

NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 24, 2023

Assembly called to order at 12:03 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rajan Zed.

Om,

bhur bhuvah svah, tat savitur varenyam,

bhargo devasya dhimahi, dhiyo you nah prachodayat.

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky, and inside the soul of the heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya

tamaso ma jyotir gamaya

mrityor mamrtam gamaya.

Lead us from the unreal to the Real. Lead us from darkness to light. Lead us from death to immortality.

Tasmadasaktah satatam karyam karma samacara,

asakto hyacarankarma paramapnoti purusah.

Karmanaiva hi samsiddhimasthita janakadayah,

lokasangrahavevapi sampasyankartumarhasi.

Strive constantly to serve the welfare of the world; by devotion to selflessness one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu, saha nau bhunaktu,

saha viiryan karavaavahai, tejasvi naavadhiitamastu,

maa vidhvisshaavahai.

May we be protected together. May we be nourished together. May we work together with great vigor. May our study be enlightening. May no obstacle arise between us.

Om shanti, shanti, shanti.

Peace, peace, peace be unto all.

Om.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 153, 322, 332, 364, 434, 439, 441, 442, 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 was rereferred Assembly Bill No. 213, 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 was referred Assembly Bill No. 250, 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 was referred Assembly Bill No. 386, 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 was referred Assembly Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 42, 65, 226, 241, 264, 269, 285, 296, 323, 330, 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 Education, to which were referred Assembly Bills Nos. 150, 182, 282, 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 225, 312, 378, 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 Health and Human Services, to which were referred Assembly Bills Nos. 11, 85, 155, 168, 265, 383, 422, 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. 179, 348, 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. 117, 148, 160, 227, 309, 354, 371, 405, 408, 414, 444, 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 Judiciary, to which was rereferred Assembly Bill No. 340, 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 Bills Nos. 246, 286, 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 was referred Assembly Bill No. 34, 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 Natural Resources, to which was referred Assembly Bill No. 86, 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*

Mr. Speaker:

Your Committee on Revenue, to which were referred Assembly Bills Nos. 41, 232, 416, 428, 429, 430, 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA BACKUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 441.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 22, 106, 146, 161, 260, 315, 354, 410.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 8.

Resolution read.

Remarks by Assemblyman D'Silva.

ASSEMBLYMAN D'SILVA:

Assembly Joint Resolution 8 urges the United States Congress to support legislation to remove cannabis from schedule I of the Controlled Substances Act.

YEAS—37.

NAYS—Hafen, Hansen, Hardy, McArthur, Yurek—5.

Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

NOTICE OF EXEMPTION

April 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Senate Bills Nos. 242, 373.

WAYNE THORLEY
Fiscal Analysis Division

April 23, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 419, 422, 434.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that the Assembly withdraw Senate Bill No. 418 from the Committee on Judiciary.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 418 be rereferred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblywoman Monroe-Moreno moved that Assembly Bill No. 381 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 22.

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

Motion carried.

Senate Bill No. 106.

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

Motion carried.

Senate Bill No. 146.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 161.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 260.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 315.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 354.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 410.

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

Motion carried.

Senate Bill No. 441.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 11.

Bill read second time.

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

Amendment No. 266.

SUMMARY—~~Prohibits certain~~ **Revising provisions governing** hospitals ~~from employing a physician.~~ (BDR 40-382)

AN ACT relating to health care; prohibiting a hospital or psychiatric hospital from employing a physician under certain circumstances; providing penalties for a violation of such prohibition; **prohibiting a hospital from taking measures to restrict certain activity of a provider of health care who is employed by or serves as an independent contractor of the hospital;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements governing the staffing of hospitals, psychiatric hospitals and certain other health care facilities. (NRS 449.241-449.2428) In 2010, the Attorney General issued an opinion explaining that, while it is the longstanding practice in Nevada that a physician generally works as a contractor for, rather than an employee of, a hospital, there is no provision of law prohibiting a hospital from employing a physician. (Att'y Gen. Op. 2010-04 (March 5, 2010)) **Section 1** of this bill expressly prohibits a

hospital or psychiatric hospital from employing a physician for the purpose of practicing medicine, homeopathic medicine or osteopathic medicine except where expressly authorized by law.

