in determining the best interests of the protected person or proposed protected person; and

(b) The guardian ad litem must represent the protected person or proposed protected person as a guardian ad litem ***, in accordance with the scope and duties of the guardian ad litem set forth in the order of appointment pursuant to subsection 2,*** until relieved of that duty by court order.

2. ***The order of appointment must set forth with specificity the scope and duties of the guardian ad litem. The guardian ad litem shall not commence performing any services until authorized to do so as provided in subsection 3.***

3. Upon the appointment of the guardian ad litem, the ~~[court shall set forth in]~~ ***clerk shall provide notice to the protected person or proposed protected person of*** the order of appointment ~~[the duties of]~~ ***to allow the protected person or proposed protected person the opportunity to object to the appointment before the guardian ad litem commences performing any services. If the protected person or proposed protected person does not file***

an objection within ~~[21]~~ 10 days after receiving notice of the appointment, the guardian ad litem ~~[.]~~ ***may commence performing services. If the protected person or proposed protected person files an objection within ~~[21]~~ 10 days after receiving notice of the appointment, the matter must be set for a hearing and the guardian ad litem shall not commence performing services unless and until the court enters an order overruling the objection and confirming the order of appointment.***

~~[3.]~~ ***4.*** If a court-approved volunteer advocate program for guardians ad litem has been established in a judicial district, a court may ~~***[shall]***~~ appoint a person who is not an attorney to represent a protected person or proposed protected person as a guardian ad litem. If such a program has been established, all volunteers participating in the program must complete appropriate training, as determined by relevant national or state sources or as approved by the Supreme Court or the district court in the judicial district, before being appointed to represent a protected person or proposed protected person.

~~[4.]~~ ***5.*** A guardian ad litem appointed pursuant to this section is an officer of the court and is not a party to the case. A guardian ad litem appointed pursuant to this section shall not offer legal advice to the protected person or proposed protected person but shall:

(a) Advocate for the best interests of the protected person or proposed protected person in a manner that will enable the court to determine the action that will be the least restrictive and in the best interests of the protected person or proposed protected person; and

(b) Provide any information required by the court.

6. The appointment of a guardian ad litem pursuant to this section does not affect the obligation to appoint counsel to represent a protected person or proposed protected person pursuant to NRS 159.0485.

7. The court shall, in the order of appointment, set the hourly rate of compensation for the guardian ad litem. If the guardian ad litem is an attorney, the hourly rate set by the court must not exceed the customary hourly rate of compensation for a guardian ad litem who is not an attorney. The provisions of this subsection do not apply if a court appoints a volunteer as a guardian ad litem.

Sec. 3. NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a proposed protected person who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows the proposed protected person faces a substantial and immediate risk of physical harm or needs immediate medical attention and lacks capacity to respond to the risk of harm or obtain the necessary medical attention. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice

medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:

(1) That the proposed protected person is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Whether the proposed protected person presents a danger to himself or herself or others; and

(3) Whether the proposed protected person is or has been subjected to abuse, neglect, exploitation, isolation or abandonment; ~~[and]~~

(b) ***A detailed explanation of the substantial and immediate risk of physical harm the proposed protected person faces or the immediate medical attention the proposed protected person needs ~~[but]~~ and lacks capacity to respond to the risk of harm or obtain the necessary medical attention; and***

(c) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed protected person would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days ***only*** if the court:

(a) Finds reasonable cause to believe that the proposed protected person is unable to respond to a ***specific*** substantial and immediate risk of physical harm ***identified in the petition*** or to a ***specific*** need for immediate medical attention ~~[;]~~ ***identified in the petition;*** and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph ~~[(b)]~~ ***(c)*** of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph ~~[(b)]~~ ***(c)*** of subsection 1, the petitioner shall notify the persons

entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection ~~[7.]~~ ***8.*** the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection ~~[8.]~~ ***9*** if:

(a) The court finds by clear and convincing evidence that the proposed protected person is unable to respond to a ***specific*** substantial and immediate risk of physical harm or to a ***specific*** need for immediate medical attention ~~[.]~~ ***identified in the petition;*** and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed protected person.

6. ***If the court appoints a temporary guardian pursuant to this section, the court shall limit the authority of the temporary guardian to that which is necessary to respond to a specific substantial and immediate risk of physical harm or to a specific need for immediate medical attention identified in the petition.***

7. If the court ~~[appoints a temporary guardian or]~~ extends the temporary guardianship pursuant to this section, the court shall limit the authority of the temporary guardian to that which is necessary to perform any actions required to ensure the health, safety or care of a proposed protected person, including, without limitation:

(a) Responding to ~~[the]~~ ***a specific*** substantial and immediate risk of physical harm or to a ***specific*** need for immediate medical attention ~~[.]~~ ***identified in the petition;*** and

(b) Applying for Medicaid or other appropriate assistance, coverage or support for the proposed protected person for the purpose of providing adequate care for and ensuring the appropriate placement of the proposed protected person.

~~[7.]~~ ***8.*** The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to the Nevada Rules of Civil Procedure is currently being undertaken.

~~[8.]~~ ***9.*** The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

~~[9.]~~ ***10.*** If a court is making a determination regarding the extension of a temporary guardianship or the issuance of any ex parte or emergency order, the court may consider the actions taken by a temporary guardian to carry out any requested activities for the benefit of a proposed protected person during the temporary guardianship.

Sec. 4. NRS 159.0525 is hereby amended to read as follows:

159.0525 1. A petitioner may request the court to appoint a temporary guardian for a protected person who is unable to respond to a substantial and immediate risk of financial loss. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows that the proposed protected person faces a substantial and immediate risk of financial loss and lacks capacity to respond to the risk of loss. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:

(1) That the proposed protected person is unable to respond to a substantial and immediate risk of financial loss;

(2) Whether the proposed protected person can live independently with or without assistance or services; and

(3) Whether the proposed protected person is or has been subjected to abuse, neglect, exploitation, isolation or abandonment;

(b) A detailed explanation of what risks the proposed protected person faces, including, without limitation, termination of utilities or other services because of nonpayment, initiation of eviction or foreclosure proceedings, exploitation or loss of assets as the result of fraud, coercion or undue influence; and

(c) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed protected person would be exposed to an immediate risk of financial loss if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days ***only*** if the court:

(a) Finds reasonable cause to believe that the proposed protected person is unable to respond to a ***specific*** substantial and immediate risk of financial loss ~~[,]~~ ***identified in the petition;*** and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (c) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (c) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:

(a) The court finds by clear and convincing evidence that the proposed protected person is unable to respond to a ***specific*** substantial and immediate risk of financial loss ~~[,]~~ ***identified in the petition;*** and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed protected person.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to ~~[the]~~ ***a specific*** substantial and immediate risk of financial loss ~~[,]~~ ***identified in the petition,*** specifically limiting the temporary guardian's authority to take possession of, close or have access to any accounts of the protected person or to sell or dispose of tangible personal property of the protected person to only that authority as needed to provide for the basic living expenses of the protected person until a general or special guardian can be appointed. The court may freeze any or all of the accounts of the protected person to protect such accounts from loss.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to the Nevada Rules of Civil Procedure is currently being undertaken.

8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

9. Any court order issued pursuant to this section for the appointment of a temporary guardian or to extend the temporary guardianship must state a specific substantial and immediate risk of financial loss, the powers of the temporary guardian and the reasons that the powers of the temporary guardian are necessary to address a specific substantial and immediate risk of financial loss.

Sec. 5. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds that ~~[the]~~ ***:***

(a) The proposed protected person is not incapacitated and is not in need of a guardian ~~[.]~~ ***; or***

(b) There are less restrictive alternatives to guardianship available to the proposed protected person,

➥ the court shall dismiss the petition.

2. If the court finds that the proposed protected person is of limited capacity and is in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that ~~[appointment of a general guardian is required,]~~ ***:***

(a) There are no less restrictive alternatives to guardianship available to the proposed protected person; and

(b) The proposed protected person is in need of a guardian,

➥ the court shall appoint a general guardian of the person, estate, or person and estate of the proposed protected person.

Sec. 6. NRS 159.055 is hereby amended to read as follows:

159.055 1. The petitioner has the burden of proving by clear and convincing evidence that the appointment of a guardian of the person, of the estate, or of the person and estate is necessary.

2. If it appears to the court that the allegations of the petition are sufficient and that a guardian should be appointed for the proposed protected person, the court shall enter an order appointing a guardian. The order must:

(a) ***State that there are no less restrictive alternatives to guardianship available to the proposed protected person and that the proposed protected person is in need of a guardian;***

(b) Specify whether the guardian appointed is ***a*** guardian of the person, of the estate, of the person and estate or a special guardian;

~~[(b)]~~ ***(c)*** Specify whether the proposed protected person is a resident or nonresident of this State;

~~[(c)]~~ ***(d)*** Specify the amount of the bond to be executed and filed by the guardian; and

~~[(d)]~~ ***(e)*** Designate the names and addresses, so far as may be determined, of:

(1) The relatives of the proposed protected person upon whom notice must be served pursuant to NRS 159.047; and

(2) Any other interested person.

3. A notice of entry of the court order must be sent to:

(a) The relatives of the proposed protected person upon whom notice must be served pursuant to NRS 159.047; and

(b) Any other interested person.

Sec. 7. NRS 159.183 is hereby amended to read as follows:

159.183 1. Subject to the discretion and approval of the court and except as otherwise provided in subsection 5, a guardian must be allowed:

(a) Reasonable compensation for the guardian's services;

(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and

(c) Reasonable expenses incurred in retaining accountants, attorneys ~~[,]~~ ***other than attorneys retained to represent a petitioner or guardian in the guardianship proceeding,*** appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court ~~[may]~~ ***shall*** consider:

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the protected person. In evaluating the ability of a protected person to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the assets of the protected person;

(b) The disposable net income of the protected person;

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

4. Any compensation or expenses ~~[, including, without limitation, attorney's fees,]~~ must not be paid from the estate of the protected person unless and until the payment of such fees is approved by the court pursuant to this section ~~[or NRS 159.344, as applicable.]~~.

5. A guardian is not allowed compensation or expenses ~~[, including, without limitation, attorney's fees,]~~ for services incurred by the guardian as a result of a petition to have him or her removed as guardian if the court removes the guardian.

Sec. 8. NRS 159.1905 is hereby amended to read as follows:

159.1905 1. A protected person, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:

(a) The name and address of the petitioner.

(b) The relationship of the petitioner to the protected person.

(c) The name, age and address of the protected person, if the protected person is not the petitioner, or the date of death of the protected person if the protected person is deceased.

(d) The name and address of the guardian, if the guardian is not the petitioner.

(e) The reason for termination or modification.

(f) Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.

(g) A general description and the value of the remaining property of the protected person and the proposed disposition of that property.

2. Upon the filing of the petition, the court shall appoint an attorney to represent the protected person if:

(a) The protected person is unable to retain an attorney; or

(b) The court determines that the appointment is necessary to protect the interests of the protected person.

3. The petitioner ~~[has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the protected person.]~~ ***must present prima facie evidence showing that:***

(a) The guardianship is no longer necessary or in the best interests of the protected person such that the guardianship should be terminated; or

(b) The needs of the protected person have changed such that the powers of the guardian should be modified.

4. ***If the petitioner presents prima facie evidence showing that:***

(a) The guardianship is no longer necessary or in the best interests of the protected person, the court shall enter an order terminating the guardianship unless it is proven by clear and convincing evidence that continuation of the guardianship is in the best interests of the protected person. In ruling on a petition pursuant to this paragraph, the court shall consider whether less restrictive alternatives to a guardianship are available to the protected person to meet the current needs of the protected person.

(b) The needs of the protected person have changed such that the powers of the guardian should be modified, the court shall enter an order modifying the guardianship unless it is proven by clear and convincing evidence that continuation of the guardianship without modification is in the best interests of the protected person.

5. The court shall issue a citation to the guardian and all interested persons requiring them to appear and show cause why termination or modification of the guardianship should not be granted.

~~[5.]~~ ***6.*** If the court finds that the petitioner ***or an objector*** did not file a petition for termination or modification ***or an objection thereto*** in good faith or in furtherance of the best interests of the protected person, the court may:

(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected person; and

(b) Impose sanctions on the petitioner ***or an objector*** in an amount sufficient to reimburse the estate of the protected person for all or part of the expenses and for any other pecuniary losses which are incurred by the estate of the protected person and associated with the petition ~~[.]~~ ***or objection.***

7. If the protected person prevails on a petition for termination or modification, the protected person is entitled to seek reasonable attorney's fees from any person who opposed the petition of the protected person ~~[.]~~ ***unless the court finds that the objector filed an objection to the petition in good faith or in furtherance of the best interests of the protected person.***

Sec. 9. NRS 159.328 is hereby amended to read as follows:

159.328 1. The Legislature hereby declares that, except as otherwise specifically provided by law, each proposed protected person has the right to have an attorney before a guardianship is imposed to ask the court for relief, and each protected person has the right to:

(a) Have an attorney at any time during a guardianship to ask the court for relief.

(b) Receive notice of all guardianship proceedings and all proceedings relating to a determination of capacity unless the court determines that the protected person lacks the capacity to comprehend such notice.

(c) Receive a copy of all documents filed in a guardianship proceeding.

(d) Have a family member, an interested party, a person of natural affection, an advocate for the protected person or a medical provider speak or raise any issues of concern on behalf of the protected person during a court hearing, either orally or in writing, including, without limitation, issues relating to a conflict with a guardian.

(e) Be educated about guardianships and ask questions and express concerns and complaints about a guardian and the actions of a guardian, either orally or in writing.

(f) Participate in developing a plan for his or her care, including, without limitation, managing his or her assets and personal property and determining his or her residence and the manner in which he or she will receive services.

(g) Have due consideration given to his or her current and previously stated personal desires, preferences for health care and medical treatment and religious and moral beliefs.

(h) Remain as independent as possible, including, without limitation, to have his or her preference honored regarding his or her residence and standard

of living, either as expressed or demonstrated before a determination was made relating to capacity or as currently expressed, if the preference is reasonable under the circumstances.

(i) Be granted the greatest degree of freedom possible, consistent with the reasons for a guardianship, and exercise control of all aspects of his or her life that are not delegated to a guardian specifically by a court order.

(j) Engage in any activity that the court has not expressly reserved for a guardian, including, without limitation, voting, marrying or entering into a domestic partnership, traveling, working and having a driver's license.

(k) Be treated with respect and dignity.

(l) Be treated fairly by his or her guardian.

(m) Maintain privacy and confidentiality in personal matters.

(n) ~~[Receive]~~ ***Communicate, visit and interact with other persons, including, without limitation, have regular contact through*** telephone calls and personal mail and have visitors, unless his or her guardian and the court determine that particular ~~[correspondence]~~ ***communications or interactions*** or a particular visitor will cause harm to the protected person.

(o) ***Deny communication, visitation or interaction with other persons.***

(p) Receive timely, effective and appropriate health care and medical treatment that does not violate his or her rights.

~~[(p)]~~ ***(q)*** Have all services provided by a guardian at a reasonable rate of compensation and have a court review any requests for payment to avoid excessive or unnecessary fees or duplicative billing.

~~[(q)]~~ ***(r)*** Receive prudent financial management of his or her property and regular detailed reports of financial accounting, including, without limitation, reports on any investments or trusts that are held for his or her benefit and any expenditures or fees charged to his or her estate.

~~[(r)]~~ ***(s)*** Receive and control his or her salary, maintain a bank account and manage his or her personal money.

~~[(s)]~~ ***(t)*** Ask the court to:

(1) Review the management activity of a guardian if a dispute cannot be resolved.

(2) Continually review the need for a guardianship or modify or terminate a guardianship.

(3) Replace the guardian.

(4) Enter an order restoring his or her capacity at the earliest possible time.

2. The rights of a protected person set forth in subsection 1 do not abrogate any remedies provided by law. All such rights may be addressed in a guardianship proceeding or be enforced through a private right of action.

Sec. 10. NRS 159.333 is hereby amended to read as follows:

159.333 1. ***A court shall not, under any circumstances, issue an order requiring a protected person to communicate, visit or interact with ~~[another]~~ a relative or person ~~[.]~~ of natural affection.***

2. For good cause, a guardian may petition a court to issue an order restricting the ability of a relative or person of natural affection to communicate, visit or interact with a protected person.

[~~2.~~**]** ***3.*** After a petition is filed by a guardian pursuant to subsection **[**~~1,~~**]** ***2,*** a court:

(a) **[**~~May~~**]** ***Shall*** appoint **[**~~a person to meet with~~**]** ***an attorney for*** the protected person **[**~~to determine his or her wishes regarding communication, visitation or interaction with the relative or person of natural affection;~~**]** ***, unless an attorney has already been appointed for the protected person or the protected person has already retained an attorney;***

(b) Shall give notice and an opportunity to be heard to the guardian, the protected person and the relative or person of natural affection;

(c) Shall preserve the right of the protected person to be present at the hearing on the petition; and

(d) May order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection **[**~~before~~**]** ***until*** the hearing on the petition.

[~~3.~~**]** ***4.*** Upon a showing of good cause by a guardian, a court may issue an order restricting the communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to this section. When determining whether to issue an order, a court shall consider the following factors:

(a) Whether any protective order has been issued to protect the protected person from the relative or person of natural affection;

(b) Whether the relative or person of natural affection has been charged with abuse, neglect or financial exploitation of the protected person;

(c) Whether the protected person has expressed **[**~~to the court or to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person a desire to or~~**]** a desire not to communicate, visit or interact with the relative or person of natural affection;

(d) If the protected person is unable to communicate, whether a properly executed living will, durable power of attorney or other written instrument contains a preference by the protected person regarding his or her communication, visitation or interaction with the relative or person of natural affection; and

(e) Any other factor deemed relevant by the court.

[~~4.~~**]** ***5.*** If a protected person is unable to communicate verbally, the guardian shall provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact with a relative or person of natural affection or any opposition by the protected person to any communication, visitation or interaction with a relative or person of natural affection for the purpose of allowing the court to consider whether the protected person has expressed a desire not to communicate, visit or interact

with the relative or person of natural affection, as set forth in paragraph (c) of subsection ~~[~~3.~~]~~ ***4.*** Such documentation may include, without limitation, any nursing notes, caregiver records, medical records or testimony of witnesses.

~~[~~5.~~]~~ ***6.*** A guardian, protected person, relative or person of natural affection may petition the court to modify or rescind any order issued pursuant to this section.

Sec. 11. NRS 159.337 is hereby amended to read as follows:

159.337 In a proceeding held pursuant to NRS 159.331 to 159.338, inclusive:

1. The guardian has the burden of proof if he or she:

(a) Petitions the court to restrict the ability of a relative or person of natural affection to communicate, visit or interact with a protected person pursuant to subsection ~~[~~1~~]~~ ***2*** of NRS 159.333;

(b) Petitions the court to modify or rescind an order pursuant to subsection ~~[~~5~~]~~ ***6*** of NRS 159.333; ~~[~~or~~]~~

(c) ***Opposes a petition filed by the protected person pursuant to subsection 6 of NRS 159.333; or***

(d) Opposes a petition filed pursuant to NRS 159.335.

2. A relative or person of natural affection has the burden of proof if he or she petitions the court to modify or rescind an order pursuant to subsection ~~[~~5~~]~~ ***6*** of NRS 159.333.

Sec. 12. NRS 159.344 is hereby amended to read as follows:

159.344 1. Any person, including, without limitation, a guardian or proposed guardian, who retains an attorney for the purposes of representing a party in a guardianship proceeding is personally liable for any attorney's fees and costs incurred as a result of such representation.

2. Notwithstanding the provisions of subsection 1 and except as otherwise provided in subsection ~~[~~5 of NRS 159.183,~~]~~ ***9,*** a person who is personally liable for attorney's fees and costs may petition the court for an order authorizing such attorney's fees and costs to be paid from the estate of the protected person in accordance with this section. Any such attorney's fees and costs must not be paid from the guardianship estate unless and until the court authorizes the payment pursuant to this section.