Existing law authorizes a county hospital or hospital district, a private nonprofit medical school, ~~for~~ a nonprofit medical research institution **or certain mental health facilities operated by divisions of the Department of Health and Human Services** to employ a physician under certain circumstances. (NRS ~~433.264, 433B.150~~, 450.180, 450.640, 630.365) **Section 1** additionally authorizes a hospital or psychiatric hospital to employ a physician: **(1) who is participating in certain graduate programs; or (2) if the hospital or psychiatric hospital is owned or operated by the State Government.**

Existing law exempts a medical facility from certain requirements of existing law relating to the licensing and regulation of medical facilities if the facility: (1) is conducted by and for the adherents of any church or religious denomination for the purpose of providing care and treatment in accordance with the practices of the religion of the church or denomination; or (2) is operated and maintained by the United States Government or an agency thereof. (NRS 449.0301) **Section 2** of this bill exempts these facilities from the provisions of **section 1**.

Existing law authorizes certain penalties to be imposed against certain medical facilities that violate certain laws and regulations governing the operation of such medical facilities. (NRS 449.160, 449.163, 449.220, 449.240) **Sections 3 and 4** of this bill apply these same penalties to a hospital or psychiatric hospital that violates **section 1**. Specifically: (1) **section 3** of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to suspend or revoke the license of a hospital or psychiatric hospital that violates **section 1**; and (2) **section 4** authorizes the Division to impose certain other penalties on a hospital or psychiatric hospital that violates **section 1**, including, without limitation, the imposition of an administrative penalty of not more than \$5,000 per day for each violation, together with interest at a rate not to exceed 10 percent per year.

Sections ~~5-8~~ 5-7 and 8 of this bill make conforming changes to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law makes it an unlawful employment practice to discriminate against any employee because the employee has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another employee. (NRS 613.330) Section 7.3 of this bill prohibits a hospital from including in a contract with a provider of health care any provision prohibiting the provider from discussing with other persons his or her wages or salary or other information relating to working conditions. Section 7.3 also prohibits a hospital from taking any action to prevent a provider of health care from: (1) discussing such topics; or (2) working for another medical facility or office.

Existing law provides that a noncompetition covenant is void unless the covenant: (1) is supported by valuable consideration; (2) does not impose any restraint that is greater than is required for the protection for the employer; (3) does not impose an undue hardship on the employee; and (4) imposes restrictions that are appropriately related to the consideration for the covenant. (NRS 613.195) Section 7.8 of this bill prohibits a hospital from entering into a noncompetition covenant with a provider of health care that prohibits the provider from providing medical services at another medical facility or office during or after the term of the employment or contract, as applicable. Section 7.8 provides that any provision of a noncompetition covenant that violates that prohibition is void. Additionally, the provisions of sections 7.3 and 7.8 would be subject to administrative enforcement by the Labor Commissioner. (NRS 607.160)

Section 8.5 of this bill requires the Joint Interim Standing Committee on Health and Human Services to conduct a study on the employment of physicians by corporations. Section 8.5 authorizes the Standing Committee to request the drafting of 1 legislative measure to amend or repeal section 1 or make other changes relating to the study at the 83rd Session of the Legislature.

Section 10 of this bill makes this bill effective upon the passage of the bill by the Legislature and approval of the bill by the Governor. Section 9 of this bill provides that **section 1** does not apply to any contract existing on the date on which this bill becomes effective. ~~but does apply to any renewal of such a contract.~~

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, NRS ~~433.264, 433B.150, 450.180, 450.640~~ and 630.365 or any other provision of law, a hospital or psychiatric hospital shall not employ as an employee a physician for the purpose of engaging in the practice of medicine, homeopathic medicine or osteopathic medicine.

2. A hospital or psychiatric hospital may employ as an employee a physician ~~who~~:

(a) Who is participating in a graduate program approved by the Accreditation Council for Graduate Medical Education, or its successor organization, for the purpose of engaging in the practice of medicine, homeopathic medicine or osteopathic medicine ~~or~~;

(b) If the hospital or psychiatric hospital is owned or operated by the State Government.

3. *A hospital or psychiatric hospital that employs or contracts with a physician or other provider of health care shall ensure the contract complies with the provisions of section 7.3 of this act and NRS 613.195.*

4. *As used in this section:*

(a) *“Homeopathic medicine” has the meaning ascribed to it in NRS 630A.040.*

(b) *“Osteopathic medicine” has the meaning ascribed to it in NRS 633.081.*

(c) *“Practice of medicine” has the meaning ascribed to it in NRS 630.020.*

Sec. 2. 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 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. 3. 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 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 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 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. 4. 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 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 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 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. 5. 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 ~~1~~, **and section 1 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. 6. 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 ~~1~~, **and section 1 of this act**.

Sec. 7. NRS 449.241 is hereby amended to read as follows:

449.241 As used in NRS 449.241 to 449.2428, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in

NRS 449.2413 to 449.2418, inclusive, have the meanings ascribed to them in those sections.

Sec. 7.3. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital that employs or contracts with a provider of health care shall not:

(a) Include in the contract for employment or services any provision prohibiting the provider of health care from discussing with other persons matters relating to the contract or his or her experience at the hospital, including, without limitation:

(1) His or her wages or salary;

(2) Any harassment, violence or retaliation he or she or any other person experienced at the hospital; or

(3) Any other information relating to the working conditions at the hospital.

(b) Act to prevent a provider of health care from discussing information described in paragraph (a) or providing medical services at another medical facility or office during or after the term of the employment or contract, as applicable.

(c) Retaliate against or impose discipline upon a provider of health care who discusses information described in paragraph (a) or provides medical services at another medical facility or office during or after the term of the employment or contract, as applicable.

2. The provisions of this section must not be construed to prevent a hospital from taking any action necessary to prevent the disclosure of information protected by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or that is otherwise confidential.

3. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 7.8. NRS 613.195 is hereby amended to read as follows:

613.195 1. A noncompetition covenant is void and unenforceable unless the noncompetition covenant:

(a) Is supported by valuable consideration;

(b) Does not impose any restraint that is greater than is required for the protection of the employer for whose benefit the restraint is imposed;

(c) Does not impose any undue hardship on the employee; and

(d) Imposes restrictions that are appropriate in relation to the valuable consideration supporting the noncompetition covenant.

2. A noncompetition covenant may not restrict, and an employer may not bring an action to restrict, a former employee of an employer from providing service to a former customer or client if:

(a) The former employee did not solicit the former customer or client;
(b) The customer or client voluntarily chose to leave and seek services from the former employee; and

(c) The former employee is otherwise complying with the limitations in the covenant as to time, geographical area and scope of activity to be restrained, other than any limitation on providing services to a former customer or client who seeks the services of the former employee without any contact instigated by the former employee.

↪ Any provision in a noncompetition covenant which violates the provisions of this subsection is void and unenforceable.

3. A noncompetition covenant may not apply to an employee who is paid solely on an hourly wage basis, exclusive of any tips or gratuities.

4. **A noncompetition covenant may not restrict a provider of health care employed by or contracted with a hospital in this State from providing medical services at another medical facility or office during or after the term of the employment or contract, as applicable. This subsection does not prevent a hospital from taking any action necessary to prevent the disclosure of information protected by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or that is otherwise confidential. Any provision in a noncompetition covenant which violates the provisions of this subsection is void and unenforceable.**

5. An employer in this State who negotiates, executes or attempts to enforce a noncompetition covenant that is void and unenforceable under this section does not violate the provisions of NRS 613.200.

~~{5}~~ 6. If the termination of the employment of an employee is the result of a reduction of force, reorganization or similar restructuring of the employer, a noncompetition covenant is only enforceable during the period in which the employer is paying the employee's salary, benefits or equivalent compensation, including, without limitation, severance pay.