3. When a person who intends to petition the court for payment of attorney's fees and costs from the guardianship estate first appears in the guardianship proceeding, the person must file written notice of his or her intent to seek payment of attorney's fees and costs from the guardianship estate. The written notice:

(a) Must provide a general explanation of the compensation arrangement and how compensation will be computed;

(b) Must include the hourly billing rates of all timekeepers, including, without limitation, attorneys, law clerks and paralegals;

(c) Must provide a general ~~[an]~~ explanation of the reasons why the services of the attorney are necessary to further the best interests of the protected person;

(d) Must be served by the person on all persons entitled to notice pursuant to NRS 159.034 and 159.047; and

(e) Is subject to approval by the court after a hearing.

4. If written notice was filed and approved by the court pursuant to subsection 3, a person may file with the court a petition requesting payment of attorney's fees and costs from the guardianship estate. Such a petition must include the following information:

(a) A detailed statement as to the nature and extent of the services performed by the attorney;

(b) An itemization of each task performed by the attorney, with reference to the time spent on each task in an increment to the nearest one-tenth of an hour and with no minimum billing unit in excess of one-tenth of an hour;

(c) An indication of whether any time billed, including, without limitation, any time spent traveling or waiting, benefited any clients of the attorney other than the protected person and, if so, how many other clients benefited from such time; and

(d) Any other information considered relevant to a determination of whether attorney's fees are just, reasonable and necessary.

➥ Absent approval from all parties who have appeared in the proceeding, any supplemental requests for the payment of attorney's fees and costs cannot be augmented in open court and must be properly noticed in the same manner as the underlying petition requesting payment.

5. In determining whether attorney's fees are just, reasonable and necessary, the court ~~[may]~~ ***shall*** consider all the following factors:

(a) The written notice approved by the court pursuant to subsection 3.

(b) Whether the services conferred any actual benefit upon the protected person or attempted to advance the best interests of the protected person.

(c) The qualities of the attorney, including, without limitation, his or her ability, training, education, experience, professional standing and skill.

(d) The character of the work performed, including, without limitation, the difficulty, intricacy and importance of the work, the time and skill required to complete the work, the responsibility imposed and the nature of the proceedings.

(e) The work actually performed by the attorney, including, without limitation, the skill, time and attention given to the work.

(f) The result of the work, including, without limitation, whether the attorney was successful and any benefits that were derived.

(g) The usual and customary fees charged in the relevant professional communities for each task performed, regardless of who actually performed the task. The court may only award:

(1) Compensation at an attorney rate for time spent performing services that require an attorney;

(2) Compensation at a paralegal rate for time spent performing paralegal services; ~~***[and]***~~

(3) Compensation at a fiduciary rate for time spent performing fiduciary services ~~***[.]***~~ ; and

(4) No

~~***[➥ The court may not award]***~~ compensation for time spent performing secretarial or clerical services . ~~***[or tasks that could be performed by a different type of professional at a lower rate.]***~~

(h) The appropriate apportionment among multiple clients of any billed time that benefited multiple clients of the attorney.

(i) The extent to which the services were provided in a reasonable, efficient and cost-effective manner, including, without limitation, whether there was appropriate and prudent delegation of services to others.

(j) The ability of the estate of the protected person to pay, including, without limitation:

(1) The value of the estate;

(2) The nature, extent and liquidity of the assets of the estate;

(3) The disposable net income of the estate;

(4) The anticipated future needs of the protected person; and

(5) Any other foreseeable expenses.

(k) The efforts made by the person and attorney to reduce and minimize any issues.

(l) Any actions by the person or attorney that unnecessarily expanded issues or delayed or hindered the efficient administration of the estate . ~~***[, including, without limitation, errors that necessitate additional time spent on tasks.]***~~

(m) Whether any actions taken by the person or attorney were taken for the purpose of advancing or protecting the interests of the person as opposed to the interests of the protected person.

(n) Any other factor that is relevant in determining whether attorney's fees are just, reasonable and necessary, including, without limitation, any other factor that is relevant in determining whether the person was acting in good faith and was actually pursuing the best interests of the protected person.

➥ Regardless of whether or not the court orders the payment of attorney's fees pursuant to this section, the court shall include in its order written findings on the factors set forth in this subsection.

6. The court shall not approve compensation for an attorney for:

(a) Time spent on internal business activities of the attorney, including, without limitation, clerical or secretarial support; or

(b) Time reported as a total amount of time spent on multiple tasks, rather than an itemization of the time spent on each task.

7. Any fees paid by a third party, including, without limitation, a trust of which the estate is a beneficiary, must be disclosed to ~~***[the court]***~~ and ~~***[may***~~

~~*only be]*~~ approved by the court *.* ~~*[after consideration of the factors listed in subsection 5.]*~~

8. In addition to any payment provided to a person pursuant to this section for the services of an attorney, a person may receive payment for ordinary costs and expenses incurred in the scope of the attorney's representation.

9. ***A guardian is not allowed attorney's fees for services incurred by the guardian as a result of a petition to have him or her removed as guardian if the court removes the guardian. If a court grants a petition for removal of a guardian, any person who objected to the petition must not be awarded attorney's fees if the court finds that the person did not file the objection to the petition for removal in good faith or in furtherance of the best interests of the protected person.***

10. If two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for payment of attorney's fees and costs from the guardianship estate pursuant to this section. If the court determines that there is no prevailing party, the court may authorize a portion of each party's attorney's fees and costs to be paid from the guardianship estate if the court determines that such fees and costs are just, reasonable and necessary given the nature of any issues in dispute.

~~[10.]~~ ***11.*** If an attorney is appointed by the court in a guardianship proceeding, he or she may petition the court for compensation for his or her services from the guardianship estate in accordance with the procedure set forth in this section.

12. If a person fails to file the written notice required pursuant to subsection 3, the court shall dismiss any petition filed by the person for an award of attorney's fees from the estate of the protected person.

13. As used in this section, "secretarial or clerical services" means:

(a) Those tasks that are clerical and not legally substantive in nature, including, without limitation, preparing cover sheets, drafting notices, filling out and printing form documents, drafting certificates of service, preparing summons and affidavits, filing documents with the court, organizing files, calendaring, scheduling, transmitting documents and performing other similar tasks that are clerical in nature; and

(b) Time spent by an attorney reviewing work that is clerical in nature performed by other persons.

Sec. 13. NRS 159.375 is hereby amended to read as follows:

159.375 In addition to any order from which an appeal is expressly authorized pursuant to this chapter, an appeal may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution within 30 days after its notice of entry from an order:

1. Granting or revoking letters of guardianship.

2. Directing or authorizing the sale or conveyance, or confirming the sale, of property of the estate of a protected person.

3. Settling an account.

4. Ordering or authorizing a guardian to act pursuant to NRS 159.113.

5. Ordering or authorizing the payment of a debt, claim, devise, guardian's fees or attorney's fees.

6. Determining ownership interests in property.

7. Granting or denying a petition to enforce the liability of a surety.

8. Granting or denying a petition for modification or termination of a guardianship.

9. Granting or denying a petition for removal of a guardian or appointment of a successor guardian.

10. Restricting communication, visitation or interaction between the protected person and a relative or person of natural affection pursuant to NRS 159.333.

11. Ordering or authorizing a guardian to move the protected person from this State to another state.

12. Ordering or authorizing a guardian to act pursuant to NRS 159.0805 or 159.0806.

Sec. 14. The amendatory provisions of this act apply to any proceeding or matter commenced on or after July 1, 2023.

Sec. 15. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 389.

Bill read second time.

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

Amendment No. 273.

AN ACT relating to Medicaid; requiring the ~~[State Plan for]~~ Medicaid **program** to provide certain coverage for certain persons who are incarcerated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to ~~[develop and]~~ administer ~~[a State Plan for]~~ Medicaid. (NRS ~~[422.063,]~~ 422.270) Existing law requires the Department to authorize a person who is incarcerated to apply for enrollment in Medicaid up to 6 months before the person is scheduled to be released from incarceration. Under existing law, such enrollment is effective immediately upon release. (NRS 422.27487) Existing federal law prohibits federal funding to provide coverage under Medicaid to incarcerated persons. (42 U.S.C. § 1396d(a)(31)(A)) Existing federal law

authorizes a state to apply for a waiver of certain provisions of federal law governing Medicaid for the purpose of an experimental, pilot or demonstration project. (42 U.S.C. § 1315) **Section 1** of this bill requires the Director of the Department to apply for such a waiver for the purpose of ~~[including in the State Plan for]~~ **providing under** Medicaid coverage of certain services for incarcerated youths and incarcerated persons with certain health conditions for not more than 90 days before the scheduled release of such persons. **Sections 1 and 4.5 of this bill require the screening of incarcerated persons to determine eligibility for such coverage.** **Section 4** of this bill makes a conforming change to indicate that the provisions of **section 1** will be administered in the same manner as the provisions of existing law governing the State Plan for Medicaid. **Sections 2 and 3** of this bill make conforming changes to reflect the eligibility of certain incarcerated persons for Medicaid pursuant to **section 1**. **Sections 1.5 and 2.5 of this bill make conforming changes to reflect that federal law requires services provided under a federal waiver to be included in a waiver document that is separate from 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 Director shall , to the extent that federal financial participation is available, include ~~[in the State Plan for]~~ under Medicaid ~~[a requirement that, to the extent that federal financial participation is available, the State pay the nonfederal share of expenditures incurred]~~ coverage for limited services for persons described in subsection 2 who are incarcerated, for not more than 90 days before the scheduled release of such persons. Such services must include, without limitation:

(a) Case management;

(b) Consultations with providers of physical and behavioral health care;

(c) Laboratory and radiology services;

(d) Prescription drugs, including, without limitation, medication-assisted treatment; and

(e) The services of a community health worker.

2. A person is eligible for the coverage described in subsection 1 if the person would otherwise be eligible for Medicaid if he or she were not incarcerated and:

(a) Is under 18 years of age;

(b) Has been diagnosed with:

(1) A mental illness;

(2) Substance use disorder;

(3) A chronic disease or other significant disease;

(4) An intellectual disability;

(5) A developmental disability;

(6) A traumatic brain injury; or

(7) Human immunodeficiency virus; or

(c) Is pregnant or not more than 12 weeks postpartum.

3. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 that authorizes the Department to receive federal funding to ~~[include in the State Plan for Medicaid]~~ provide the coverage required by this section. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver ~~[or amendment]~~ pursuant to this section.

4. If the Secretary of Health and Human Services grants the waiver applied for pursuant to subsection 3, the Department of Corrections shall coordinate with the Department of Health and Human Services on an ongoing basis to ensure persons described in subsection 2 who are incarcerated are screened and identified for eligibility to receive the coverage described in subsection 1.

5. As used in this section:

(a) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

(b) "Community health worker" has the meaning ascribed to it in NRS 449.0027.

(c) "Developmental disability" has the meaning ascribed to it in NRS 433.069.

(d) "Intellectual disability" has the meaning ascribed to it in NRS 433.099.

(e) "Medication-assisted treatment" means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.

(f) "Mental illness" means any mental dysfunction leading to the impaired ability of a person to maintain himself or herself and to function effectively in his or her life situation without external support.

(g) "Traumatic brain injury" means a sudden shock or damage to the brain or its coverings which is not of a degenerative nature and produces an altered state of consciousness or temporarily or permanently impairs the mental, cognitive, behavioral or physical functioning of the brain. The term does not include:

(1) A cerebral vascular accident;

(2) An aneurism; or

(3) A congenital defect.

Sec. 1.5. **NRS 422.27248 is hereby amended to read as follows:**

422.27248 1. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 that authorizes the Department to receive federal funding to ~~[include in the State~~

~~Plan for Medicaid]~~ ***provide*** coverage ***under Medicaid*** for the treatment of the substance use disorder of a person who is in an institution for mental diseases.

2. The Department may apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 that authorizes the Department to receive federal funding to ~~[include in the State Plan for Medicaid]~~ ***provide*** coverage ***under Medicaid*** for the treatment of an adult with a serious mental illness or a child with a serious emotional disturbance in an institution for mental diseases.

3. The Department shall cooperate with the Federal Government in obtaining:

(a) A waiver pursuant to subsection 1; and

(b) Any waiver for which the Department applies pursuant to subsection 2.

4. As used in this section:

(a) "Adult with a serious mental illness" means a person who is at least 18 years of age and has been diagnosed within the immediately preceding 12 months as having a mental, behavioral or emotional disorder as defined in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, other than an addictive disorder, intellectual or developmental disability, irreversible dementia or a substance use disorder, which interferes with or limits one or more major life activities of the person.

(b) "Child with a serious emotional disturbance" means a person who is less than 18 years of age and has been diagnosed within the immediately preceding 12 months as having a mental, behavioral or emotional disorder as defined in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, other than a disorder designated as a Code V disorder in the Manual, a developmental disability or a substance use disorder, which substantially interferes with or limits the person from developing social, behavioral, cognitive, communicative or adaptive skills or his or her activities relating to family, school or community. The term does not include a person with a disorder which is temporary or is an expected response to a stressful event.

(c) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

(d) "Institution for mental diseases" has the meaning ascribed to it in 42 U.S.C. § 1396d(i).

(e) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

Sec. 2. NRS 422.27487 is hereby amended to read as follows:

422.27487 1. To the extent not prohibited by federal law, the Department shall:

(a) Suspend, rather than terminate, the eligibility for Medicaid of a person who is incarcerated for the amount of time authorized by regulation pursuant to subsection 2;

(b) Authorize a person who is incarcerated and was not eligible for Medicaid before being incarcerated or whose eligibility for Medicaid has been terminated to apply up to 6 months before his or her scheduled release for enrollment in Medicaid immediately upon release ~~[.]~~ ***, except where such a person is authorized to enroll earlier pursuant to section 1 of this act;*** and

(c) Reinstate or institute, as applicable, eligibility for and coverage under Medicaid for a person described in paragraph (a) or (b) as soon as possible upon his or her release from incarceration if the person otherwise meets the requirements to be eligible for Medicaid at that time.

2. The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that prescribe the amount of time that the eligibility for Medicaid of a person may be suspended pursuant to paragraph (a) of subsection 1 before being terminated.

Sec. 2.5. **NRS 422.396 is hereby amended to read as follows:**

422.396 1. The Department, through a division of the Department designated by the Director, shall establish and administer a program to provide community-based services necessary to enable a person with a physical disability to remain in his or her home or with his or her family and avoid placement in a facility for long-term care. The Department shall coordinate the provision of community-based services pursuant to this section.

2. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1396n(c) ***or apply for an amendment to the State Plan for Medicaid*** that authorizes ~~[the Department to amend the State Plan for Medicaid adopted by the Department pursuant to NRS 422.063 in order to authorize]~~ the Department to include as medical assistance under ~~[the State Plan]~~ ***Medicaid*** the following services for persons with physical disabilities:

(a) Respite care;

(b) Habilitation;

(c) Residential habilitation;

(d) Environmental modifications;

(e) Supported living;

(f) Supported living habilitation;

(g) Supported personal care; and

(h) Any other community-based services approved by the Secretary of Health and Human Services.

➥ The Department shall cooperate with the Federal Government in obtaining a waiver ***or amendment*** pursuant to this subsection.

3. The Department may use personnel of the Department or it may contract with any appropriate public or private agency, organization or institution to provide the community-based services necessary to enable a person with a physical disability to remain in his or her home or with his or her family and avoid placement in a facility for long-term care.

4. A contract entered into with a public or private agency, organization or institution pursuant to subsection 3 must:

(a) Include a description of the type of service to be provided;

(b) Specify the price to be paid for each service and the method of payment; and

(c) Specify the criteria to be used to evaluate the provision of the service.

5. The Department shall adopt regulations necessary to carry out the provisions of this section, including, without limitation, the criteria to be used in determining eligibility for the services provided pursuant to the program. Before adopting regulations pursuant to this section, the Department shall solicit comments from persons with a variety of disabilities and members of the families of those persons.

6. As used in this section, "person with a physical disability" means a person with a severe physical disability that substantially limits his or her ability to participate and contribute independently in the community in which the person lives.

Sec. 3. NRS 209.511 is hereby amended to read as follows:

209.511 1. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.

2. As soon as practicable after an offender is authorized to apply for enrollment in Medicaid pursuant to NRS 422.27487 ~~[.]~~ ***or section 1 of this act,*** the Director shall complete the paperwork for the application if the offender may be eligible for Medicaid ***:***

(a) Not more than 90 days before the scheduled release of the offender pursuant to section 1 of this act; or

(b) Immediately upon ***the scheduled*** release ~~[.]~~ ***of the offender pursuant to NRS 422.27487.***

3. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.

4. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card;

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles; or

(3) Is not currently in possession of a photo identification card;

(f) Shall provide the offender with clothing suitable for reentering society;

(g) Shall provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(h) If appropriate, shall release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS;

(i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus;

(j) If the offender is eligible for Medicare, shall complete enrollment application paperwork for the offender; and

(k) If the offender was receiving a prescribed medication while in custody, shall ensure that the offender is provided with a 30-day supply of any such prescribed medication.

5. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection 4 unless the photo identification card clearly indicates whether the Director:

(a) Has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card; or

(b) Has not verified the full legal name and age of the offender pursuant to paragraph (a).

6. The costs authorized or required in paragraphs (a), (e), (f), (g), (i) and (k) of subsection 4 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

7. The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or

its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.

8. As used in this section:

(a) "Eligible offender" means an offender who is:

(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment System instrument, or its successor risk assessment tool; and

(2) Enrolled in:

(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or

(II) A community-based program to assist offenders to reenter the community.

(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(c) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

(d) "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does not have sufficient research or replication to support recognition as an evidence-based practice.

Sec. 4. 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. 4.5. **If the Secretary of Health and Human Services grants a waiver pursuant to subsection 3 of section 1 of this act to authorize Medicaid to provide the coverage described in section 1 of this act, the Department of Corrections shall cooperate with the Department of Health and Human Services to evaluate incarcerated persons who may be released not later than 6 months after the date on which the waiver is approved to determine which of those persons may be eligible for and benefit from services covered under the waiver.**

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[4,]~~ **4.5,** inclusive, 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, 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. 415.

Bill read second time.

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

Amendment No. 287.

AN ACT relating to dispensing opticians; defining certain terms and revising certain definitions relating to ophthalmic dispensing; authorizing the Board of Dispensing Opticians to employ an Executive Director; providing immunity from civil liability to the Board and any of its members for certain acts; authorizing the Board to take certain actions against a person who commits certain violations; expanding the purposes for which the Board is authorized to accept gifts, grants, donations and contributions; revising provisions relating to the issuance, renewal, reinstatement, revocation and suspension of licenses; authorizing the Board to adopt certain regulations; requiring the Board to establish a schedule of fees relating to licensing; revising provisions relating to the confidentiality of certain information maintained by the Board; prescribing criteria for eligibility for a license as an apprentice dispensing optician; **imposing certain requirements on an optical establishment;** revising the criteria for eligibility for a license as a dispensing optician; revising certain provisions relating to a limited license as a dispensing optician; removing the authority of the Board to issue a special license as a dispensing optician; reorganizing various provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of Dispensing Opticians to regulate the practice of ophthalmic dispensing and requires the Governor to appoint the members to the Board. (NRS 637.030) **Section 17** of this bill authorizes a member of the Board to continue in office until his or her successor is appointed. **Sections 18, 20, 21 and 33** of this bill revise and reorganize certain provisions governing the powers, duties and operations of the Board. **Section 18** prescribes requirements for determining whether a quorum is present at a meeting of the Board. **Section 20** authorizes the Board to employ an Executive Director. **Sections 21 and 30** of this bill expand the purposes for which the Board is authorized to accept gifts, grants, donations and contributions. **Section 19** of this bill clarifies certain language relating to the compensation and travel expenses of members and employees of the Board. **Section 6** of this bill provides that the Board and any of its members, staff and employees are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duty of the Board.

Section 2 of this bill sets forth certain legislative declarations concerning the regulation of the practice of ophthalmic dispensing.

Existing law authorizes the Board to issue a license as a dispensing optician, a limited license as a dispensing optician and a license as an apprentice dispensing optician. (NRS 637.120, 637.121, 637.123) Existing law establishes requirements concerning the expiration and renewal of such licenses and, for a license or limited license as a dispensing optician, the placement of such a license on inactive status and the reactivation of such a license. (NRS 637.121, 637.123, 637.140) **Section 33** repeals various requirements relating to the expiration and renewal of a license, the placement of a license on inactive status and the reactivation of a license. **Section 8** of this bill authorizes the Board to adopt regulations prescribing such requirements, as well as various other requirements relating to licensure.

Existing law: (1) authorizes the Board to adopt regulations necessary to carry out the provisions of existing law governing ophthalmic dispensing; and (2) requires the Board to adopt regulations setting forth minimum standards of optical and ophthalmic devices. (NRS 637.070, 637.073) **Sections 22, 28 and 33** of this bill: (1) reorganize certain provisions authorizing the Board to adopt regulations; (2) authorize, rather than require, the Board to adopt standards for optical and ophthalmic devices; and (3) authorize the Board to adopt certain other regulations.

Existing law provides that, in order to be eligible to hold a limited license as a dispensing optician, a person must have held such a license on February 1, 2004. Existing law: (1) authorizes the holder of such a license to practice ophthalmic dispensing; and (2) prohibits the holder of such a license from selling, furnishing or fitting contact lenses. (NRS 637.121) **Section 27** of this bill clarifies that, in order to be eligible for a limited license as a dispensing optician, a person must have held such a license since February 1, 2004. **Section 27** also: (1) requires a limited license to be displayed at the holder's place of practice; and (2) prohibits a limited license from being placed on inactive status on or after January 31, 2023. **Section 32.5 of this bill sets forth the procedure by which a limited license as a dispensing optician that has been transferred to an inactive list on or before January 31, 2023, may be reactivated.**

Existing law authorizes the Board to take certain actions and impose certain penalties against an applicant for or the holder of a license or an unlicensed person who commits certain violations of the provisions of existing law governing ophthalmic dispensing. (NRS 637.150, 637.181, 637.183, 637.185) **Section 10** of this bill authorizes a person to file a complaint with the Board if the person reasonably believes a violation is occurring or about to occur. **Section 11** of this bill authorizes the Board to issue or authorize the issuance of an administrative citation against a person who the Board believes, based on a preponderance of the evidence, has committed a violation. **Section 12** of the bill sets forth procedures by which a person may contest a citation.

Sections 29 and 31 revise and reorganize provisions authorizing the Board to take: (1) certain disciplinary actions against the holder of a license under certain circumstances; and (2) certain actions against a person who commits, or employs a person who commits, certain violations. **Section 30** of this bill revises and reorganizes certain provisions relating to subpoenas issued by the Board and certain hearings and investigations conducted by the Board.

Existing law sets forth certain unlawful acts relating to ophthalmic dispensing, including filling a prescription for a contact lens in violation of the expiration date or the number of refills specified by the prescription. (NRS 637.200) **Sections 32 and 33** of this bill: (1) set forth certain additional unlawful acts relating to ophthalmic dispensing; and (2) reorganize certain provisions defining when a prescription expires.

Existing law establishes qualifications for examination and licensing as a dispensing optician. (NRS 637.100) **Section 25** of this bill revises the requirements for an applicant to be eligible for a license as a dispensing optician and authorizes the Board to waive certain requirements for a person who provides proof that he or she: (1) is a graduate of a foreign school and has acquired education and experience that is equivalent to or greater than those required for licensure in this State; (2) is an active member of, or the spouse of an active member of, the Armed Forces of the United States who is on active duty; (3) has at least 5 consecutive years of work experience in the practice of ophthalmic dispensing in the District of Columbia or any other state or territory of the United States that has requirements for licensure which are equal to or greater than the requirements in this State; or (4) holds a valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any other state or territory in the United States.

Existing law requires the Board to issue a special license as a dispensing optician to certain applicants who meet certain requirements and who: (1) have an active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or (2) have not less than 5 years of experience as a dispensing optician. (NRS 637.127) **Section 33** of this bill eliminates that type of license.

Existing law requires the Board to maintain records pertaining to applicants to whom licenses have been issued or denied. (NRS 637.115) **Section 26** of this bill revises the type of information concerning applicants the Board is required to maintain. **Section 26** also requires the Board to maintain certain information concerning holders of a license and disclose certain information concerning applicants for and holders of licenses upon request. **Section 23** of this bill revises provisions relating to the confidentiality of certain information maintained by the Board.

Existing law prohibits a person from managing a business engaged in ophthalmic dispensing without a valid license issued by the Board. (NRS 637.090) **Section 24** of this bill revises that prohibition to instead prohibit a person from managing an optical establishment, as defined in **section 5** of this

bill, without a valid license issued by the Board. **Section 24 also requires an optical establishment to post a sign notifying the public when a licensed dispensing optician is not physically present in the optical establishment.**

Existing law authorizes an apprentice dispensing optician to perform the services of a dispensing optician under the direct supervision of a dispensing optician, licensed ophthalmologist or licensed optometrist. (NRS 637.125) **Section 7** of this bill prescribes criteria for eligibility for a license as an apprentice dispensing optician. **Section 3** of this bill defines the term "direct supervision." **Section 28** of this bill revises the circumstances under which an apprentice dispensing optician may engage in ophthalmic dispensing.

Existing law establishes maximum fees relating to licenses issued by the Board, which the Board sets by regulation. (NRS 637.110, 637.120, 637.121, 637.123, 637.140) **Sections 27 and 33** of this bill remove provisions setting forth those maximum fees. Instead, **section 9** of this bill requires the Board to establish a schedule of various fees relating to licensure and sets forth the maximum amount of those fees.

Section 4 of this bill defines "license" to mean a license issued by the Board. **Section 13** of this bill makes a conforming change to ~~[indicate the proper placement of]~~ **make the definitions set forth in sections 3-5** ~~[in the Nevada Revised Statutes.]~~ **applicable to the statutes governing opthalmic dispensing. Section 14 of this bill revises the definition of "dispensing optician." Section 15** of this bill revises the definition of "ophthalmic dispensing" to: (1) include the issuing of a final authorization to deliver lenses, frames or other specially fabricated devices to the intended wearer and the making of certain recommendations relating to a prescription; and (2) exclude certain other activities. **Section 16** of this bill makes a conforming change to account for the revised definition of ophthalmic dispensing.

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

Section 1. Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***The Legislature declares that the purpose of this chapter is to protect the public safety and welfare by ensuring that:***

1. Only competent and scrupulous people practice ophthalmic dispensing in this State; and

2. Persons who practice ophthalmic dispensing in this State maintain an appropriate standard of professional conduct.

Sec. 3. ***"Direct supervision" means that a person is physically*** ~~***[on the premises]***~~ ***present in the optical establishment where ophthalmic dispensing is taking place to provide individual direction, control, inspection and evaluation of work to the person he or she is supervising.***

Sec. 4. ***"License" means a license issued by the Board.***

Sec. 5. *"Optical establishment" means a single physical store, office or department of a business where ophthalmic dispensing takes place. The term includes such a store, office or department that is owned or operated by a business which owns or operates multiple stores, offices or departments where ophthalmic dispensing takes place.*

Sec. 6. *The Board and any of its members, staff and employees are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duties pursuant to this chapter.*

Sec. 7. *1. To be eligible for a license as an apprentice dispensing optician, an applicant must:*

(a) Be at least 18 years of age; and

(b) Be a graduate of an accredited high school or its equivalent.

2. A license as an apprentice dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist; and

(b) Must at all times be conspicuously displayed at the holder's place of practice.

Sec. 8. *The Board may adopt regulations:*

1. Establishing requirements for the issuance of licenses and the program of apprenticeship for apprentice dispensing opticians.

2. Prescribing or adopting any examination or certificate required for the issuance of a license as a dispensing optician. Any examination prescribed or adopted by the Board must, without limitation, be designed to test an applicant's knowledge of the theory and practice of ophthalmic dispensing.

3. Prescribing the procedure for:

(a) Submitting an application for licensure and any required documentation to the Board; and

(b) Approving or denying applications and issuing licenses.

4. Prescribing the period for which a license or limited license as a dispensing optician is valid and the terms for the renewal and reinstatement of such a license, which may include, without limitation, requirements for continuing education. Unless otherwise prescribed by regulation pursuant to this subsection, a license or limited license as a dispensing optician:

(a) Expires on January 31 each year;

(b) Is valid until its expiration date;

(c) Becomes delinquent if not renewed by January 31; and

(d) May be reinstated not more than 1 year after the date on which it becomes delinquent.

5. Prescribing the period for which a license as an apprentice dispensing optician is valid and the terms for the renewal and reinstatement of such a

license, which may limit the number of times the license may be renewed and restrict the issuance of a new license if the apprentice dispensing optician does not meet requirements adopted pursuant to subsection 1. Unless otherwise prescribed by regulation pursuant to this subsection, a license as an apprentice dispensing optician:

(a) Expires on January 31 each year;

(b) Is valid until its expiration date;

(c) Becomes delinquent if not renewed by January 31; and

(d) May be reinstated not more than ~~[1 month]~~ 30 days after the date on which it becomes delinquent.

6. Prescribing requirements for the placement of a license as a dispensing optician on inactive status and the reactivation of such a license. ~~[The regulations adopted pursuant to this subsection must prohibit the reactivation of a license as a dispensing optician if the license is inactive for 10 consecutive years.]~~

7. Prescribing requirements for the approval of a course of continuing education or a provider of a course of continuing education.

Sec. 9. *The Board shall establish a schedule of fees and charges for the following items, which must not exceed the following amounts:*

An examination established by the Board pursuant to this chapter	*~~[$500]~~ $250*
An application for a license as a dispensing optician	*~~[$500]~~ $250*
An application for a license as an apprentice dispensing optician	*$250*
The renewal of a license as a dispensing optician	*$500*
The renewal of a limited license as a dispensing optician	*$200*
The renewal of a license as an apprentice dispensing optician	*$200*
The delinquency fee for a license as a dispensing optician	*$500*
The delinquency fee for a limited license as a dispensing optician	*$500*
The delinquency fee for a license as an apprentice dispensing optician	*$100*
The placement of a license as a dispensing optician on inactive status	*$300*
The reactivation of a license that has been placed on inactive status	*$300*

Sec. 10. *Any member of the public or a member or employee of the Board may file a complaint with the Board if the person reasonably believes that a provision of this chapter or any regulation adopted pursuant to this chapter has been or is about to be violated. The complaint must:*

1. Be submitted on a form and in the manner prescribed by the Board;

2. Set forth the alleged facts constituting the violation; and

3. Be signed and verified by the person filing the complaint.

Sec. 11. *1. If the Board or its designee has reason to believe, based upon a preponderance of evidence, that a person has violated any provision of this chapter or any regulation of the Board, the Board may issue, or authorize its designee to issue, a written administrative citation to the person. A citation issued pursuant to this section may include, without limitation, an order to:*

(a) Pay an administrative fine for each violation;

(b) Reimburse the Board for the amount of the expenses the Board incurred to investigate each violation, not to exceed $150; and

(c) Correct, at the cost of the person, a condition resulting from the violation. The order to correct the condition must:

(1) State the date by which the person must comply, which must be not less than 15 days after the date on which the person receives the citation. The Board may, for good cause, extend the date for compliance with the order.

(2) Describe in detail the actions that must be taken.

2. If a citation is issued to the holder of a license pursuant to this section and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine must not exceed the maximum amount authorized by subsection 2 of NRS 637.150 for each violation.

3. Except as otherwise provided in NRS 637.181, if a citation is issued pursuant to this section to a person who is not licensed by the Board and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine:

(a) For the first violation, must not be less than $100 or more than $1,000;

(b) For the second violation, must not be less than $250 or more than $5,000; and

(c) For the third violation and for each subsequent violation, must not be less than $500 and not more than $10,000.

4. Any sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

5. If a person does not pay an administrative fine imposed pursuant to this section or make satisfactory payment arrangements with the Board not later than 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 12. *1. If a person is issued a written administrative citation pursuant to section 11 of this act, the person may request a hearing before the Board to contest the citation by filing a written request with the Board not later than 15 business days after the date on which the citation is received by the person, unless the Board authorizes a later date for good cause.*

2. If a person files a written request for a hearing within the time allowed by subsection 1, the Board shall provide notice of and conduct the hearing in the same manner as other disciplinary hearings.

3. If a person does not file a written request for a hearing to contest a citation within the time allowed by subsection 1, the citation shall be deemed a final order of the Board.

4. For the purposes of this section, a citation issued pursuant to section 11 of this act shall be deemed to be received by the person to whom it was issued:

(a) On the date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, 3 business days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 13. NRS 637.020 is hereby amended to read as follows:

637.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637.021 to ~~[637.024,]~~ ***637.0235,*** inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 14. NRS 637.0215 is hereby amended to read as follows:

637.0215 "Dispensing optician" means a person ~~[engaged in the practice of ophthalmic]~~ ***who holds a:***

1. License as a dispensing ~~[.]~~ ***optician issued pursuant to NRS 637.120; or***

2. Limited license as a dispensing optician issued pursuant to NRS 637.121.

Sec. 15. NRS 637.022 is hereby amended to read as follows:

637.022 1. "Ophthalmic dispensing" means ~~[the]~~ ***:***

(a) The design ~~[, verification and delivery to the intended wearer]~~ of lenses, frames and other specially fabricated optical devices upon prescription ~~[.]~~ ***;***

(b) The inspection of such lenses, frames and devices; and

(c) The issuing of the final authorization ~~[in writing]~~ to deliver to the intended wearer such lenses, frames and devices.

2. The term includes:

(a) The taking of measurements to determine the size, shape and specifications of the lenses, frames or contact lenses;

(b) ***The making of recommendations to the intended wearer of the lenses regarding lens material and other design features necessary to fill the prescription;***

(c) The preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear ~~[.~~

~~(c)]~~ ***, including, without limitation, the preparation and delivery of work orders by entering prescription information and related instructions for fabricating eyewear into a ~~[computer or any other device connected to the Internet;]~~ paper or electronic form or other system used for work orders.***

(d) The ~~[verification]~~ ***final physical inspection*** of the quality of finished ophthalmic products;

~~[(d)]~~ ***(e)*** The adjustment of lenses or frames to the intended wearer's face or eyes;

~~[(e)]~~ ***(f)*** The adjustment, replacement, repair and reproduction of previously prepared ophthalmic lenses, frames or other specially fabricated ophthalmic devices; and

~~[(f)]~~ ***(g)*** The fitting of contact lenses and the dispensing of prepackaged contact lenses pursuant to a written prescription ~~[, when done]~~ by a ~~[dispensing optician or apprentice dispensing optician who is authorized]~~ ***person licensed*** to do so pursuant to the provisions of this chapter.

3. The term does not include ~~[any]~~ ***:***

(a) The making of recommendations regarding frame designs or other design features that are not necessary to fill a prescription;

(b) The completion of sales transactions;

(c) [The transfer of physical possession of lenses, frames or other specially fabricated optical devices subsequent to the performance of all services of the dispensing optician if the transfer does not occur until the dispensing optician has:

(1) Completed the final physical inspection of the lenses, frames or other specially fabricated optical device;

(2) Fitted the lenses, frames or device upon the person for whom the lenses, frames or device is intended; and

(3) Issued written authorization to dispense the lenses, frames or device;

(d)] The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses; or

[(e)] (d) Any act for which a license is required pursuant to chapter 630 or 636 of NRS, and the provisions of this chapter do not authorize a dispensing optician or apprentice dispensing optician to perform any such act.

Sec. 16. NRS 637.025 is hereby amended to read as follows:

637.025 The provisions of this chapter do not apply to:

1. Ophthalmic dispensing personally by a licensed physician, surgeon or optometrist unless exclusively engaged in the business of filling prescriptions.

2. Ophthalmic dispensing by an employee of a licensed physician, surgeon or optometrist if the employee practices ophthalmic dispensing only under the direct supervision of the licensed physician, surgeon or optometrist and only as an assistant to the licensed physician, surgeon or optometrist.

3. ~~[A licensed pharmacist]~~ ***The*** dispensing ***of*** prepackaged contact lenses ***by a licensed pharmacist*** pursuant to the provisions of NRS 639.2825.

~~[4. The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses.]~~

Sec. 17. NRS 637.030 is hereby amended to read as follows:

637.030 1. The Board of Dispensing Opticians, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Four members who ***are dispensing opticians and*** have actively engaged in the practice of ophthalmic dispensing for not less than 3 years in the State of Nevada immediately preceding the appointment.

(b) One member who is a representative of the general public. This member must not be:

(1) A dispensing optician; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a dispensing optician.

3. ***A member of the Board may continue in office until his or her successor is appointed.***

4. The Governor, after hearing, may remove any member for cause.

Sec. 18. NRS 637.040 is hereby amended to read as follows:

637.040 1. The Board shall ~~[elect]~~ ***:***

(a) Elect a President, Vice President, Secretary and Treasurer from its membership ~~[.]~~ ***; and***

(b) Meet at least once each year on a date determined by the Board.

2. ~~[Any member]~~ ***A majority*** of the ***members of the*** Board ~~[may:~~

~~(a) Issue subpoenas to compel]~~ ***constitutes a quorum for*** the ~~[attendance]~~ ***transaction*** of ~~[witnesses to testify before]~~ ***business of*** the Board ***.*** ~~[or the production of books, papers and documents. Subpoenas must issue under the seal of the]~~

3. The Board ~~[and must be served in]~~ ***shall operate on*** the ~~[same manner as subpoenas issued out of the district court.~~

~~(b) Administer oaths in taking testimony in any matter pertaining to the duties of the Board.]~~ ***basis of a fiscal year commencing on July 1 and terminating on June 30.***

Sec. 19. NRS 637.045 is hereby amended to read as follows:

637.045 ***While engaged in the business of the Board:***

1. Each member of the Board is entitled to receive ~~[:~~

~~(a) A]~~ ***a*** salary of not more than $150 per day, as fixed by the ~~[Board, while engaged in the business of the]~~ Board; and

~~[(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.]~~

2. ~~[While engaged in the business of the Board, each]~~ ***Each member and*** employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 20. NRS 637.050 is hereby amended to read as follows:

637.050 ***The Board may:***

1. ~~[The principal office of the Board is the place of business or employment of the Secretary of the Board, but it may maintain]~~ ***Maintain*** offices in as many ~~[localities]~~ ***locations*** in the State as it finds necessary to carry out the provisions of this chapter ***;*** ~~[, and may meet or conduct any of its business at any place in the State.]~~

2. ~~[The Board shall meet at least once in]~~ ***Employ and fix*** the ~~[fall]~~ ***compensation*** of ~~[each year on a date determined by the Board, at which time candidates applying for licensing must be examined]~~ ***an Executive Director*** and ~~[their qualifications determined.]~~ ***any other employees, including, without limitation, investigators, lobbyists, attorneys, other professional consultants and clerical personnel the Board deems necessary to carry out the provisions of this chapter;***

3. ~~[In addition to the meeting required by subsection 2, the Board may hold such other meetings as it may deem advisable. The time]~~ ***Contract with professional consultants*** and ~~[place of all such meetings must be determined by the Board.]~~ ***service providers, including, without limitation, investigators, lobbyists and attorneys, as the Board deems necessary to carry out the provisions of this chapter; and***

4. Transact any other business necessary to carry out the provisions of this chapter.

Sec. 21. NRS 637.060 is hereby amended to read as follows:

637.060 1. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** all money received by the Board under the provisions of this chapter must be deposited in banks, credit unions, savings and loan associations or savings banks in the State of Nevada. The money may be drawn on by the Board for payment of all expenses incurred in the administration of the provisions of this chapter.