~~{6}~~ 7. If an employer brings an action to enforce a noncompetition covenant or an employee brings an action to challenge a noncompetition covenant and the court finds the covenant is supported by valuable consideration but contains limitations as to time, geographical area or scope of activity to be restrained that are not reasonable, imposes a greater restraint than is necessary for the protection of the employer for whose benefit the restraint is imposed or imposes undue hardship on the employee, the court shall revise the covenant to the extent necessary and enforce the covenant as revised. Such revisions must cause the limitations contained in the covenant as to time, geographical area and scope of activity to be restrained to be reasonable, to not impose undue hardship on the employee and to impose a restraint that is not greater than is necessary for the protection of the employer for whose benefit the restraint is imposed.

~~{7}~~ 8. If an employer brings an action to enforce a noncompetition covenant or an employee brings an action to challenge a noncompetition covenant and the court finds that the noncompetition covenant applies to an

employee described in subsection 3, ~~for~~ that the employer has restricted or attempted to restrict a former employee in the manner described in subsection 2, ~~for~~ **or that the noncompetition covenant violates subsection 4,** the court shall award the employee reasonable attorney's fees and costs. Nothing in this subsection shall be construed as prohibiting a court from otherwise awarding attorney's fees to a prevailing party pursuant to NRS 18.010.

~~8.1~~ **9.** As used in this section:

(a) "Employer" means every person having control or custody of any employment, place of employment or any employee.

(b) **"Hospital" has the meaning ascribed to it in NRS 449.012.**

(c) **"Medical facility" has the meaning ascribed to it in NRS 449.0151.**

~~(d)~~ "Noncompetition covenant" means an agreement between an employer and employee which, upon termination of the employment of the employee, prohibits the employee from pursuing a similar vocation in competition with or becoming employed by a competitor of the employer.

~~(e)~~ **"Provider of health care" has the meaning ascribed to it in NRS 629.031.**

Sec. 8. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, **and section 1 of this act**, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue

subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 8.5. 1. As part of its review of health and human services during the 2023-2024 legislative interim, the Joint Interim Standing Committee on Health and Human Services shall study the employment of physicians by corporations, including, without limitation, the benefits and drawbacks of such employment in different situations.

2. The Joint Interim Standing Committee on Health and Human Services may request the drafting of 1 legislative measure, in addition to those requested pursuant to NRS 218D.160, to amend or repeal section 1 of this act or make other changes relating to the study conducted pursuant to this section at the 83rd Session of the Nevada Legislature.

Sec. 9. 1. The provisions of section 1 of this act do not apply to any contract existing on the effective date of this act between a hospital or psychiatric hospital, as defined in NRS 449.2414, and a physician. ~~It~~

2. The provisions of section 7.3 and NRS 613.195, as amended by section 7.8 of this act, do not apply to any contract existing on the effective date of this act between a hospital, as defined in NRS 449.012, and a provider of health care, as defined in NRS 629.031, but apply to any renewal of such a contract.

Sec. 10. 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. 34.

Bill read second time.

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

Amendment No. 281.

AN ACT relating to water; revising various public notice requirements relating to water; revising certain requirements for maps relating to water rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is required to publish certain notices and court orders in a newspaper of general circulation consecutively for certain

periods of time. (NRS 533.087, 533.095, 533.165, 533.360) ~~1, 534.037, 534.270)~~ **Sections 1, 2, 5 ~~1, 12 and 13~~ and 6 ~~1, 12 and 13~~** of this bill ~~revise these requirements~~ **eliminate the requirement** to ~~1, (1) provide that if a newspaper of general circulation fails to~~ publish the notice or order submitted by the State Engineer ~~[the required number of times or] consecutively . 1, the State Engineer is not required to republish the notice or order if the notice or order is published at least once by the newspaper; and (2) require the State Engineer to mail the notice or order to not less than one public library in an affected county or counties or, if there is no public library, another public place, for public posting.~~