2. ***The Board may accept gifts, grants, donations and contributions of money from any source to assist in carrying out the provisions of this chapter.***

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

~~[3.]~~ ***4.*** If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection ~~[2]~~ ***3*** and the Board deposits the money collected from the imposition of administrative fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 22. NRS 637.070 is hereby amended to read as follows:

637.070 ~~[1.]~~ The Board may adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter ~~[.~~

~~2. The Board shall have a common seal of which all courts of this State shall take judicial notice.~~

~~3. The Board may empower any member to conduct any proceeding, hearing or investigation necessary to its purposes.~~

~~4. The Board may employ and fix the compensation of attorneys, investigators and other professional consultants and such other employees and assistants as it may deem necessary to carry out the provisions of this chapter.~~**]** ***, including, without limitation, regulations:***

1. Establishing standards of practice for persons licensed pursuant to this chapter.

2. Setting forth minimum standards for lenses, frames, specially fabricated optical devices and other ophthalmic devices dispensed by a dispensing optician. Such standards must be consistent with the minimum standards of quality approved by the American National Standards Institute.

3. Prescribing the form of an administrative citation issued pursuant to section 11 of this act.

4. Prescribing a schedule of administrative fines that may be imposed in connection with issuance of an administrative citation.

Sec. 23. NRS 637.085 is hereby amended to read as follows:

637.085 **[**~~1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.~~

~~2.~~**]** Except as otherwise provided in **[**~~this section and~~**]** NRS 239.0115, the following may be kept confidential:

[~~(a)~~**]** ***1.*** Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

[~~(b)~~**]** ***2.*** Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

[~~(c)~~**]** ***3.*** Any communication between:

[~~(1)~~**]** ***(a)*** The Board and any of its committees or panels; and

[~~(2)~~**]** ***(b)*** The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

[~~(d) Any other information or records in the possession of the Board.~~

~~3.~~**]** ***4.*** **[**~~Except as otherwise provided in this section and NRS 239.0115, a~~**]** ***A*** complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person **.** **[**~~are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~

~~4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information~~

~~considered by the Board when determining whether to impose discipline are public records.~~]

5. [~~The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or~~] ***Any*** other information [~~to any other licensing board~~] or [~~any other agency~~] ***record in possession of the Board*** that is [~~investigating~~] ***not*** a [~~person, including, without limitation, a law enforcement agency.~~] ***public record subject to the provisions of chapter 239 of NRS.***

Sec. 24. NRS 637.090 is hereby amended to read as follows:

637.090 ***1.*** A person shall not engage in the practice of ophthalmic dispensing or manage [~~a business engaged in ophthalmic dispensing~~] ***an optical establishment*** without holding a valid, active license issued as provided by this chapter.

2. If an optical establishment is open to the public at any time during which no licensed dispensing optician is physically present at the optical establishment, the optical establishment must display a clear and conspicuous sign indicating that a licensed dispensing optician is not present and that no services requiring a licensed dispensing optician may be performed at the optical establishment without a licensed dispensing optician present.

Sec. 25. NRS 637.100 is hereby amended to read as follows:

637.100 1. To [~~qualify~~] ***be eligible*** for [~~examination and licensing~~] ***a license*** as a dispensing optician, an applicant must ***:*** [~~furnish proof that the applicant:~~]

(a) [~~Is~~] ***Be*** at least 18 years of age.

(b) [~~Is of good moral character.~~

~~(c) Is~~] ***Be*** a graduate of an accredited high school or its equivalent.

[~~(d) Has passed the examination of the American Board of Opticianry.

(e) Has~~]

(c) Have done either of the following:

(1) [~~Served~~] ***Successfully completed an educational program on ophthalmic dispensing approved by the Board and served*** as an apprentice dispensing optician for not less than [~~3~~] ***2*** years in [~~an optical establishment where prescriptions for spectacles or contact lenses from given formulae are fitted and filled under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist for the purpose of acquiring experience in ophthalmic dispensing and has passed an educational program on the theory of ophthalmic dispensing approved~~] ***accordance with regulations adopted*** by the Board [~~,~~] ***pursuant to NRS 637.070;*** or

(2) [~~Successfully completed a course of study in a school which offers a~~] ***Been awarded an associate's*** degree [~~of associate~~] in applied science for studies in ophthalmic dispensing ***from a school which is*** approved by the Board and [~~has had 1 year of ophthalmic experience~~] ***served*** as an apprentice dispensing optician [~~under~~] ***for not less than 1 year in accordance with***

regulations adopted by the ~~[direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist.~~

~~(f) Has done all~~] ***Board pursuant to NRS 637.070.***

(d) Have passed any examination or obtained any certificate required by regulations adopted by the Board pursuant to NRS 637.070 for the issuance of ~~[the following:~~

~~(1) Successfully completed a course of instruction on the fitting of contact lenses approved by the Board;~~

~~(2) Completed at least 100 hours of training and experience in the fitting of and filling of prescriptions for contact lenses under the direct supervision of a licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, a licensed ophthalmologist or a licensed optometrist;~~

~~(3) Passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and~~

~~(4) Passed the practical examination on the fitting of and filling of prescriptions for contact lenses adopted by the Board.~~] ***a license as a dispensing optician.***

2. The Board ~~[shall adopt regulations to carry out~~] ***may waive*** the ~~[provisions of this section, including, without limitation, regulations that establish requirements for:~~

~~(a) The program of apprenticeship for apprentice dispensing opticians;~~

~~(b) The training and experience of apprentice dispensing opticians; and~~

~~(c) The issuance of licenses to apprentice dispensing opticians.~~] ***requirements of paragraph (c) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant:***

(a) Is a graduate of a foreign school and has acquired education and experience that the Board deems equivalent to or greater than the education and experience required for the issuance of a license as a dispensing optician in this State;

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States who is on active duty; or

(c) Has at least 5 consecutive years of work experience in the practice of ophthalmic dispensing in the District of Columbia or any state or territory of the United States that does not have requirements for licensure which the Board deems equal to or greater than the requirements for the issuance of a license as a dispensing optician in this State. Some portion of the 5 consecutive years of work experience must have been obtained within the 2 years immediately preceding the date of application for licensure.

3. The Board may waive the requirements of paragraphs (c) and (d) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant holds a valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any state or territory of the United States that has requirements

for licensure which the Board deems to be equal to or greater than the requirements for the issuance of a license as a dispensing optician in this State.

4. A license as a dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State; and

(b) Must be conspicuously displayed at all times at the holder's place of practice.

Sec. 26. NRS 637.115 is hereby amended to read as follows:

637.115 ***1.*** The Board shall maintain records pertaining to applicants to whom licenses have been issued or denied. These records must ~~[be open to the public and must]~~ include:

~~[1.]~~ ***(a)*** The name of each applicant.

~~[2.]~~ ***(b)*** The name of ~~[the school granting the diploma to the applicant.~~

~~3. The date of the diploma.~~

~~4.]~~ ***each person who is issued a license.***

(c) The business address of the applicant ~~[.]~~ ***or holder of a license.***

~~[5.]~~ ***(d)*** The date of issuance or denial of the license.

~~[6.]~~ ***(e)*** The current status of the license.

(f) The name of each holder of a license who has been subject to disciplinary action by the Board.

2. Upon request, the Board shall disclose any information maintained pursuant to subsection 1 and may charge a fee for a copy of the information. The fee must not exceed the actual cost incurred by the Board in producing the copy.

Sec. 27. NRS 637.121 is hereby amended to read as follows:

637.121 1. ~~[Except as otherwise provided in this section, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.~~

~~2.]~~ Only a person who is deemed to ~~[hold]~~ ***have held*** an active ~~[,]~~ ***or*** inactive ~~[or delinquent]~~ limited license as a dispensing optician ~~[on]~~ ***since*** February 1, 2004, may hold a limited license as a dispensing optician. A limited license as a dispensing optician may not be issued to any other person.

2. ~~[Except as otherwise provided in subsection 3, a]~~ A limited license as a dispensing optician : ~~[authorizes]~~

(a) Authorizes the holder to engage in the practice of ophthalmic dispensing pursuant to this chapter ~~[.~~

~~3. A person practicing ophthalmic dispensing pursuant to a limited license :~~

~~(a) Except as otherwise provided in this section, is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal or reactivation of a license; and~~

~~(b) Shall~~ **, *except that the holder shall*** not ~~sell, furnish or fit~~ ***dispense*** contact lenses ~~.~~**.**

~~4. A limited license as a dispensing optician:~~

~~(a) Expires on January 31 of each year.~~ ***or supervise the dispensing of contact lenses by a person licensed as an apprentice dispensing optician pursuant to this chapter.***

(b) Must at all times be conspicuously displayed at the holder's place of practice.

~~(b)~~ ***(c)*** May ***not*** be ~~renewed before its expiration upon:~~

~~(1) Presentation of proof of completion of the continuing education required by this section; and~~

~~(2) Payment of a renewal fee set by the Board of not more than $200.~~

~~(c) Except as otherwise provided in subsection 5, is delinquent if it is not renewed before January 31 of each year. Not later than 2 years after the expiration of a limited license, a delinquent limited license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than $500.~~

~~5. Upon written request to the Board, and payment of a fee not to exceed $300, a licensee in good standing may have his or her name and limited license as a dispensing optician transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the limited license is inactive. If an inactive licensee wishes to resume the practice of ophthalmic dispensing as limited by this section, the Board shall reactivate the limited license upon:~~

~~(a) If deemed necessary by the Board, the demonstration by the licensee that the licensee is then qualified and competent to practice;~~

~~(b) The completion of an application; and~~

~~(c) Payment of the renewal fee set by the Board pursuant to subsection 4.~~

~~6. To reactivate a limited license as a dispensing optician pursuant to subsection 5, an inactive licensee is not required to pay the delinquency fee and the renewal fee for any year while the license was inactive.~~

~~7. Except as otherwise provided in subsection 8, each person with a limited license as a dispensing optician must complete courses of continuing education in ophthalmic dispensing each year. Such continuing education must:~~

~~(a) Encompass such subjects as are established by regulations of the Board.~~

~~(b) Consist of a minimum of 12 hours for a period of 12 months.~~

~~8. A person with a limited license as a dispensing optician who is on active military service is exempt from the requirements of subsection 7.~~

~~9. The Board shall adopt any other regulations it determines are necessary to carry out the provisions of this section.~~ ***placed on inactive status on or after January 31, 2023.***

Sec. 28. NRS 637.125 is hereby amended to read as follows:

637.125 1. A person may not employ another person to perform the services of a dispensing optician unless the other person:

(a) Is licensed by the Board as a dispensing optician; or

(b) Is licensed by the Board as an apprentice dispensing optician and is directly supervised as required by the provisions of this chapter.

2. A licensed dispensing optician may not allow another person who is under his or her direct supervision to perform the services of a dispensing optician unless the other person is licensed by the Board as a dispensing optician or an apprentice dispensing optician.

3. ~~[If a person is]~~ ***A*** licensed ~~[by the Board as an]~~ apprentice dispensing optician ~~[, a]~~ ***may engage in ophthalmic dispensing only when*** ~~***[:***~~

~~***(a) A]***~~ ***a*** licensed dispensing optician, ~~[licensed]~~ ophthalmologist or ~~[licensed]~~ optometrist ~~[must:~~

~~(a) Directly supervise]~~ ***is*** ~~***[directly supervising]***~~ ***physically present in the optical establishment to provide direct supervision for*** all ~~[work done by the apprentice]~~ dispensing ~~[optician.]~~ ***activities performed by the apprentice and*** ~~***[verifying]***~~ ***to verify the quality of the finished products to be dispensed . [;***~~

~~(b) Be in attendance whenever the~~ ~~***The]***~~

4. A licensed dispensing optician, ~~***[licensed]***~~ ***ophthalmologist or*** ~~***[licensed]***~~ ***optometrist*** ~~***[supervising the]***~~ ***who is providing direct supervision to an apprentice dispensing optician*** ~~***[is]***~~ ***shall not*** ~~***[supervising]***~~ ***supervise more than two*** ~~***[licensed]***~~ apprentice dispensing ~~[optician is engaged in ophthalmic dispensing.]~~ ***opticians at any one time . [; and***

~~(c) Post the license of the~~ ~~***The***~~ ~~apprentice dispensing optician in~~ ~~***is not being supervised by the holder of***~~ ~~a conspicuous place where the apprentice~~ ~~***limited license as a***~~ ~~dispensing optician works.~~

~~4. A licensed dispensing optician may not have under his or her supervision more than two licensed apprentice dispensing opticians at any one time.~~

~~5. A licensed dispensing optician or a person who employs a licensed dispensing optician may employ other persons to assist in consulting on optical fashions, and a licensed dispensing optician may supervise such other persons. Such other persons:~~

~~(a) Are not required to be licensed pursuant to the provisions of this chapter.~~

~~(b) May not perform the services of a dispensing optician.~~

~~6. The Board may adopt regulations to carry out the provisions of this section.~~ ~~***while the apprentice dispensing optician is performing any service relating to dispensing contact lenses.]***~~

Sec. 29. NRS 637.150 is hereby amended to read as follows:

637.150 1. If the Board finds, ~~[by a preponderance of the evidence,]~~ ***after notice and a hearing as required by law,*** that an applicant or holder of a license ~~[:~~

~~(a) Has]~~ ***has*** been adjudicated insane ~~[;~~

~~(b) Habitually]~~ ***, habitually*** uses any controlled substance or intoxicant ~~[;~~

~~(c) Has~~ ***or has*** been ***diagnosed with a medical or mental health condition that is likely to impede the safe practice of ophthalmic dispensing, the Board may:***

(a) For an applicant, refuse to grant the applicant a license; or

(b) For a holder of a license:

(1) Place the holder on probation;

(2) Suspend or revoke the license;

(3) Refuse to renew or reinstate the license; or

(4) Take any combination of the disciplinary actions described in subparagraphs (1), (2) and (3).

2. If the Board finds, after notice and a hearing as required by law, that an applicant or holder of a license has committed unprofessional conduct which has endangered or is likely to endanger public health, safety or welfare, the Board may:

(a) For an applicant, refuse to grant the applicant a license; or

(b) For a holder of a license:

(1) Place the holder on probation;

(2) Suspend or revoke the license;

(3) Refuse to renew or reinstate the license;

(4) Reprimand the holder publicly;

(5) Require the holder to reimburse the Board for the cost of any investigation or hearing related to the disciplinary action;

(6) Require the holder to pay an administrative fine of not more than $10,000 for each act constituting unprofessional conduct; or

(7) Take any combination of the disciplinary actions described in subparagraphs (1) to (6), inclusive.

3. The Board shall not privately reprimand a holder of a license.

4. Pursuant to NRS 622A.410, the Board may reinstate a license that has been revoked if the person who was issued the license applies to the Board for its reinstatement.

5. Notwithstanding the provisions of chapter 622A of NRS, if the Board receives a report pursuant to subsection 5 of NRS 228.420, the Board must commence disciplinary proceedings regarding the report not later than 30 days after receiving the report.

6. The Board shall, to the extent feasible, communicate and cooperate with or provide any documents or information to any other licensing board or agency, including, without limitation, a law enforcement agency, that is investigating a person licensed pursuant to this chapter.

7. An order of the Board that imposes discipline and the findings of fact and conclusions of law supporting the order are public records.

8. As used in this section, "unprofessional conduct" includes:

(a) Being convicted of ~~[a]~~ ***any*** crime involving moral turpitude ~~[;~~

~~(d) Has been convicted of]~~ ***or*** violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

~~[(e) Has advertised]~~

(b) Advertising in any manner which would tend to deceive, defraud or mislead the public;

~~[(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained]~~

(c) Obtaining a license to practice in this State through fraud ***or the misrepresentation or concealment*** of ~~[any kind;~~

~~(g) Has been convicted of a violation of any federal or state law relating to a controlled substance;~~

~~(h) Has, without proper verification, dispensed a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to NRS 637.073;~~

~~(i) Has violated any regulation of the Board;~~

~~(j) Has violated]~~ ***a material fact;***

(d) Committing fraud or deceit in the practice of ophthalmic dispensing;

(e) Violating any provision of this chapter ~~[;~~

~~(k) Is incompetent;~~

~~(l) Is guilty of unethical or unprofessional conduct as determined by]~~ ***or any regulations of*** the Board ~~[;~~

~~(m) Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;~~

~~(n) Is guilty of a fraudulent or deceptive practice as determined by the Board; or~~

~~(o) Has operated]~~ ***adopted pursuant to this chapter; and***

(f) Operating a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160 **.** ~~[,~~

~~➥ the Board may, in the case of an applicant, refuse to grant the applicant a license, or may, in the case of a holder of a license, place the holder on probation, reprimand the holder publicly, require the holder to pay an administrative fine of not more than $10,000, suspend or revoke the holder's license, or take any combination of these disciplinary actions.~~

~~2. The Board shall not privately reprimand a holder of a license.~~

~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~4. The provisions of paragraph (o) of subsection 1 apply to an owner or other principal responsible for the operation of the medical facility.~~

~~5. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.]~~

Sec. 30. NRS 637.154 is hereby amended to read as follows:

637.154 1. ~~[To the extent that money is available for that purpose, the]~~ ***The*** Board may, ~~[upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license.]~~ ***in a manner that is consistent with the provisions of chapter 622A of NRS, conduct investigations, hold hearings and examine witnesses in carrying out its duties pursuant to this chapter.***

2. ~~[The]~~ ***For the purposes of this chapter, any member of the*** Board may ~~[accept gifts, grants]~~ ***administer oaths*** and ~~[donations of money from any source]~~ ***issue subpoenas*** to ~~[carry out]~~ ***compel*** the ~~[provisions]~~ ***attendance*** of ~~[this section.]~~ ***witnesses and the production of books, papers, documents and any other articles related to the practice of ophthalmic dispensing.***

3. If any person fails to comply with a subpoena within 10 days after its issuance, the Board may petition the district court for an order compelling compliance with the subpoena.

4. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

5. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order, the person must be dealt with as for contempt of court.

Sec. 31. NRS 637.181 is hereby amended to read as follows:

637.181 Notwithstanding the provisions of chapter 622A of NRS ~~[:~~

~~1. The Board shall conduct an investigation if it receives a complaint that sets forth reason to believe that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter. The complaint must be:~~

~~(a) Made in writing; and~~

~~(b) Signed and verified by the person filing the complaint.~~

~~2. If]~~ ***, if*** the Board determines that a person ~~[, without the proper license, is engaging]~~ ***who is not licensed pursuant to this chapter has engaged*** in an activity for which a license is required pursuant to this chapter, ~~[the Board:~~

~~(a) Shall issue]~~ ***or has violated, or employed a person who, in the course of his or her employment, has violated any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section, the Board may:***

1. Issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains the proper license from the Board.

~~[(b) May, after notice and opportunity for a hearing, impose upon]~~

2. Issue a citation to the person ***pursuant to section 11 of this act. Such a citation must describe with particularity the nature of the violation and inform the person of the provisions of this section.***

3. Order the person to reimburse the Board the costs of any investigation or hearing related to a violation.

4. Assess against the person an administrative fine of not more than $10,000 ~~[.]~~ ***for each separate violation.*** The imposition of an administrative fine is a final decision for the purposes of judicial review.

~~[3. An administrative fine imposed pursuant to this section is in addition to]~~

5. Impose any ~~[other penalty provided in this chapter.~~

~~4. The Board shall retain all complaints received by]~~ ***combination of*** the ~~[Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.]~~ ***penalties set forth in subsections 1, 2 and 3.***

Sec. 32. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription ~~[for a contact lens]~~ in violation of the expiration date or ***, for a prescription for a contact lens, in violation of the*** number of refills specified by the prescription. ***A prescription shall be deemed to have an expiration date of 2 years after the date on which the prescription was issued, unless the practitioner who wrote the prescription includes on the prescription a different period.***

6. ***Holding oneself out to the public, either verbally or in writing, to be an optician, a dispensing optician or an apprentice dispensing optician without holding a valid and active license issued pursuant to this chapter.***

7. Failing to comply with a citation or order issued pursuant to this chapter after the citation or order is final.

8. Violating any provision of this chapter.

Sec. 32.5. **Notwithstanding the amendatory provisions of this act, a person who, on January 31, 2023, holds a limited license as a dispensing optician which has been transferred to an inactive list pursuant to NRS 637.121, as that section existed before October 1, 2023, may reactivate the**

limited license as a dispensing optician in accordance with NRS 637.121, as that section existed before October 1, 2023.