~~Existing law requires the State Engineer to: (1) publish notice that an application has been filed in compliance with chapter 533 of NRS once a week for 4 consecutive weeks in a newspaper of general circulation where the point of diversion is located; and (2) file proof of publication within 30 days after the final day of publication. (NRS 533.360) Section 6 eliminates the requirement that the State Engineer file proof of publication.]~~ **Sections 2, 5 and 6 further require the Division of Water Resources of the State Department of Conservation and Natural Resources to post the notice or court order on the Internet website of the Division.**

Existing law authorizes any interested person to file a written protest against the granting of an application for a permit within 30 days of the last publication of the notice of application. (NRS 533.365) ~~[Section 6 requires the State Engineer to add to the notice of an application the date on which the period of notice will end.]~~ **Section 8** of this bill provides that a person may file a protest against the granting of an application for a permit within **60 days after the first date of publication or if the notice is not posted consecutively, within 30 days after the ~~end of the required period~~ last date of publication of the** notice for certain applications ~~1,~~

~~Existing law provides that if water for which a permit is requested will be used or diverted from a county other than the county in which the water is or is currently used or diverted, the State Engineer must notify the board of county commissioners of the county in which the water will be appropriated and the board of county commissioners of the county in which the water will be diverted or used. Each board of county commissioners must consider the request at a public meeting and provide public notice of the meeting in a newspaper of general circulation in the county for a period of 3 consecutive weeks before the meeting. (NRS 533.363) Section 7 of this bill provides that if the newspaper fails to publish the notice 3 times or consecutively for 3 weeks, the board of county commissioners is not required to republish the notice if the notice is published at least once by the newspaper.~~

~~Existing law provides that if the State Engineer has not acted on an application within 7 years after the final date for filing a protest, the State Engineer must republish notice of the application and the applicant must pay the cost of the republication. (NRS 533.370) Section 9 of this bill provides that the State Engineer will pay the cost of remailing the notice to a public library~~

~~or other public place in the county where the point of diversion is located.],~~
whichever is later. Section 8 further provides that if the State Engineer does not receive any protests to an application within 60 days after the first date of publication, the State Engineer: (1) may presume that the notice was published consecutively and process the application conditionally; and (2) may not grant the application or issue a permit until the State Engineer files proof that the notice was published and posted.

Sections 3, 10 and 11 of this bill remove requirements that certain maps relating to water rights be on mylar and tracing linen.

Section 4 of this bill clarifies that certain blank forms for a proof of appropriation must be included in the notice sent by the State Engineer to certain persons claiming rights in or to the waters of certain stream systems.

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

Section 1. NRS 533.087 is hereby amended to read as follows:

533.087 1. A claimant of any vested water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2027. If a claimant fails to file such proof on or before December 31, 2027, the claim shall be deemed to be abandoned.

2. Until December 31, 2027, the State Engineer shall cause notice of the provisions of subsection 1 to be:

(a) ~~Published~~ ~~[(Submitted for publication)]~~ annually for 4 ~~[(consecutive)]~~ weeks ~~in~~ ~~[(to)]~~ at least one newspaper of general circulation within the boundaries of each groundwater basin throughout the State. ~~[(If a newspaper to which the notice was submitted fails to publish the notice 4 times or consecutively for 4 weeks, the State Engineer is not required to republish the notice so long as the State Engineer ensures that the newspaper published the notice at least once.)]~~

(b) Posted on the Internet website maintained by the State Engineer.

~~[(c) Mailed to not less than one public library in each county of the State to be posted publicly. If there is no public library in a county, the notice must be mailed to another public place in the county.]~~

Sec. 2. NRS 533.095 is hereby amended to read as follows:

533.095 1. As soon as practicable after the State Engineer enters an order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.

2. The notice ~~shall~~ ~~[(must)]~~ set forth:

(a) That all claimants to rights in the waters of the stream system are required, as provided in this chapter, to make proof of their claims, except claimants who submitted proof of their claims pursuant to NRS 533.087;

(b) The date on which the State Engineer will commence taking proofs of appropriation regarding the rights in and to the waters of the stream system;

(c) The date by which all proofs of appropriation must be filed; and
(d) That all proofs of appropriation must be accompanied by maps prepared in accordance with and depicting any information required pursuant to NRS 533.100 and 533.115.

3. The ~~notice [State Engineer]~~ shall be ~~published~~ :

(a) ~~[Submit the notice for publication]~~ **Published** for a period of 4 ~~[consecutive]~~ weeks in one or more newspapers of general circulation within the boundaries of the stream system. ~~If a newspaper to which the notice was submitted fails to publish the notice 4 times or consecutively for 4 weeks, the State Engineer is not required to republish the notice so long as the State Engineer ensures that the newspaper published the notice at least once.~~

(b) ~~[Mail the notice to not less than one public library in each county within the boundaries of the stream system to be posted publicly. If there is no public library in a county within the boundaries of the stream system, the notice must be mailed to another public place in the county to be posted publicly.]~~ **Posted on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.**

4. At or near the time of the first ~~[State Engineer submits the notice for]~~ publication ~~of the notice, [to a newspaper of general circulation,]~~ the State Engineer shall send by mail to each person, or deliver to each person, in person, hereinafter designated as claimant, claiming rights in or to the waters of the stream system, insofar as such claimants can be reasonably ascertained, a notice equivalent in terms to the published notice setting forth the date when the State Engineer will commence the taking of proofs, and the date prior to which proofs must be filed with the State Engineer. The notice must be mailed at least 30 days prior to the date fixed for the commencement of the taking of proofs. The date set prior to which the proofs must be filed shall not be less than 60 days from the date set for the commencement of taking proofs. The notice shall be deemed to be an order of the State Engineer as to its contents.

Sec. 3. NRS 533.100 is hereby amended to read as follows:

533.100 1. The State Engineer shall begin an investigation of the flow of the stream and of the ditches diverting water, and of the lands irrigated therefrom, and shall gather such other data and information as may be essential to the proper determination of the water rights in the stream.

2. The State Engineer shall:

(a) Reduce his or her observations and measurements to writing.
(b) If necessary, execute surveys or cause them to be executed.
(c) If necessary, prepare, or cause to be prepared, maps from the observations of such surveys in accordance with such uniform rules and regulations as the State Engineer may adopt.

3. The surveys and maps shall show with substantial accuracy:

(a) The course of the stream.
(b) The location of each ditch or canal diverting water therefrom, together with the point of diversion thereof.

(c) The area and outline of each parcel of land upon which the water of the stream has been employed for the irrigation of crops or pasture.

(d) The kind of culture upon each of the parcels of land.

4. The map shall be prepared as the surveys and observations progress, and, when completed, shall be filed and made of record in the Office of the State Engineer. Such map for original filing in the Office of the State Engineer shall, in addition to complying with any other applicable rule or regulation of the State Engineer, be on ~~mylar, or~~ a scale of not less than 1,000 feet to the inch.

Sec. 4. NRS 533.115 is hereby amended to read as follows:

533.115 1. The State Engineer shall, in addition, enclose with the notice to be mailed as provided in **subsection 4 of** NRS 533.095, blank forms upon which a claimant who has not submitted proof pursuant to NRS 533.087 shall present in writing all particulars necessary for the determination of the claimant's right in or to the waters of the stream system. The form for a proof of appropriation must include the following:

(a) The name and mailing address of the claimant.

(b) The nature of the right or use on which the claim for appropriation is based.

(c) The time of the initiation of such right, the priority date claimed and a description of the place of diversion and works of diversion and distribution.

(d) The date of beginning of construction.

(e) The date when completed.

(f) The dates of beginning and completion of enlargements.

(g) The dimensions of the ditch as originally constructed and as enlarged.

(h) The date when water was first used for irrigation or other beneficial purposes.