Sec. 33. NRS 637.010, 637.024, 637.041, 637.073, 637.075, 637.110, 637.120, 637.123, 637.127, 637.135, 637.140, 637.155, 637.170, 637.175 and 637.183 are hereby repealed.

Sec. 34. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 33, inclusive, 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 October 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

637.010 Short title.

637.024 "Supervision" defined.

637.041 Enforcement of subpoenas issued by Board.

637.073 Regulations setting minimum standards for optical and ophthalmic devices.

637.075 Fiscal year.

637.110 Fees for application for license; requirements for, waiver of and passing score for examination of applicant for license as dispensing optician; prohibition on participation in preparing, conducting and grading examination.

637.120 Issuance of license as dispensing optician; display of license; nontransferability; issuance of duplicate license.

637.123 Apprentice dispensing optician: Expiration, renewal and reinstatement of license; fees; continuing education; limitations on renewal.

637.127 Special license as dispensing optician.

637.135 Dispensing optician: Continuing education.

637.140 Dispensing optician: Expiration, renewal and reinstatement of license; fees; inactive status; reactivation of inactive license.

637.155 Hearing required after receipt of report of certain violations of Industrial Insurance Act.

637.170 Reinstatement of revoked license; fee.

637.175 Expiration of prescriptions.

637.183 Administrative fine for violation of provisions governing employment and supervision of dispensing opticians, apprentice dispensing opticians and other assistants.

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. 426.

Bill read second time.

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

Amendment No. 210.

SUMMARY—Revises provisions governing special event advertising. (BDR ~~[35-975)]~~ **43-975)**

AN ACT relating to public highways; exempting special events on or near certain highways ~~[and structures]~~ from certain restrictions on commercial advertising; ~~[exempting such advertising from being classified as a public nuisance; exempting such advertising from certain restrictions on outdoor advertisements in or near a right-of-way; exempting such an advertisement from certain fees;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law restricts the placement of commercial advertising on or near certain highways **,** ~~[, rights-of-way, bridges or structures,]~~ with certain exceptions for: (1) benches and shelters for passengers of mass transit and monorail stations; and (2) touchdown structures, as authorized by a public authority. (NRS 405.110, 410.320, 484B.313) **Section** ~~[4]~~ **5** of this bill creates an exception for **any sign, signal, marking or street banner bearing** commercial advertising erected before, during or after a special event that is located ~~[: (1)]~~ on or over any highway **.** ~~[, (2) on any bridge or structure thereon; or (3) on a temporary structure or barrier erected on a highway.]~~ For such an exception to be granted, **section** ~~[4]~~ **5** requires: (1) the organizer of the special event to receive authorization from a public authority concerning the use and location of such advertising and the placement and maintenance of such advertising; (2) the organizer to enter into a written agreement with the public authority on terms and conditions acceptable to the public authority; (3) such advertising to not constitute a hazard or prevent the safe use of the highway by the public; and (4) such advertising to be placed and maintained for not more than 14 days. **Section** ~~[4]~~ **5** also defines the term "special event" to mean a sporting event, concert, festival or other similar event which: (1) will provide an anticipated economic impact of at least $250,000,000; and (2) is issued a permit as a special event by the public authority with jurisdiction over a highway. ~~[Section 5 of this bill establishes similar provisions for any sign, signal, marking or street banner bearing special event advertising that is located on or over a highway.~~

~~Existing law deems certain forms of outdoor advertisement a public nuisance and requires certain officials to remove, efface or destroy such advertisements. (NRS 405.020) Section 1 of this bill exempts the special event advertising permitted pursuant to section 4 from being deemed a public nuisance.~~

~~Existing law prohibits the placement of various forms of outdoor advertisements: (1) within any right-of-way of any state highway or road; (2)~~

~~within 20 feet of the main traveled way of any unimproved highway; or (3) on the property of another within view of such a highway, if placed without the consent of the owner of such property. (NRS 405.030) Existing law exempts from such a prohibition: (1) advertisements placed on benches and shelters for passengers of mass transit and monorail stations; (2) political signs placed in the right of way of a state highway or road if it is located in the lot of a tenant of a mobile home park; (3) advertisements within the limits of a city or town through which the highway runs; and (4) certain street banners. (NRS 277A.310, 405.030) Section 2 of this bill additionally exempts the special event advertising permitted pursuant to sections 4 and 5.~~

~~Existing law requires a person, firm, association or corporation seeking to place a billboard, sign or other form of advertising outside the city limits of a city or town to pay a fee in the sum of $5 to receive a permit to undertake such an action. (NRS 405.040) Section 3 of this bill exempts from the fee requirement any billboard, sign or advertisement for a special event permitted pursuant to sections 4 and 5.~~**]**

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

Section 1. ~~**[**NRS 405.020 is hereby amended to read as follows:~~

~~405.020 Any billboard, sign, placard, notice or other form of outdoor advertisement erected, placed, painted, posted or maintained otherwise than is provided in NRS 405.020 to~~ **[**~~405.100,~~**]** ~~***405.110,*** inclusive, or in NRS 408.275 shall be deemed a public nuisance and shall be removed, effaced or destroyed by the sheriff and other peace officers having authority wherever such nuisance may be located.~~**] (Deleted by amendment.)**

Sec. 2. ~~**[**NRS 405.030 is hereby amended to read as follows:~~

~~405.030 1. Except as otherwise provided in subsection 3~~ **,** **[**~~and~~**]** ~~NRS 277A.310, ***405.110 and 484B.313,*** and except within the limits of any city or town through which the highway may run, and on benches and shelters for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.330, or on monorail stations, it is unlawful for any person, firm or corporation to paste, paint, print or in any manner whatever place or attach to any building, fence, gate, bridge, rock, tree, board, structure or anything whatever, any written, printed, painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:~~

~~(a) Within any right-of-way of any state highway or road which is owned or controlled by the Department of Transportation.~~

~~(b) Within 20 feet of the main traveled way of any unimproved highway.~~

~~(c) On the property of another within view of any such highway, without the owner's written consent.~~

~~2. Nothing in this section prevents the posting or maintaining of any notices required by law to be posted or maintained, or the placing or~~

~~maintaining of highway signs giving directions and distances for the information of the traveling public if the signs are approved by the Department of Transportation.~~

~~— 3. A tenant of a mobile home park may exhibit a political sign within a right of way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of the tenant's lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.~~

~~— 4. If a franchisee receives revenues from an advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.~~

~~— 5. As used in this section, "monorail station" means:~~

~~— (a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and~~

~~— (b) Any facilities or appurtenances within such a structure.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 405.040 is hereby amended to read as follows:~~

~~— 405.040 1. It shall be unlawful for any person, firm, association or corporation, personally or by agent, to erect, place or maintain any billboard, sign or any form of notice or advertising outside the city limits of any city or town:~~

~~— (a) On the public domain;~~

~~— (b) On land owned or leased by such advertiser or agent but not used as the site for manufacturing the goods or articles advertised; or~~

~~— (c) On the lands of another except where, by painting, an area of the barns or other outbuildings thereon may be preserved (for the purposes of this paragraph "area" is defined as the entire wall or roof aspect on which an advertisement may be painted),~~

~~— without first having secured from the county building official, if one has been appointed pursuant to NRS 278.570, or if not, from the county clerk of the county in which the sign may be located a permit to erect, or continue the use of, such sign, billboard or other form of notice or advertisement.~~

~~— 2. No permit for the erection of such sign, billboard or other form of advertisement shall be issued unless and until the applicant shall have paid a~~

~~fee in the sum of $5. On the tender of the fee the county building official or county clerk shall issue the permit.~~

~~3. No fee shall be required for any billboard, sign or advertisement [erected] :~~

~~*(a) Erected* or placed by any farm bureau, chamber of commerce or lawful authority to advertise exclusively any city, town or geographic area, or public event [.] ; or~~

~~*(b) Permitted by a public authority pursuant to a written agreement entered into pursuant to:*~~

~~*(1) Paragraph (d) of subsection 5 of NRS 405.110; or*~~

~~*(2) Paragraph (d) of subsection 5 of NRS 484B.313.*~~

~~4. This section shall not apply to the owner or occupant of any land outside the limits of any city, who may place or erect on the land or on the outbuildings thereon any sign or notice or advertisement intended to benefit the land or improvements thereon and advertise the business conducted in the buildings on the land.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 405.110 is hereby amended to read as follows:~~

~~405.110 1. Except as otherwise provided in subsection 5, no advertising signs, signboards, boards or other materials containing advertising matter may:~~

~~(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.~~

~~(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right-of-way.~~

~~(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.~~

~~(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.~~

~~2. With the permission of the Department of Transportation, counties, towns or cities of this State may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.~~

~~3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:~~

~~(a) The Department of Transportation has leased the airspace to the person pursuant to subsection 3 of NRS 408.507, the airspace is over an interstate highway and:~~

~~(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and~~

~~(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or~~

~~(b) The person owns real property adjacent to an interstate highway and:~~

~~(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which the person is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;~~

~~(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;~~

~~(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and~~

~~(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.~~

~~4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of the tenant's lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.~~

~~5. The provisions of subsection 1 do not apply to any advertising, signs, signboards or other materials containing advertising matter located:~~

~~(a) On a bench or shelter for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330;~~

~~(b) On a monorail station;~~ **[or]**

~~(c) On a touchdown structure if a public authority authorizes such advertising matter and the advertising matter is placed and maintained by a person who owns real property adjacent to the touchdown structure and who has:~~

~~(1) Dedicated the touchdown structure to the public authority or has granted a fee or perpetual easement to the public authority for the construction or maintenance of the touchdown structure; and~~

~~(2) Entered a written agreement with the public authority on terms and conditions acceptable to the public authority~~ **[.] ; or**

~~*(d) On or over any highway, on any bridge or structure thereon or on a temporary structure or barrier permitted to be placed on a highway before, during or after a special event, if:*~~

~~*(1) A public authority authorizes the use and location of such advertising, and the advertising is placed and maintained by the organizer of a special event for itself or its sponsors or partners;*~~

~~*(2) The organizer of a special event enters into a written agreement with the public authority on terms and conditions acceptable to the public authority;*~~

~~*(3) The advertising does not constitute a hazard or prevent the safe use of the highway by the public; and*~~

~~*(4) Such advertising is placed and maintained for not more than 14 consecutive days.*~~

~~6. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.~~

~~7. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than $250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.~~

~~8. If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.~~

~~9. As used in this section:~~

~~(a) "Monorail station" means:~~

~~(1) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and~~

~~(2) Any facilities or appurtenances within such a structure.~~

~~(b) *"Special event" means a sporting event, concert, festival or other similar event which:*~~

~~*(1) Will provide an anticipated economic impact of $250,000,000 or more, certified by the convention and visitors authority in the jurisdiction where the special event will occur or, if none, the county fair and recreation board of the county in which the special event will occur; and*~~

~~*(2) After the certification of the anticipated economic impact pursuant to subparagraph (1), is designated as a special event by the public authority with jurisdiction over a highway and is issued a permit as a special event by that public authority.*~~

~~*(c)* "Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.~~ **(Deleted by amendment.)**

Sec. 5. NRS 484B.313 is hereby amended to read as follows:

484B.313 1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and except as otherwise provided in subsections 4 and 5, a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal, marking or street banner bearing thereon any commercial advertising.

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110.

5. The provisions of subsection 1 do not apply to any sign, signal, marking or street banner bearing thereon any commercial advertising that is located:

(a) On a bench or shelter for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330;

(b) On a monorail station; ~~[or]~~

(c) On a touchdown structure if a public authority authorizes such advertising and the advertising is placed and maintained by a person who owns real property adjacent to the touchdown structure and who has:

(1) Dedicated the touchdown structure to the public authority or has granted a fee or perpetual easement to the public authority for the construction or maintenance of the touchdown structure; and

(2) Entered a written agreement with the public authority on terms and conditions acceptable to the public authority ~~[.]~~ ***; or***

(d) On or over any highway before, during or after a special event, if:

(1) A public authority authorizes the use and location of such advertising, and the advertising is placed and maintained by the organizer of a special event for itself or its sponsors or partners;

(2) The organizer of a special event enters into a written agreement with the public authority on terms and conditions acceptable to the public authority;

(3) The advertising does not constitute a hazard or prevent the safe use of the highway by the public; and

(4) Such advertising is placed and maintained for not more than 14 consecutive days.

6. If a franchisee receives revenues from commercial advertising authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

7. As used in this section:

(a) "Monorail station" means:

(1) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(2) Any facilities or appurtenances within such a structure.

(b) ***"Special event" means a sporting event, concert, festival or other similar event which:***

(1) Will provide an anticipated economic impact of $250,000,000 or more, as certified by the ~~[convention and visitors authority in the jurisdiction where the special event will occur or, if none, the]~~ county fair and recreation board of the county in which the special event will occur; and

(2) After the certification of the anticipated economic impact pursuant to subparagraph (1), is designated as a special event by the public authority with jurisdiction over a highway and is issued a permit as a special event by that public authority.

(c) "Street banner" has the meaning ascribed to it in NRS 277A.130.

~~[(c)]~~ ***(d)*** "Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.

Sec. 6. This act becomes effective upon passage and approval.

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. 432.

Bill read second time.

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

Amendment No. 434.

AN ACT relating to optometry; prohibiting certain persons from owning or controlling an optometry practice under certain circumstances; requiring a licensee to provide certain notifications to the Nevada State Board of Optometry; authorizing persons enrolled in certain educational or residency programs to practice optometry under certain circumstances; prohibiting a licensee from prescribing ophthalmic lenses under certain circumstances; establishing certain requirements relating to the use of optometric telemedicine; reducing the fee for ~~[an application submitted by]~~ a veteran to obtain an initial license to practice optometry; revising certain requirements to obtain a license; revising ~~[requirements for owning]~~ **provisions relating to the ownership of** an optometry practice under an assumed or fictitious name under certain circumstances; authorizing the Board to issue citations for certain violations; requiring certain regulations adopted by the State Board of Health to authorize a licensed optometrist to serve as the director of a medical laboratory under certain circumstances; ~~[authorizing certain persons acting under the supervision of an optometrist to collect certain specimens;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada State Board of Optometry to adopt policies and regulations necessary to regulate the practice of optometry in this State and issue licenses to engage in the practice of optometry. (NRS 636.125, 636.215) **Sections 2-12** of this bill define certain terms relating to the practice of optometry. **Section 20** of this bill makes a conforming change to indicate the proper placement of **sections 2-12** in the Nevada Revised Statutes. **Section 28** of this bill authorizes the Board to issue a citation to a person who violates certain provisions of law governing the practice of optometry.

Existing law establishes a schedule of fees which the Board may not exceed when charging for the issuance of a license to practice optometry and for certain other purposes. (NRS 636.143) **Section 21** of this bill ~~[prohibits the Board from requiring]~~ **revises the fees associated with the initial issuance of a license. Section 21 sets forth the maximum fee the Board is authorized to charge for the initial issuance of a license to an applicant who is** a veteran ~~[to pay more than]~~ **, which is** one-half of the maximum fee ~~[for an application for]~~ the ~~[issuance of a 1-year license to practice optometry.]~~ **Board is authorized to charge an applicant who is not a veteran.**

Existing law authorizes the Board to issue a license by endorsement to certain persons who hold a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States and who meet certain other requirements. (NRS 636.206 ~~[, 636.207) Sections]~~ **) Section 24** ~~[and 25]~~ of this bill ~~[require]~~ **requires** the: (1) corresponding license to be active; and (2) applicant to ~~[submit to]~~ **not have been licensed by the Board to practice optometry in this State in** the ~~[Board proof that the applicant has completed certain requirements relating to continuing education.~~

~~Existing law requires an applicant for a license to practice optometry to provide certain information to the Board. (NRS 636.150) Sections 23-25 of this bill require all applicants for a license to practice optometry, including an applicant for licensure by endorsement, to submit to the Board a complete set of his or her 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.]~~ **immediately preceding year.**

Existing law requires a licensee to notify the Executive Director of the Board in advance of changing the location where the licensee practices optometry or establishing an additional location to practice optometry. (NRS 636.370) ~~[Section 27 of this bill removes the requirement that a licensee notify the Executive Director before changing his or her practice location.]~~ **Section 15** of this bill requires a licensee to notify the Board not later than 30 days after a change of the personal mailing address or primary telephone number of the licensee ~~[, any location where the licensee is licensed to practice in this State]~~ or the electronic mail address that the licensee most recently provided to the Board. **Section 16** of this bill requires a licensee to report to the Board within 30 days the revocation, suspension or surrender of, or any disciplinary action taken against, a license, certificate or registration to practice ~~[optometry]~~ **any occupation or profession** issued by any other jurisdiction.

Section 13 of this bill prohibits, with certain exceptions, a person who is not licensed to practice optometry in this State from: (1) owning, being an officer or board member of or having control over the management or operations of an optometry practice located in this State; or (2) being an officer or board member of an entity that operates such an optometry practice or holding a position in such an entity that allows the person to have control over the management or operations of an optometry practice. **Section 13** also prohibits a person who is employed by a ~~[managed]~~ **management** service provider which is providing certain business services to an optometry practice from performing certain roles for the optometry practice or the entity that operates the optometry practice ~~[.]~~ **using those services.**

Existing law prohibits an optometrist from owning all or any part of an optometry practice under an assumed or fictitious name unless the optometrist has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name at a specified location. (NRS 636.350) **Section 26** of this bill ~~[: (1) requires]~~ **specifies that** each ~~[optometrist]~~ **person** who owns any part of such a practice ~~[to]~~ hold an active license to practice optometry in this State and have been issued such a certificate of registration **.** ~~[; and (2) provides that the certificate of registration expires 5 years after the date on which it is issued and may be renewed upon the submission of a current list of all assumed and fictitious names associated with the optometry practice and all owners of the optometry practice.]~~

Section 14 of this bill authorizes a surviving family member of a licensed optometrist who has died and who was the sole owner of an optometry practice to own the optometry practice without holding a license to practice optometry in this State for not more than 1 year after the death of the licensed optometrist. **Section 14** ~~[additionally authorizes]~~ **requires** such a surviving family member **, not later than 1 year after the death of the licensee,** to transfer ownership of that optometry practice to another licensed optometrist ~~[.]~~ **or to dissolve the practice.**

Existing law prohibits a person from engaging in the practice of optometry in this State unless the person is licensed by the Board. (NRS 636.145) **Section 17** of this bill authorizes students who are participating in certain externship programs pursuant to a course of study in optometry or certain persons engaged in a residency program for optometry to perform certain procedures pursuant to those programs which constitute engaging in the practice of optometry. **Section 22** of this bill makes a conforming change to indicate that the performance of such procedures does not constitute the unlawful practice of optometry.

Existing law authorizes a licensed optometrist to prescribe therapeutic or corrective lenses for the correction or relief of or remedy for an abnormal condition or inefficiency of the eye or visual process. (NRS 636.025, 636.215) **Section 18** of this bill prohibits a licensed optometrist from issuing, offering to issue, duplicating or extending a prescription for certain lenses if the optometrist has not performed, or does not have access to records relating to, a comprehensive eye examination performed within the immediately preceding 2 years on the intended recipient of the lenses.

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** ~~[9]~~ **8** of this bill defines the term "optometric telemedicine" to mean, in general, the use of telehealth by a licensed optometrist to deliver health care services within the scope of the practice of optometry to a patient at a different location. **Section 19** of this bill authorizes and sets forth certain requirements for the use of optometric telemedicine by a licensed optometrist for certain purposes. **Section 19** requires, with certain exceptions, a licensed optometrist to have performed a comprehensive examination on a patient within the immediately preceding 2 years to deliver health care services to the patient through optometric telemedicine. **Section 19** additionally authorizes an licensed optometrist to remotely monitor certain health data of a patient.