(i) If the water was used for irrigation, the number of acres irrigated the first year, the number of acres irrigated in subsequent years, the dates of irrigation, the area and location of the lands which were irrigated, the character of the soil and the kind of crops cultivated, the rate of diversion and the number of acre-feet of water per annum required to irrigate the land.

(j) If the water was used for a beneficial purpose other than irrigation, the rate of diversion and the number of acre-feet of water used annually.

(k) If the water was used for watering livestock, the number and type of livestock.

(l) Any other facts as will show the extent and nature of the right and compliance with the law in acquiring the same, as may be required by the State Engineer.

2. A claimant must submit a separate proof of appropriation for each source of water of the stream system in which or to which the claimant claims a right.

3. The proof of appropriation submitted by the claimant must be accompanied by a map prepared, except as otherwise provided in subsection

4, in accordance with and depicting any information required pursuant to the requirements of subsections 3 and 4 of NRS 533.100.

4. If the map submitted with a proof of appropriation is prepared for water used for watering livestock, the map must be on a scale of not less than 1:24,000 or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude, and further identifying the location or extent of the livestock use by one-sixteenth sections within a numbered section, township and range.

Sec. 5. NRS 533.165 is hereby amended to read as follows:

533.165 1. As soon as practicable thereafter, a certified copy of the order of determination, together with the copies of the original evidence and transcript of testimony filed with, or taken before, the State Engineer, duly certified by the State Engineer, shall be filed with the clerk of the county, as ex officio clerk of the district court, in which the stream system is situated, or, if in more than one county but all within one judicial district, then with the clerk of the county wherein reside the largest number of parties in interest.

2. If such stream system shall be in two or more judicial districts, then the State Engineer shall notify the district judge of each of such judicial districts of his or her intent to file such order of determination, whereupon, within 10 days after receipt of such notice, such judges shall confer and agree where the court proceedings under this chapter shall be held and upon the judge who shall preside, and on notification thereof the State Engineer shall file the order of determination, evidence and transcripts with the clerk of the court so designated.

3. If such district judges fail to notify the State Engineer of their agreement, as provided in subsection 2, within 5 days after the expiration of such 10 days, then the State Engineer may file such order of determination, evidence and transcript with the clerk of any county the State Engineer may elect, and the district judge of such county shall have jurisdiction over the proceedings in relation thereto.

4. If the judge so selected and acting shall retire from office, or be removed from office or be disqualified, for any cause, then the judge of the district court having jurisdiction of the proceedings shall act as the judge on the matter or shall select the judge to preside in such matter.

5. In all instances a certified copy of the order of determination shall be filed with the county clerk of each county in which such stream system, or any part thereof, is situated.

6. Upon the filing of the certified copy of the order, evidence and transcript with the clerk of the court in which the proceedings are to be had, the State Engineer shall procure an order from the court setting the time for hearing. The clerk of such court shall immediately furnish the State Engineer with a certified copy thereof. The State Engineer immediately thereupon shall ~~mail~~ :

(a) Mail a copy of ~~such~~ **the** certified order of the court, by registered or certified mail, addressed to each party in interest at the party's last known place of residence . ~~f, and shall cause the same~~

(b) *Submit a copy of the certified order of the court* to be published at least once a week for 4 ~~consecutive~~ weeks in some newspaper of general circulation that is available in general circulation in each county in which such stream system or any part thereof is located. ~~If a newspaper fails to publish the order 4 times or consecutively for 4 weeks, the State Engineer is not required to republish the order so long as the State Engineer ensures that the newspaper published the order at least once.~~

(c) ~~Mail~~ *Post a copy of the certified order* ~~to not less than one public library in each county in which such stream system or any part thereof is located to be posted publicly. If there is no public library in a county in which such stream system or any part thereof is located, the order must be mailed to another public place in the county to be posted publicly.~~

~~Such service, publication and mailing shall be deemed to be full and sufficient notice to all parties in interest of the date and purpose of such hearing.~~ of the court on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.

7. The State Engineer shall file with the clerk of the court ~~proof~~ :

(a) *Proof* of ~~such~~ service by registered or certified mail ~~and by~~ in accordance with the requirements of paragraph (a) of subsection 6;

(b) *Proof* that the certified order was submitted for publication ~~to~~ ; and

(c) *Proof* that the certified order was posted on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.

~~Such service by registered or certified mail and by publication and posting shall be deemed full and sufficient notice to all parties in interest of the date and purpose of such hearing, and published at least once in accordance with the requirements of paragraph (b) of subsection 6; and~~

~~(c) Proof of mailing in accordance with the requirements of paragraph (c) of subsection 6.~~

Sec. 6. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 2 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 ~~consecutive~~ weeks in a newspaper of general circulation in the county where the point of diversion is located. ~~to~~

~~(a) Prepare~~ and post on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources, a notice of the application which sets forth:

(a) ~~(1)~~ That the application has been filed.

(b) ~~(2)~~ The date of the filing.

(c) ~~(3)~~ The name and address of the applicant.

(d) ~~(4)~~ The name of the source from which the appropriation is to be made.

(e) ~~[(5)]~~ The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

(f) ~~[(6)]~~ The purpose for which the water is to be appropriated.

↪ The publisher shall add thereto

~~[(b) For the notice prepared pursuant to paragraph (a):~~

~~— (1) Submit the notice for publication once a week for 4 consecutive weeks to a newspaper of general circulation in the county where the point of diversion is located. If the newspaper fails to publish the notice 4 times or consecutively for 4 weeks, the State Engineer is not required to republish the notice so long as the State Engineer ensures that the newspaper published the notice at least once.~~

~~— (2) Mail a copy of the notice to be posted publicly to not less than one public library in the county where the point of diversion is located. If there is no public library in the county in which the point of diversion is located, the order must be mailed to another public place in the county to be posted publicly.~~

~~— (c) Set forth in the [notice the] date of the first publication and the date of [on which]~~

~~— (1) The notice was mailed to the last publication, [public library or other public place in the county, as applicable; and~~

~~— (2) The period of notice ends, which must not be less than 45 days after the date the notice was mailed to a public library or other public place.]~~

2. Except as otherwise provided in subsection 4, proof of publication and posting must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed 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 applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

Sec. 7. ~~NRS 533.363 is hereby amended to read as follows:~~

~~533.363 1. Except as otherwise provided in subsection 2, if water for which a permit is requested is to be used in a county other than that county in which it is to be appropriated, or is to be diverted from or used in a different county than that in which it is currently being diverted or used, then the State Engineer shall give notice of the receipt of the request for the permit to:~~

~~—(a) The board of county commissioners of the county in which the water for which the permit is requested will be appropriated or is currently being diverted or used; and~~

~~—(b) The board of county commissioners of the county in which the water will be diverted or used.~~

~~2. The provisions of subsection 1 do not apply:~~

~~—(a) To an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504;~~

~~—(b) If:~~

~~—(1) The water is to be appropriated and used; or~~

~~—(2) Both the current and requested place of diversion or use of the water are,~~

~~— within a single, contiguous parcel of real property.~~

~~3. A person who requests a permit to which the provisions of subsection 1 apply shall submit to each appropriate board of county commissioners a copy of the application and any information relevant to the request.~~

~~4. Each board of county commissioners which is notified of a request for a permit pursuant to this section shall consider the request at the next regular or special meeting of the board held not earlier than 3 weeks after the notice is received. The board shall [provide] **submit to a newspaper of general circulation in the county a public notice of the meeting for publication for 3 consecutive weeks.** [in a newspaper of general circulation in its county.] The notice must state the time, place and purpose of the meeting. At the conclusion of the meeting the board may recommend a course of action to the State Engineer, but the recommendation is not binding on the State Engineer.~~

~~5. **If a newspaper fails to publish the notice required pursuant to subsection 4 consecutively for 3 weeks or 3 times, the board of county commissioners is not required to republish the notice so long as the board of county commissioners ensures that the newspaper published the notice at least once.** (Deleted