Existing law authorizes the State Board of Health to prescribe regulations relating to the operation of medical laboratories and the qualifications of the directors of those laboratories. (NRS 652.130) **Section 29** of this bill requires the regulations to include licensed optometrists among the licensed physicians

qualified to serve as the laboratory director of certain laboratories under certain circumstances.

~~[Existing law authorizes licensed optometrists, licensed physicians and certain other persons to manipulate a person for the collection of specimens and perform certain laboratory tests without having to obtain certification as an assistant in a medical laboratory. (NRS 652.210) Section 30 of this bill additionally authorizes a person who is employed by a licensed optometrist or any medical provider or medical facility while acting under the direct supervision of a licensed optometrist to manipulate a person for the collection of such specimens and the performance of such laboratory tests without obtaining such certification.]~~

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

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. ***"Asynchronous optometric telemedicine" means a form of optometric telemedicine in which data that is collected from an examination of a patient that is conducted in person is later transmitted to an optometrist for review.***

Sec. 3. ***1. "Comprehensive examination" means an examination of a patient which is conducted in person and during which all of the following tests , ~~[or]~~ procedures or actions are performed:***

(a) ~~[Tests and procedures concerning]~~ The documentation of the primary reason for which the examination is conducted;

(b) A review of the medical history and ocular history of both the patient and his or her immediate family;

(c) A review of any medications used by the patient;

(d) A review of any allergies of the patient;

(e) A review of documentation identifying the patient's primary care physician;

(f) General medical observations, including, without limitation, neurological and psychological orientation;

(g) Eye pressure;

(h) Gross, confrontation or formal visual fields;

(i) ~~[Versions;]~~ A basic sensorimotor examination;

(j) A complete pupillary assessment, including, without limitation, an examination of the presence of an afferent pupillary defect;

(k) Eye alignment;

(l) Visual acuities;

(m) ~~[Autorefraction or retinoscopy;~~

~~(n)]~~ Keratometry or autokeratometry;

~~[(o)]~~ (n) Anterior segment examination using a slit beam and magnification, as through a biomicroscope slit lamp, to include ocular

adnexa, eyelid, eyelashes, conjunctiva, pupil, cornea, anterior chamber and lens; ~~[and~~

~~(p)]~~ (o) Posterior segment examination that includes the examination of the optic nerve, macula, retina and vessels ~~[.]~~ ; and

(p) A review and assessment of all data collected pursuant to paragraphs (a) to (o), inclusive, and the development of a plan to provide necessary treatment.

2. The term includes an examination in which a test, procedure or action specified in paragraphs (a) to (p), inclusive, of subsection 1 was not performed if the person conducting the examination was unable to perform the test, procedure or action and used an alternative method to obtain comparable data to that which would have been obtained by the proper performance of the test, procedure or action.

Sec. 4. *"Distant site" has the meaning ascribed to it in NRS 629.515.*

Sec. 5. *"Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease that are within the scope of the practice of optometry.*

Sec. 6. *"Licensee" means a person who is licensed to practice optometry pursuant to this chapter.*

Sec. 7. *"Non-comprehensive examination" means an examination that includes some but not all of the elements of a comprehensive examination.*

Sec. 8. *"Optometric telemedicine" means the use of telehealth, as defined in NRS 629.515, by a licensee who is located at a distant site to deliver health care services to a patient who is located at an originating site. The term includes, without limitation, synchronous optometric telemedicine and asynchronous optometric telemedicine.*

Sec. 9. *"Optometry practice" or "optometric practice" means a business through which one or more optometrists practice optometry.*

Sec. 10. *"Originating site" has the meaning ascribed to it in NRS 629.515.*

Sec. 11. *"Remote patient monitoring" means the monitoring by a licensee of data:*

1. Collected from a patient of the licensee at one location and transmitted to the licensee at another location; and

2. That is necessary to make informed decisions about providing health care services to the patient.

Sec. 12. *"Synchronous optometric telemedicine" means a form of optometric telemedicine in which information is exchanged via electronic communication in real time and includes, without limitation, communication via telephone, video, a mobile application or an online platform on an Internet website.*

Sec. 13. *1. Except as otherwise provided in section 14 of this act, a person who is not licensed to practice optometry pursuant to this chapter shall not:*

(a) Hold an ownership interest in an optometry practice;

(b) Be an officer or board member of an optometry practice or occupy any other position of authority at an optometry practice that allows the person to exert control over the management or operation of the optometry practice; or

(c) Be an officer or board member of an entity that operates one or more optometry practices or occupy any other position of authority at such an entity that allows the person to exert control over the management or operations of an optometry practice that the entity operates.

2. A person shall not accept compensation to perform any services ~~[in exchange for compensation]~~ for a ~~[managed]~~ management service provider that is providing services to an optometry practice if the person is:

(a) An officer or board member of the optometry practice or occupies any other position of authority at an optometry practice that allows the person to exert control over the management or operation of ~~[an]~~ the optometry practice ~~[,]~~ receiving those services; or

(b) An officer or board member of an entity that operates the optometry practice or occupies any other position of authority at such an entity that allows the person to exert control over the management or operations of the optometry practice ~~[.]~~ receiving those services.

3. As used in this section ~~[“managed]~~ :

(a) “Management service provider” means a person ~~[who provides]~~ that contracts to provide management ~~[and]~~ or administrative support services to an optometry practice. The term does not include a provider of insurance, a provider of health care as defined in NRS 41A.017 or a person that offers optometric care at an optometry practice or that offers comprehensive examinations.

(b) “Management or administrative support services” includes, without limitation, legal services and services relating to management, billing, credentialing, accounting, marketing, the storage of electronic medical records, the management of human resources, the provision of malpractice insurance, information technology, the financing of equipment, recruitment, transactions involving real estate and technical support for optometric telemedicine.

Sec. 14. *1. For not more than 1 year after the death of a licensee who is the sole owner of an optometry practice, a surviving member of the licensee’s family may own the optometry practice without being licensed pursuant to this chapter. ~~[The]~~ Not later than 1 year after the death of the licensee, the surviving member of the licensee’s family ~~[may]~~ shall transfer ownership of the optometry practice to a licensee ~~[.]~~ or dissolve the optometry practice.*

2. The provisions of this section do not abrogate, alter or otherwise affect any obligation to comply with the requirements of chapters 629 and 636 of NRS relating to the custody of health care records.

3. As used in this section, "member of the licensee's family" means any person related to the licensee by blood, adoption or marriage [.] within the third degree of consanguinity.

Sec. 15. *A licensee shall notify the Board of any change in the personal mailing address or primary telephone number of the licensee [,] or any change of the electronic mail address most recently provided by the licensee to the Board [or a change of address of any location where the licensee practices optometry in this State] not later than 30 calendar days after the change.*

Sec. 16. *A licensee shall report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued to the licensee by another state or territory of the United States, the District of Columbia or a foreign country.*

Sec. 17. *1. A student who is enrolled in a [program of an undergraduate or] graduate course of study in optometry at an accredited school or college of optometry and who is participating in an externship authorized by the school or college, as applicable, as part of that course of study may perform procedures within the scope of a license to practice optometry issued pursuant to this chapter if an optometrist or ophthalmologist licensed in this State:*

(a) Is physically present at the clinic where the student is performing the procedures at all times while those procedures are being performed; and

(b) Examines the person on whom the student performed any procedure before the person is discharged.

2. Except as otherwise provided in subsection 3, a person who has received a degree of doctor of optometry and who is engaged in a residency program for optometry in this State may, without a license, engage in the practice of optometry within the scope of a license to practice optometry issued pursuant to this chapter and examine and manage patients without supervision if an optometrist or ophthalmologist licensed in this State is physically present at the clinic at all times when the person is practicing optometry.

3. A person described in subsection 2 may, in an emergency, provide care to a patient without an optometrist or ophthalmologist licensed in this State being physically present at the clinic if the person [first] consults with an appropriate optometrist or ophthalmologist associated with the clinic to determine the proper care and management of the treatment of the patient.

4. As used in this section, "clinic" means a facility at which a licensed optometrist or ophthalmologist provides services to patients.

Sec. 18. *It is unlawful for a licensee to issue, offer to issue, duplicate or extend a prescription for an ophthalmic lens for a person if the licensee has not performed a comprehensive examination, or does not have access to the*

complete results of a comprehensive examination that was performed, on the person within the immediately preceding 2 years.

Sec. 19. *1. Except as otherwise provided in subsection 5, a person shall not engage in optometric telemedicine to provide health care services to a patient located at an originating site in this State unless the person is licensed to practice optometry pursuant to this chapter.*

2. Except as otherwise provided in subsection 3, a licensee may engage in synchronous or asynchronous optometric telemedicine to provide health care services to a patient only if the licensee has completed a comprehensive examination on the patient within the immediately preceding 2 years.

3. A licensee may engage in synchronous optometric telemedicine to perform a non-comprehensive examination of a new patient if the licensee has access to all the information obtained from a comprehensive examination of the patient that was conducted by an optometrist or ophthalmologist within the immediately preceding 2 years.

4. A licensee may engage in asynchronous optometric telemedicine to conduct a consultation regarding a patient on whom the licensee has not completed a comprehensive examination within the immediately preceding 2 years if:

(a) An optometrist, ophthalmologist or primary care physician providing care to the patient requests that the licensee conduct the consultation and provides the licensee with all the information about the patient that is necessary to determine whether the patient requires a comprehensive examination; and

(b) The consultation performed by the licensee is limited to a determination of whether the patient requires a comprehensive examination and does not involve any diagnosis, recommendation for or treatment of the patient or a prescription for the patient.

5. A person who holds a valid, active and unrestricted license issued by the District of Columbia or any state or territory of the United States to practice optometry may conduct a consultation through asynchronous optometric telemedicine described in subsection 4 in the same manner as a licensee pursuant to that subsection without holding a license to practice optometry in this State.

6. A licensee may engage in remote patient monitoring of a patient on whom the licensee has completed a comprehensive examination within the immediately preceding 2 years for the purposes of:

(a) Acquiring data about the health of the patient;

(b) Assessing changes in previously diagnosed chronic health conditions;

(c) Confirming the stability of the health of the patient; or

(d) Confirming expected therapeutic results.

7. A licensee may engage in optometric telemedicine to provide health care services to a patient who is located at an originating site outside this State if the licensee has completed a comprehensive examination of the

patient within the immediately preceding 2 years and such action is permitted by the laws of the state in which the patient is located.

8. A licensee shall not engage in optometric telemedicine to provide any health care service to the patient that the licensee has determined should be provided in person.

9. A licensee engaging in optometric telemedicine or remote patient monitoring shall not:

(a) Conduct himself or herself in a manner that violates the standard of care required of an optometrist who is treating a patient in person, including, without limitation, by issuing a prescription for ophthalmic lenses based solely upon ~~[,]~~ ***one or more of the following:***

(1) Answers provided by a patient in an online questionnaire;

(2) The application of lensometry; or

(3) The application of auto-refraction; or

(b) Condition the provision of optometric telemedicine or remote patient monitoring on the patient consenting to receiving a standard of care below that which is required by paragraph (a).

Sec. 20. NRS 636.015 is hereby amended to read as follows:

636.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 636.016 to 636.023, inclusive, ***and sections 2 to 12, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 636.143 is hereby amended to read as follows:

636.143 ***1.*** At least once every 2 years, the Board shall review and, if the Board deems it necessary, establish or revise, within the limits prescribed a schedule of fees for the following purposes:

	Not more than
~~[1.]~~ ***(a)*** Examinations	$250
~~[2.]~~ ***(b)*** ~~[Applications for the issuance of a 1-year license~~	~~$600~~
~~3.~~ ***(c)*** ~~Renewal]~~ ***Initial issuance or renewal*** of a license	$1,200
~~[4.~~ ~~*(d)*~~ ***(c)*** Granting certification or issuing certificates	$1,000
~~[5.~~ ~~*(e)*~~ ***(d)*** Licensing of extended clinical facilities and other practice locations	$500
~~[6.~~ ~~*(f)*~~ ***(e)*** Individually verifying licensure or disciplinary status	$100
~~[7.~~ ~~*(g)*~~ ***(f)*** Late fee	$1,000
~~[8.~~ ~~*(h)*~~ ***(g) Initial issuance of a license to an applicant who is a veteran***	***$600***
(h) Any other service provided by the Board pursuant to this chapter	$1,000

2. [If a veteran submits an application for the issuance of a 1-year license, the Board shall collect not more than one-half of the fee specified in subsection 1 for the application for the issuance of a 1-year license.

~~— 3.]~~ ***As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.***

Sec. 22. NRS 636.145 is hereby amended to read as follows:

636.145 1. ~~[A]~~ ***Except as otherwise provided in section 17 of this act, a*** person shall not engage in the practice of optometry in this State unless:

(a) The person has obtained a license pursuant to the provisions of this chapter; and

(b) Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. The Board shall conduct an investigation pursuant to subsection 3 if the Board receives a complaint which sets forth any reason to believe that a person has engaged in the practice of optometry in this State without a license issued pursuant to this chapter.

3. In addition to any other penalty prescribed by law, if the Board, after conducting an investigation and hearing in accordance with chapters 233B, 622 and 622A of NRS, determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist from the practice of optometry until the person obtains a license from the Board.

(b) Issue a citation to the person ~~[.]~~ ***pursuant to NRS 636.420.***

(c) Impose any combination of the penalties set forth in paragraphs (a) and (b).

4. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to this chapter.

5. Each instance of unlicensed activity constitutes a separate offense for which a separate citation may be issued.

Sec. 23. ~~[NRS 636.150 is hereby amended to read as follows:~~

~~636.150 Except as otherwise provided in NRS 636.206 and 636.207, any person applying for a license to practice optometry in this State must:~~

~~1. File proof of his or her qualifications;~~

~~2. Take and pass each examination identified, administered or approved by the Board;~~

~~3. Pay the prescribed fees;~~ **[**~~and~~**]**

~~4. *Submit to the Board 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; and*~~

~~*5.* Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.~~**]**

(Deleted by amendment.)

Sec. 24. NRS 636.206 is hereby amended to read as follows:

636.206 1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid ***, active*** and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of optometry for the past 5 years;

(4) ***Has not held a license to practice optometry in this State in the immediately preceding year;***

(5) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

~~[(5)]~~ ***(6)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) ~~***[A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 636.150;***~~

~~***(c) Satisfactory evidence that the person, within the immediately preceding 24-month period, has completed the number of hours in a course or courses of continuing education that have been approved by the Board which are required for the renewal of a license pursuant to NRS 636.260; and***~~

~~***(d)]***~~ An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) ~~(c)~~ Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 ~~***[:***~~

~~***(a) Forty-five days]***~~ days after receiving the ~~***[additional information required by the Board to complete the]***~~ application . ~~***[; or***~~

~~***(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,***~~

~~*➥ whichever occurs later.]*~~

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 25. **[**~~NRS 636.207 is hereby amended to read as follows:~~

~~636.207 1. The Board may issue a license by endorsement to practice optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:~~

~~(a) Holds a corresponding valid and unrestricted license to practice optometry in the District of Columbia or any state or territory of the United States; and~~

~~(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

~~2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~(a) Proof satisfactory to the Board that the applicant:~~

~~(1) Satisfies the requirements of subsection 1;~~

~~(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice optometry; and~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~(b) *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;*~~

~~*(c) Satisfactory evidence that the person, within the immediately preceding 24-month period, has completed the number of hours in a course or courses of continuing education that have been approved by the Board which are required for the renewal of a license pursuant to NRS 636.260; and*~~

~~*(d)* An affidavit stating that the information contained in the application and any accompanying material is true and correct; and~~

~~**[**(c)**]** *(e)* Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement to practice optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice optometry to the applicant not later than **[**45**]** :~~

~~*(a) Forty-five* days after receiving all the additional information required by the Board to complete the application **[**.**]** *; or*~~

~~*(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,*~~
~~*whichever occurs later.*~~

~~4. A license by endorsement to practice optometry may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice optometry in accordance with regulations adopted by the Board.~~

~~6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.~~] **(Deleted by amendment.)**

Sec. 26. NRS 636.350 is hereby amended to read as follows:

636.350 1. [~~An optometrist~~] ***A person*** shall not own all or any portion of an optometry practice under an assumed or fictitious name unless the [~~optometrist has~~] ***person:***

(a) Holds an active license to practice optometry in this State; and

(b) Has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name and at a specific location.

2. [~~An optometrist~~] ***A person*** who applies for a certificate of registration to own all or any portion of an optometry practice under an assumed or fictitious name must submit to the Board an application on a form provided by the Board. The application must be accompanied by proof satisfactory to the Board that the assumed or fictitious name has been registered or otherwise approved by any appropriate governmental entity, including, without limitation, any incorporated city or unincorporated town in which the optometrist practices, if the registration or other approval is required by the governmental entity.

3. Each [~~optometrist~~] ***person*** who is issued a certificate of registration pursuant to this section shall:

(a) Comply with the provisions of chapter 602 of NRS;

(b) Display or cause to be displayed near the entrance of his or her business the full name of the optometrist and the words or letters that designate him or her as an optometrist; and

(c) Display or cause to be displayed near the entrance of his or her business the full name of any optometrist who regularly provides optometric services at the business and the words or letters that designate him or her as an optometrist.

4. ~~*[A certificate of registration issued pursuant to this section expires 5 years after the date on which it is issued and may be renewed upon submission to the Board of a current list of all:*~~

~~*(a) Assumed or fictitious names associated with the optometry practice; and*~~

~~*(b) Owners of the optometry practice.*~~

~~*5.]*~~ The Board shall adopt regulations that prescribe the requirements for the issuance ~~*[and renewal]*~~ of a certificate of registration to practice optometry under an assumed or fictitious name.

5. ~~*[6.]*~~ As used in this section, "assumed or fictitious name" means a name other than the name of the optometrist printed on his or her license to practice optometry.

Sec. 27. ~~[NRS 636.370 is hereby amended to read as follows:~~

~~636.370 1. A person who has been issued an initial license to practice optometry in this State or who is re-establishing a practice in this State shall, before commencing the practice, notify the Executive Director, in writing, of the location or locations where the person intends to practice.~~

~~2. A licensee shall notify the Executive Director in writing before [changing the location of his or her practice or] establishing an additional location to practice optometry.]~~ **(Deleted by amendment.)**

Sec. 28. NRS 636.420 is hereby amended to read as follows:

636.420 ***1.*** After providing notice and a hearing pursuant to chapter 622A of NRS, the Board may impose an administrative fine of not more than $5,000 for each violation against a person licensed under this chapter who engages in any conduct constituting grounds for disciplinary action set forth in NRS 636.295.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has violated any provision of this chapter, the Board may issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit to the Board a written request for a hearing not later than 30 days after the date of issuance of the citation.

Sec. 29. NRS 652.130 is hereby amended to read as follows:

652.130 1. Except as otherwise provided in NRS 652.127, the Board, with the advice of the Medical Laboratory Advisory Committee, may prescribe and publish rules and regulations relating to:

(a) The education, training and experience qualifications of laboratory directors and technical personnel.

(b) The location and construction of laboratories, including plumbing, heating, lighting, ventilation, electrical services and similar conditions, to ensure the conduct and operation of the laboratory in a manner which will protect the public health.

(c) Sanitary conditions within the laboratory and its surroundings, including the water supply, sewage, the handling of specimens and matters of general hygiene, to ensure the protection of the public health.

(d) The equipment essential to the proper conduct and operation of a laboratory.

(e) The determination of the accuracy of test results produced by a laboratory and the establishment of minimum qualifications therefor.

2. Any regulations adopted by the Board pursuant to this section must not require that the laboratory director of a laboratory in which the only test performed is a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations:

(a) Be a licensed physician; or

(b) Perform duties other than those prescribed in NRS 652.180.

3. Any regulations adopted by the Board pursuant to this section that require the laboratory director of a laboratory in which the only tests performed are tests that are classified as waived tests pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations to be a licensed physician must include a licensed optometrist among the types of licensed physicians who are qualified to serve as a laboratory director of such a laboratory.

Sec. 30. ~~[NRS 652.210 is hereby amended to read as follows:~~

~~652.210 1. Except as otherwise provided in subsection 2 and NRS 126.121 and 652.186, no person other than a licensed physician, a licensed optometrist, *a person employed by a licensed optometrist or any medical provider or medical facility while acting under the direct supervision of a licensed optometrist,* a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS, a licensed dentist or a registered pharmacist may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.~~

~~2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.~~ **] (Deleted by amendment.)**

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. 456.

Bill read second time.

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

Amendment No. 209.

~~[CONTAINS UNFUNDED MANDATE (§ 4)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to railroads; ~~[prohibiting the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks; establishing provisions governing the duty hours of yardmasters; requiring a local authority or the Department of Transportation to install traffic control devices and automated traffic enforcement systems at certain railroad grade crossings; providing civil penalties; establishing provisions governing the issuance of a civil infraction citation based on evidence detected by an automated traffic enforcement system;]~~ **establishing requirements for the installation and operation of wayside detector systems; requiring a stopped train or other equipment to be cut, separated or moved to clear a railroad grade crossing upon the approach of an emergency vehicle; providing a civil penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing the operation of railroads in this State. (Chapter 705 of NRS) ~~[Section 1 of this bill: (1) prohibits a railroad doing business in this State from running or allowing to be run on certain railroad tracks a work or freight train that exceeds 7,500 feet in length; and (2) provides that a person who violates this prohibition is liable to the Public Utilities Commission of Nevada for a civil penalty.~~

~~Existing law limits the total hours and consecutive hours that certain railroad employees are permitted to be on duty in any 24-hour period. (NRS 705.210) Section 2 of this bill restricts the duty hours which a yardmaster may be required or permitted to work and prohibits a yardmaster from being required or permitted to remain on duty or go on duty if he or she has not had a certain number of consecutive hours off duty.~~

~~Existing law prohibits a governmental entity or its agent from using photographic, video or digital equipment to gather evidence in order to issue a traffic citation or civil infraction citation, unless that equipment is: (1) a portable camera or event recording device worn or held by a peace officer; (2) installed within a vehicle or facility of a law enforcement agency; or (3) privately owned by a nongovernmental entity. (NRS 484A.600) Section 5 of this bill provides for an exception to this prohibition, and section 4 of this bill requires a local authority or the Department of Transportation to install and maintain at certain railroad grade crossings where there has been an impact between a motor vehicle and a train or other on-track equipment or a near-miss incident: (1) an official traffic control device; and (2) an automated traffic enforcement system to enforce the laws governing obedience to such a traffic control device. Section 4 requires a peace officer of a traffic enforcement~~

~~agency with jurisdiction over the location of the automated traffic enforcement system to review the evidence of a violation detected by an automatic traffic enforcement system before a citation is issued. Section 4 establishes requirements for the contents and delivery of a civil infraction citation issued based upon evidence collected by an automated traffic enforcement system. Section 4 creates a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system and provides a method for rebutting this presumption. Section 4 provides that a violation detected by an automated traffic enforcement system is not a moving traffic violation. Sections 3, 6 and 7 of this bill make conforming changes to: (1) exclude traffic violations detected by an automated traffic enforcement system from the assessment of demerit points; and (2) provide for the issuance of civil infraction citations for violations detected by an automated traffic enforcement system.]~~ **Section 1.18 of this bill prohibits a person from installing a wayside detector system in this State unless the wayside detector system has certain features. Section 1.18 requires a person who installs a wayside detector system alongside or on a railroad to ensure such systems are located within a certain distance of each other and requires the operator of any train, rolling stock or on-track equipment to take certain actions when passing wayside detector systems which are not located in this manner. Section 1.2 of this bill establishes requirements for the alarm on a wayside detector system. Section 1.22 of this bill requires the operator of any train, rolling stock or on-track equipment to take certain action when notified by a wayside detector system of a defect or that the number of axles on a train is more or less than the reported number. Sections 1.1-1.16 of this bill define terms related to wayside detector systems. Section 1.24 of this bill requires a railroad company to ensure the employees of the company are aware of and understand the provisions of sections 1.1-1.22 of this bill and imposes a penalty for the knowing violation of those provisions.**

Section 1.26 of this bill requires, except in the case of a mechanical failure, a train, rolling stock or other on-track equipment which has come to a complete stop and is blocking a railroad grade crossing to be cut, separated or moved upon the approach of an authorized emergency vehicle.

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

Section 1. Chapter 705 of NRS is hereby amended by adding thereto ~~[a~~ new section to read as follows:

~~*1. It shall be unlawful for any railroad doing business in this State to run or allow to be run on any part of a main line or branch line a work or freight train that exceeds 7,500 feet in length.*~~

~~*2. Any railroad doing business in this State which violates the provisions of this section is liable to the Public Utilities Commission of Nevada for a penalty of:*~~

~~*(a) Not less than $5,000 for the first violation;*~~

~~*(b) Not more than $10,000 for the second violation within 3 years of the first violation; and*~~

~~*(c) Not more than $25,000 for a third and any subsequent violation within 3 years of the first violation.*~~

~~*3. As used in this section:*~~

~~*(a) "Branch line" means a secondary railroad track that branches off from a main line.*~~

~~*(b) "Main line" means:*~~

~~*(1) A segment or route of railroad tracks over which 5,000,000 gross tons or more of freight railroad traffic is transported annually; and*~~

~~*(2) Such other tracks as the Commission may prescribe by regulation.]*~~ **the provisions set forth as sections 1.1 to 1.26, inclusive, of this act.**

Sec. 1.1. ***As used in sections 1.1 to 1.26, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.12, 1.14 and 1.16 of this act have the meanings ascribed to them in those sections.***

Sec. 1.12. ***"Defect" includes, without limitation, hot wheel bearings, hot wheels, defective bearings that are detected through acoustics, dragging equipment, excessive height or weight, shifted loads, low hose, rail temperature and wheel condition.***

Sec. 1.14. ***"Wayside detector communications system" means technology that uses wireless communications systems or algorithms to allow communication between one wayside detector system with another wayside detector system in order to predict and detect defects.***

Sec. 1.16. ***"Wayside detector system" means an electronic device or a series of connected devices that scan passing trains, rolling stock, on-track equipment and their component equipment and parts for defects.***

Sec. 1.18. ***1. No person shall install or operate a wayside detector system in this State unless it is equipped with:***

(a) A hot box detector;

(b) A hot wheel detector;

(c) A dragging equipment detector;

(d) An audible alarm that operates in accordance with section 1.22 of this act.

2. Except as otherwise provided in this subsection, any person responsible for the installation of a wayside detector system alongside or on a railroad shall ensure that each wayside detector system location is not more than 10 miles from the adjacent wayside detector system location. If the natural terrain does not allow for the placement of the next adjacent wayside detector system location within 10 miles from the prior wayside detector

system location, the next adjacent wayside detector system location shall be installed not more than 15 miles from the prior wayside detector system location.

3. If the wayside detector systems installed on or alongside a railroad do not comply with the requirements of subsection 2 and are further than 15 miles apart, the operator of any train, rolling stock or on-track equipment passing between the noncompliant wayside detector systems shall reduce speed to not more than 10 miles per hour until the train, rolling stock or on-track equipment passes the next available wayside detector system and is issued a "no defects" message from the wayside detector system.

Sec. 1.2. 1. No person shall install or operate a wayside detector system in this State unless the audible alarm for the system:

(a) Is assigned to the "AAR Frequency" that is assigned to the specific territory in which the wayside detector system is located; and

(b) In the event of a defect, sounds over the assigned radio channel or frequency not less than three consecutive times with each audible signal lasting not less than 5 seconds and with not less than 5 seconds of silence between each audible alarm.

2. No person shall install or operate a wayside detector system in this State unless:

(a) The inspection results generated by the wayside detector system provide an audible message, delivered over the applicable radio channel or frequency that contains the following information delivered to the operator of the train, rolling stock or on-track equipment:

(1) The wayside detector system location milepost and name;

(2) The track number, if applicable;

(3) The total number of axles on the train, including, without limitation, motive power;

(4) If a defect is found, the location of the defect within the train, rolling stock or on-track equipment or the component parts or equipment of the train, rolling stock or on-track equipment; and

(5) If no defect is found, the speed of the train, rolling stock or on-track equipment and a message that no defects were found.

(b) If a defect is found by the wayside detector system, in addition to the audible alarm signal required pursuant to paragraph (b) of subsection 1, the audible message required to be provided pursuant to paragraph (a) is repeated not less than three times over the applicable radio channel or frequency with 20 seconds of silence between each iteration of the audible message.

Sec. 1.22. 1. If the operator of a train, rolling stock or other on-track equipment receives a message pursuant to section 1.2 of this act indicating that a defect was found, the operator shall:

(a) Stop the train, rolling stock or other on-track equipment in accordance with the safety procedures issued by the managing railroad company;

(b) Inspect the location of the defect from a position on the ground;

(c) Note and present all inspection results to the appropriate officer of the railroad company, a local dispatcher or another qualified person based on company protocol; and

(d) Based on the inspection results:

(1) If the operator believes it is safe to do so, proceed along the route at a speed not exceeding 10 miles per hour if carrying hazardous materials or 30 miles per hour if not carrying hazardous materials; and

(2) If the operator believes continued operation is not safe, have the train, rolling stock or on-track equipment, or the applicable component or equipment of the train, rolling stock or on-track equipment, fully inspected by a qualified person to make a determination of whether it is safe to proceed.

2. If the operator of a train, rolling stock or other on-track equipment receives a message from a wayside detector system pursuant to section 1.2 of this act indicating that a defect was found and that defect was previously detected by a prior wayside detector system, the operator shall:

(a) Stop the train, rolling stock or on-track equipment in accordance with the safety procedures issued by the managing railroad company;

(b) Have the train, rolling stock or on-track equipment, or the applicable component or equipment of the train, rolling stock or on-track equipment, fully inspected by a qualified person to make a determination of whether it is safe to proceed; and

(c) Not allow the train, rolling stock or on-track equipment to proceed unless and until a qualified person has thoroughly inspected the defect, made any necessary repairs and declared it safe to proceed.

3. All inspections performed pursuant to this section must be performed on the ground. A person must not perform any inspection pursuant to this section from within or on a vehicle or any other mode of transportation.

4. If the operator of a train receives a message pursuant to section 1.2 of this act indicating that the number of axles on a train is less than the reported number of axles for that train, the operator shall report the discrepancy to the proper railroad authority.

5. If the operator of a train receives a message pursuant to section 1.2 of this act indicating that the number of axles on a train is more than the reported number of axles for that train, the operator shall report the discrepancy to the proper railroad authority. If the discrepancy is not resolved within 5 miles of receiving the message pursuant to section 1.22 of this act the operator shall stop the train. The operator shall not proceed until the discrepancy is resolved, all extra equipment or cars are identified and any necessary documentation is issued.

Sec. 1.24. ***1. Any railroad company doing business in this State shall ensure that its employees are aware of and understand the requirements of sections 1.1 to 1.24, inclusive, of this act.***

2. Any person who knowingly violates a provision of sections 1.1 to 1.24, inclusive, of this act is liable for a civil penalty of not more than $25,000 for each violation.

Sec. 1.26. ***1. Except for a train, rolling stock or other on-track equipment that is stopped due to mechanical failure where separation or movement is not possible, any train, rolling stock or other on-track equipment that has come to a complete stop and is blocking a railroad grade crossing must be cut, separated or moved to clear the crossing upon the approach of an authorized emergency vehicle.***

2. As used in this section, "authorized emergency vehicle" has the meaning ascribed to it in NRS 484A.020.

Sec. 2. **[**~~NRS 705.210 is hereby amended to read as follows:~~

~~705.210 1. As used in this section:~~

~~(a) "Employees" means persons actually engaged in or connected with the movement of any train~~ **[**~~.~~**]** ***, not including a yardmaster.***

~~(b) "Railroad" includes all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract agreement or lease.~~

~~*(c) "Yardmaster" means a person who is responsible for supervising and coordinating the control of trains and engines operating within a rail yard, not including a dispatching service employee, signal employee or train employee as those terms are defined in 49 U.S.C. § 21101.*~~

~~2. The provisions of this section apply to any common carrier or carriers, their officers, agents and employees engaged in the transportation of passengers or property by railroad in the State of Nevada.~~

~~3. It is unlawful for any common carrier, its officers or agents, subject to this section, to require or permit any employee subject to this section to be or remain on duty for a longer period than 16 consecutive hours, and whenever any such employee of such common carrier has been continuously on duty for 16 hours the employee must be relieved and not required or permitted again to go on duty until the employee has had at least 10 consecutive hours off duty. No such employee who has been on duty 16 hours in the aggregate in any 24-hour period must be required or permitted to continue or again go on duty without having had at least 8 consecutive hours off duty.~~

~~4. No employee who, by the use of the telegraph or telephone or other electrical device, dispatches, reports, transmits, receives or delivers orders or who from towers, offices, places and stations operates signals or switches or similar mechanical devices controlling, pertaining to, or affecting the movement of trains of more than two cars must be required or permitted to be or remain on duty in any 24-hour period for a longer period than 8 hours, which~~

~~must be wholly within the limits of a continuous shift and upon the completion of that period the employee must not be required or permitted again to go on duty until the expiration of 16 hours. This subsection does not apply to employees who, in case of emergency, use the telephone to obtain orders or information governing the movement of trains. In case of emergency, such employees may be permitted to be and remain on duty for 4 additional hours in a 24-hour period of not exceeding 3 days in any week.~~

~~5. *It is unlawful for any common carrier, its officers or agents, subject to this section, to require or permit a yardmaster to be or remain on duty or go again on duty:*~~

~~*(a) In any calendar month where the yardmaster has spent a total of 276 hours on duty, waiting for deadhead transportation or in deadhead transportation from a duty assignment to the place of final release, or in any other mandatory service for the carrier;*~~

~~*(b) For a longer period than 12 consecutive hours;*~~

~~*(c) Unless that yardmaster has had at least 10 consecutive hours off duty during the preceding 24 hours; or*~~

~~*(d) After the yardmaster has initiated an on-duty period each day for 6 consecutive days, unless that yardmaster has had at least 48 consecutive hours off duty at the yardmaster's home terminal during which time the yardmaster is unavailable for any service.*~~

~~*6.* Any common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be or remain on duty in violation of subsections 3*, [*and*]* 4 *and 5* shall be punished by a fine of not more than $500.~~

~~*[*6.*]* *7.* In all prosecutions under this section the common carrier shall be deemed to have had knowledge of all acts of its officers and agents.~~

~~*[*7.*]* *8.* The provisions of this section do not apply:~~

~~(a) In any case of casualty or unavoidable accident or the act of God.~~

~~(b) Where the delay was the result of a cause not known to the carrier or its officers or agents in charge of such employee at the time the employee left the terminal and which could not have been foreseen.~~

~~(c) To the crews of wrecking or relief trains.~~

~~(d) To railroads not maintaining a regular night train schedule.~~

~~*[*8.*]* *9.* The Public Utilities Commission of Nevada shall:~~

~~(a) Execute and enforce the provisions of this section, and all powers granted by law to the Public Utilities Commission of Nevada are hereby extended to it in the execution of this section.~~

~~(b) Lodge with the proper district attorneys information of any violations of this section which may come to its knowledge.*]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[*NRS 483.473 is hereby amended to read as follows:~~

~~483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation in any municipal court, justice court or district court in this State or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to NRS 484A.703~~

~~to 484A.705, inclusive. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include [a] :~~

~~*(a) A* conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617 [.] *; or*~~

~~*(b) A civil infraction citation issued for a violation detected by an automated traffic enforcement system pursuant to section 4 of this act.*~~

~~2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.~~

~~3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense or civil infraction, and if the point values differ, points must be assessed for the offense or civil infraction having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction or finding is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A local authority or the Department of Transportation shall install and maintain at each railroad grade crossing under its jurisdiction where there has been, in the immediately preceding 5 years, an impact between a motor vehicle and a train or other on-track equipment or a near miss incident:*~~

~~*(a) An official traffic control device described in NRS 484B.307; and*~~

~~*(b) An automated traffic enforcement system to enforce the provisions of NRS 484B.307, and any corresponding traffic regulation.*~~

~~*2. Before a civil infraction citation is issued pursuant to NRS 484A.7033 for a violation of the provisions of NRS 484B.307 or any corresponding traffic regulation which was detected by an automated traffic enforcement system, the evidence of the violation from the automated traffic enforcement system must be reviewed for accuracy by a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system.*~~

~~*3. A civil infraction citation issued pursuant to NRS 484A.7033 for a violation described in subsection 2 must be sent by the traffic enforcement agency described in subsection 2 by first class mail to the address listed with the Department for the registered owner of the vehicle identified by the automated traffic enforcement system.*~~

~~*4. In addition to the information required pursuant to subsection 1 of NRS 484A.7035, a civil infraction citation issued pursuant to NRS 484A.7033 for a violation described in subsection 2 must include:*~~

~~*(a) The date and time of the violation;*~~

~~*(b) An image taken by the automated traffic enforcement system showing the vehicle involved in the violation or the address of the Internet website on which such an image may be viewed; and*~~

~~*(c) A statement summarizing the provisions of subsection 5.*~~

~~*5. The registered owner of a vehicle is presumed to be the driver of the vehicle at the time of a violation of the provisions of NRS 484B.307 or any corresponding traffic regulation which was detected by an automated traffic enforcement system. Such a presumption may be rebutted if the registered owner of the vehicle presents as evidence at a hearing held pursuant to subsection 3 of NRS 484A.704, an affidavit stating:*~~

~~*(a) The name and address of the person having care, custody and control of the vehicle at the time of the violation; or*~~

~~*(b) That the vehicle was, at the time of the violation, stolen. Such an affidavit must be accompanied by evidence that supports the affidavit, including, without limitation, a police report or an insurance report.*~~

~~*6. The provisions of this section do not prohibit a peace officer from issuing a citation for a violation of any law of this State at the place where an automated traffic enforcement system is installed and in use if the peace officer witnesses a violation. A person who is issued a citation by a peace officer pursuant to this subsection must not be issued a civil infraction citation based on evidence from the automated traffic enforcement system for the same violation for which the peace officer issued the person the citation.*~~

~~*7. A violation of the provisions of NRS 484B.307 for which a civil infraction citation is issued pursuant to NRS 484A.7033 for a violation described in subsection 2:*~~

~~*(a) Is not a moving traffic violation under NRS 483.473; and*~~

~~*(b) Is punishable by an administrative fine in an amount set by the local authority, but not less than $50.*~~

~~*8. As used in this section:*~~

~~*(a) "Automated traffic enforcement system" means a stationary electronic or digital system which creates a photograph or other recorded image of a vehicle which is used as evidence of a violation of a traffic law by the driver of the vehicle.*~~

~~*(b) "Corresponding traffic regulation" means a traffic regulation enacted by ordinance by a local authority pursuant to NRS 484A.400 that prohibits the same conduct prohibited by NRS 484B.307.*~~

~~*(c) "Near-miss incident" means an occurrence that could have resulted in an impact between a motor vehicle and a train or other on-track equipment but the impact was prevented.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 484A.600 is hereby amended to read as follows:~~

~~484A.600~~ ~~[A]~~ ***Except as otherwise provided in section 4 of this act, a*** ~~governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation or civil infraction citation pursuant to NRS 484A.7035 for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is a portable camera or event recording device worn or held by a peace officer, the equipment is otherwise installed temporarily or permanently within a vehicle or facility of a law enforcement agency or the equipment is privately owned by a nongovernmental entity.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 484A.640 is hereby amended to read as follows:~~

~~484A.640 1. Except for a citation issued pursuant to NRS 484A.700~~ ~~[,]~~ ***or section 4 of this act,*** ~~whenever a police officer makes an arrest or issues a citation to a person for any violation of chapters 484A to 484E, inclusive, of NRS, the police officer shall record the name as given by that person, the number of the person's driver's license and a brief description of the person's physical appearance. This information must be maintained in a record for offenses kept at the traffic enforcement agency which employs that officer.~~

~~2. Whenever a police officer stops a driver of a motor vehicle for any violation of chapters 484A to 484E, inclusive, of NRS and requests information from a traffic enforcement agency concerning that person's record of prior offenses, the police officer shall compare not only the driver's name but also the number of his or her driver's license and physical description with any information obtained from the agency as a result of the request. If the information received from the agency indicates that the driver's name is on an outstanding warrant for a prior offense, the officer shall not arrest the driver for that prior offense unless the additional information used for comparison also connects the driver with that prior offense.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 484A.704 is hereby amended to read as follows:~~

~~484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049~~ ~~, or section 4 of this act,~~ ~~shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued.~~

~~2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court~~

~~specified in the citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.~~

~~— 3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.~~

~~— 4. Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.~~

~~— 5. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.~~

~~— 6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.~~

~~— 7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.~~**]** **(Deleted by amendment.)**

Sec. 8. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 9. This act becomes effective on July 1, 2023.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 7, 156, 216, 224, 228, 237, 249, 253, 270, 283, 292, 310, 313, 369, and 389 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblymen Newby and Gray.

ASSEMBLYWOMAN NEWBY:

Assembly Bill 14 creates the Business Licensing Working Group to study certain issues relating to business licensing during the 2023-2024 interim. The Working Group is required to submit a report to the Legislature that addresses the issues reviewed or studied and any recommendations by December 31, 2024.

ASSEMBLYMAN GRAY:

I rise in support of Assembly Bill 14. I applaud the Lieutenant Governor and the Secretary of State for working together on this legislation. I look forward to seeing the solutions the Working Group comes up with to ease the licensing burden that businesses in Nevada are currently facing. I urge all of my colleagues to support this.

Roll call on Assembly Bill No. 14:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 49.

Bill read third time.

Remarks by Assemblywoman La Rue Hatch.

ASSEMBLYWOMAN LA RUE HATCH:

Assembly Bill 49 makes changes to clarify the process of filing for a petition for a writ of habeas corpus.

Roll call on Assembly Bill No. 49:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 55.

Bill read third time.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:

Assembly Bill 55 revises provisions of the Uniform Unclaimed Property Act, including, but not limited to, making various changes relating to the dates on which certain unclaimed property is presumed abandoned.

Roll call on Assembly Bill No. 55:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 70 revises provisions relating to the use of proceeds collected from the $3 game tag application processing fee. Specifically, the bill requires the Department of Wildlife to use such proceeds, as directed by the applicant, for either developing and implementing a program for the lethal removal of predatory wildlife or wildlife management activities for the protection of nonpredatory game species and their habitats.

Roll call on Assembly Bill No. 70:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126.

Bill read third time.

Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

Assembly Bill 126 is an omnibus measure that revises various provisions governing Nevada business entities. Among other things, the bill authorizes certain business entities to correct an erroneously filed record with the Office of the Secretary of State; clarifies the content of the affidavit required to be submitted with a demand to inspect certain private corporation records;

authorizes a publicly traded corporation, with the approval of certain stockholders, to decrease the number of issued and outstanding shares of a class or series; revises provisions governing permissible restrictions on the transfer of shares of a corporation by clarifying the manner in which a transferee may be presumed to have knowledge of the restriction; and repeals, reenacts, and reorganizes the definitions of "advance notice statement" and "statement of intent" for the purposes of certain provisions relating to dissenters' rights.

The bill also authorizes the board of directors to require a confidentiality agreement with a stockholder or other person who submits a demand to inspect the books of account or financial statements of the corporation and to change the name of a corporation without the approval of the stockholders, unless the articles of incorporation require such approval. Finally, the bill clarifies the actions available to a board of directors with respect to the adoption or signing of plans, arrangements, or instruments and protecting the interests of the corporation and its stockholders.

Roll call on Assembly Bill No. 126:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 127.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 127 says that an insurer, other person, or entity must treat the purchase of a Medicare supplemental policy during the open enrollment period in the same manner as a renewal of a Medicare supplemental policy for the purposes of paying a commission.

Roll call on Assembly Bill No. 127:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 169.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 169 requires boxes containing feminine hygiene products manufactured on or after January 1, 2025, to have a label listing all product ingredients.

Roll call on Assembly Bill No. 169:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, McArthur, O'Neill, Yurek—12.

EXCUSED—González, Thomas—2.

Assembly Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 171.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

This bill establishes the criteria for a public body or its authorized representative to consider in selecting the responsive and responsible bidder offering the best value bid. It is effective on July 1, 2023.

Roll call on Assembly Bill No. 171:

YEAS—26.

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

EXCUSED—González, Thomas—2.

Assembly Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblyman Gray.

ASSEMBLYMAN GRAY:

Assembly Bill 173 revises provisions relating to certain bids for a public work for which a list disclosing first-tier subcontractors is required. Specifically, the bill requires the prime contractors who submitted the three lowest bids to submit, within two hours after the completion of the opening of the bids, the names of each first-tier subcontractor who will provide labor or a certain portion of the work to the prime contractor for which the first-tier subcontractor will be paid an amount exceeding $100,000 instead of an amount exceeding $250,000.

Roll call on Assembly Bill No. 173:

YEAS—38.

NAYS—Anderson, La Rue Hatch—2.

EXCUSED—González, Thomas—2.

Assembly Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 175.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 175, as amended, adds four appointed, nonvoting members to the board of trustees of a county school district with more than 75,000 students, which is currently only Clark County. It also specifies the appointment process and certain roles and responsibilities for these members.

Roll call on Assembly Bill No. 175:

YEAS—29.

NAYS—Anderson, DeLong, Dickman, Gray, Gurr, Hafen, Hansen, La Rue Hatch, McArthur, Brittney Miller, Summers-Armstrong—11.

EXCUSED—González, Thomas—2.

Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 190.

Bill read third time.

Remarks by Assemblywoman Kasama.

ASSEMBLYWOMAN KASAMA:

Assembly Bill 190 authorizes a title company, apartment association, or property management company to distribute a voter registration form provided by the Secretary of State to persons who complete a real estate transaction or sign a lease at the time of closing or at the signing of the lease. The voter registration form must allow a person to register to vote, update his or her voter registration, or cancel his or her voter registration.

Roll call on Assembly Bill No. 190:

YEAS—34.

NAYS—Anderson, Considine, La Rue Hatch, Brittney Miller, Nguyen, Summers-Armstrong—6.

EXCUSED—González, Thomas—2.

Assembly Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:

Assembly Bill 193 revises procedures related to a custodial interrogation of a child. A statement by a child obtained in violation of the provisions of this bill is presumed to be involuntary and inadmissible in any criminal or juvenile proceeding.

Roll call on Assembly Bill No. 193:

YEAS—26.

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

EXCUSED—González, Thomas—2.

Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:
Assembly Bill 223 requires a collection agency to provide, without charge, a debtor with a payoff letter.

Roll call on Assembly Bill No. 223:
YEAS—38.
NAYS—Dickman, Gallant—2.
EXCUSED—González, Thomas—2.
Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 256.
Bill read third time.
Remarks by Assemblywoman Mosca.

ASSEMBLYWOMAN MOSCA:
Assembly Bill 256 makes various changes to work-based learning programs.

Roll call on Assembly Bill No. 256:
YEAS—40.
NAYS—None.
EXCUSED—González, Thomas—2.
Assembly Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 274.
Bill read third time.
Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:
Assembly Bill 274 revises the one-half credit of economics in which a public high school pupil must enroll to include financial literacy, and it adds understanding and budgeting for certain costs to the description of skills necessary to manage finances. The bill also changes membership of the State Financial Literacy Advisory Council, adding one member who is a pupil enrolled in high school. Finally, the bill places the Council under Nevada's Department of Education.

Roll call on Assembly Bill No. 274:
YEAS—40.
NAYS—None.
EXCUSED—González, Thomas—2.
Assembly Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 275.
Bill read third time.
Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:
Assembly Bill 275 prohibits a court or agency of criminal justice in this state from charging any fees related to the sealing of a criminal record if, at the time the crime for which the record to

be sealed was committed, the petitioner was being sex trafficked. The petitioner is required to include a statement in the petition certifying that at the time of the crime, the petitioner was being sex trafficked.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 275:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 316.

Bill read third time.

Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:

Assembly Bill 316 revises the penalty for the unlawful possession of a certain number of unregistered vehicles unfit for use to be punishable by a civil penalty and not a criminal penalty. The bill also authorizes a local authority to adopt an ordinance prohibiting the same conduct. Lastly, the bill provides that such a local ordinance applies instead of the state law.

Roll call on Assembly Bill No. 316:

YEAS—35.

NAYS—Gray, Gurr, Hafen, Hibbetts, McArthur—5.

EXCUSED—González, Thomas—2.

Assembly Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 318.

Bill read third time.

Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

Assembly Bill 318 revises certain procedures the Board of Medical Examiners must follow to provide notice to a holder of a license to practice medicine that his or her license is scheduled to expire.

The measure also requires a physician assistant, a practitioner of respiratory care, a perfusionist, or an insurer of such a person to report to the Board any actions for malpractice; claim for malpractice that is submitted in arbitration or mediation, settlement, award judgment, or other disposition of such an action or claim; and certain sanctions imposed that are reportable to the National Practitioner Data Bank.

Roll call on Assembly Bill No. 318:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 334 provides that if an insurer requires the inspection for repair or further inspection of a motor vehicle relating to a claim by the insured or a claimant, the insurer must conduct the inspection within eight business days after receiving the claim and accepting liability. Additionally, the measure authorizes the Division of Insurance of the Department of Business and Industry to impose an administrative fine of not more than $1,200 for each violation.

Roll call on Assembly Bill No. 334:

YEAS—30.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, McArthur, O'Neill—10.

EXCUSED—González, Thomas—2.

Assembly Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 342.

Bill read third time.

Remarks by Assemblyman Hibbetts.

ASSEMBLYMAN HIBBETTS:

Assembly Bill 342 requires a cannabis establishment agent to verify the age of a consumer by checking a government-issued identification that contains a photograph of the consumer, using an approved scanner to determine the validity of the identification before selling cannabis or a cannabis product to the consumer.

This bill is effective upon passage and approval for the purpose 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. 342:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 355.

Bill read third time.

Remarks by Assemblymen Jauregui and Yurek.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 355 provides that a person who is less than 21 years of age is prohibited from handling, having possession of, or controlling any semiautomatic shotgun or a semiautomatic centerfire rifle. The bill provides an exception for a person who is under 21 years of age and who is a member, or an honorably discharged member, of the Armed Forces of the United States, the National Guard, a reserve component, or a law enforcement officer.

Today in Nevada, we are passing landmark legislation. As many of you know, I have been a strong advocate for gun violence prevention legislation since I entered public service, but particularly after the 1 October massacre, the worst mass shooting in our nation's history. Since

then, I have helped lead the charge to pass Assembly Bill 291 of the 80th Session—which banned bump stocks, the type of accessory used in the massacre that mimics a fully automatic firearm—as well as implement several other gun safety laws that improve public safety, such as red flag laws, child-safe storage laws, and a ban on ghost guns. These measures are necessary because gun violence is an inescapable epidemic across the country.

In the last five years, six of the nine deadliest mass shootings have been committed by individuals under the age of 21. Right now, guns are the number one killer of our children—from schools in Texas and Tennessee, to the front porches of Arkansas, to countless other unreported tragedies across this nation. Our children are dying, and our communities are mourning.

Well, I believe we can protect second-graders and the Second Amendment at the same time. Raising the age requirement to purchase an assault weapon to 21 is a commonsense gun safety measure that will make everyday Nevadans safer and more secure in their community. I urge this body to support this piece of legislation to keep our communities safe.

ASSEMBLYMAN YUREK:

Today, I stand in opposition to Assembly Bill 355. As I do, I hope we can all agree on three things. Number one: Currently, the *United State Constitution* and our *Nevada Constitution* protect the rights of our citizens to both keep and bear arms. Number two: Every individual involved in the legislation before us today has good intentions and a strong desire to protect Nevadans. Number three: We need to do something about the increasing incidence of gun violence against innocent Americans and, more specifically, Nevadans. However, the issue on which we do not agree is how to protect Nevadans and safeguard their constitutional rights.

I believe AB 355 was drafted with good intentions. However, to quote Ninth Circuit Court Judge Kenneth K. Lee who, when his court struck down a similar law in California this past year, stated, "We cannot allow good intentions to trump an enumerated and 'fundamental right' deeply rooted in the history and tradition of this country." The question this legislation asks is whether 18-, 19-, and 20-year-old individuals are mature enough to safely and wisely handle firearms, suggesting that this demographic is largely responsible for the gun violence epidemic in our country. But this assumption is factually untrue. Of the 142 mass shootings that have taken place over the past 40 years, only 6 percent were committed by an 18-, 19-, or 20-year-old individual who bought a gun legally. This is less than 1 percent of the guns purchased in Nevada, and not one of those incidents took place in Nevada.

Recent events as well as our own tragedy on October 1 have left us sensitive to this issue. But this legislation would affect less than 1 percent of the mass shootings that have taken place over the past 40 years. The more appropriate and relevant question is this: How do we prevent an individual with the intent to harm themselves or others from using a firearm to that end? Removing guns from the hands of individuals because of their age does not solve the problem, nor does it address the real issue. Additionally, we are creating an age discrimination issue that inarguably violates the *Nevada Constitution*.

By shifting our focus away from gun control and instead focusing on gun safety, we may be able to find a more effective solution that resolves all our concerns. The RAND Corporation reminds us, "Good gun policies require consideration of many factors, including the law and constitutional rights, the interests of various stakeholder groups, and information about the likely effects of different laws or policies on a range of outcomes." We know that background checks and safe storage laws have proven track records of reducing firearm injuries among children and youth. But laws regulating the type of firearms people have access to have made little impact on the rate of firearm-related homicides. Additionally, the minimum age of 21 required to purchase handguns has little effect on reducing firearm suicides among youth.

We do need a solution, but AB 355 is not it. I respectfully request that you vote no on AB 355. Let us try together to find gun safety solutions that both protect Nevadans and safeguard our constitutional rights.

Roll call on Assembly Bill No. 355:

YEAS—26.

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

EXCUSED—González, Thomas—2.

Assembly Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 356 provides that a person commits the crime of unlawful installation of a mobile tracking device if the person knowingly installs, conceals, or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the vehicle. A person who commits such a crime is guilty of a misdemeanor for the first offense, a gross misdemeanor for the second offense, or a category C felony for the third or any subsequent offense. The provisions of the bill do not apply to a law enforcement officer who installs, conceals, or otherwise places a mobile tracking device in or on a motor vehicle pursuant to a warrant or court order.

Roll call on Assembly Bill No. 356:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 358.

Bill read third time.

Remarks by Assemblyman Gray.

ASSEMBLYMAN GRAY:

Assembly Bill 358 transfers various duties, powers, and responsibilities related to emergency medical services for all counties except Clark County from the State Board of Health to the Bureau of Emergency Medical Services, which is established in the State Fire Marshal Division, Department of Public Safety. This bill further requires the Director of the Department of Public Safety to appoint the Committee on Emergency Medical Services and revises the Committee's membership and duties, requiring it to advise the Bureau instead of the Division of Public and Behavioral Health.

Roll call on Assembly Bill No. 358:

YEAS—39.

NAYS—Gurr.

EXCUSED—González, Thomas—2.

Assembly Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 373.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 373 revises provisions relating to deceptive trade practices. This bill is about protecting senior citizens.

Roll call on Assembly Bill No. 373:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 373 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 387.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 387 requires the State Engineer to use the best available science in rendering decisions concerning surface and underground sources of water in Nevada. The bill also adds language recognizing hydrologically connected surface waters and groundwaters and other language related to managing water rights and conflicts.

Roll call on Assembly Bill No. 387:

YEAS—26.

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

EXCUSED—González, Thomas—2.

Assembly Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

Remarks by Assemblywoman Kasama.

ASSEMBLYWOMAN KASAMA:

Assembly Bill 392 prohibits a service provider from entering into or recording a service agreement with an owner of residential property that provides for the performance of that agreement more than one year from the date of the execution, with additional criteria. Such a service agreement recorded on or after October 1, 2023, is void and unenforceable. The bill provides that a county recorder may refuse to record such an agreement. In addition, a person with an interest in a residential property subject to such an agreement may bring a civil action for equitable relief, actual damages, actual costs, and attorney's fees.

The measure also revises provisions governing persons who hold a permit to engage in property management.

Roll call on Assembly Bill No. 392:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 392 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 398.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 398 prohibits an insurer from issuing or renewing a liability insurance policy that contains certain provisions.

Roll call on Assembly Bill No. 398:

YEAS—29.

NAYS—Backus, DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Kasama, McArthur, O'Neill—11.

EXCUSED—González, Thomas—2.

Assembly Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 407.

Bill read third time.

Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:

Assembly Bill 407 prohibits the Director of the Department of Motor Vehicles from releasing any personal information for any purpose relating to the enforcement of immigration laws without a court order, subpoena, or warrant.

Roll call on Assembly Bill No. 407:

YEAS—26.

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

EXCUSED—González, Thomas—2.

Assembly Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 423.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 423 prohibits a board of trustees of a school district from taking any action at a regular or special meeting after 11:59 p.m. on the day of the meeting, except in an emergency that impacts the school district.

Roll call on Assembly Bill No. 423:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Remarks by Assemblywoman Gallant.

ASSEMBLYWOMAN GALLANT:

Assembly Bill 455, in its first reprint, authorizes the Department of Taxation to impose a civil penalty for certain violations relating to contraband tobacco products. The penalty that the Department may impose for these violations may not exceed the greater of $10,000 or the total costs incurred by the Department relating to transportation, storage, and disposal of contraband tobacco.

Roll call on Assembly Bill No. 455:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Kirby, Michele Stevenson, and Tracy Byers.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Striejewske, Ciara Ressel, J.J. Goicoechea, and Meghan Brown.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Ella Mary Brannon, Erin Brannon, and Megyn Emery Brannon.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Jorjorian, Kenya Henderson, and Shalimar Cabrera.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Carmen Gilbert, Cory Nelson, and Misti Duplex.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Smith, Sandi Milton, and Trinh Dang.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Mayor Lori Bagwell, Ronni Hannaman, and the following students, teachers, and chaperones from Edith

W. Fritch Elementary School: Adam Woolridge, Adien Garnica-Preciado, Aedon Atkinson, Allie McGinley, Alondra Lopez-Rayo, Andrew Miner, Andrew Warner, Angel Victorio, Annabelle Lyons-Avedano, Annalis Porter, Asher Gragg, Ataya Belmont, Augustus Noll, Austin Briscoe, Braxton McGee, Briella Harrison, Brooklyn Falconer, Bryslee Peters, Cassidy Mills, Charlize Aguirre, Charlotte DeSerrano, Clark Wood, Conrad (Moose) Macgill, Dakota Wilson Soria, Dayana Gutierrez, Dayla Kuchnicki, Derrick Manley, Edgar Munoz, Elijah Pinedo, Emma Besaw, Emmy Maxfield, Eric Luna-Solis, Evelyn Bueltel, Hannah Parker, Harper Moreno, Hope Ponczoch, Houston Hohl, Jayden Acosta Bruno, Jazmin Flores, Jordan Kuhlman, Joy Ponczoch, Juliette Ipsen, Jullian Jesse, Kaydence Gomez, Ki-lee Laliberte, Kimberly Tovar, Knox Seaver, Kyle Feser, Liam Johnson, Liam Kulleseid, Luis Mariscal, Marley Coclich, Mary Wonner, Matthew Cooper, Mavis Dwyer, Maximus Martinez, Micah Johnson, Michael Bittner, Mira Redick, Navneet Gill, Neil Porterfield, Oliver Jensick, Oliver Robinson, Randy Hunsaker, Robert Haney IV, Romeo Ampudia, Ruari Cornmesser, Ryan Showen, Scarlett Richmond, Silas Kingman, Skyler England, Sonia (Izzy) Basilio, Sophia Wilson, Stefan (Max) Giurca, Tamia Julian, Tristyn Ardinger, Violet Olson, William Helton, Wyatt Huneycutt, Yasmin Payon, and Zahra Anderson.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Boyd Spratling and John Griggs.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Yurek.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, April 24, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:05 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly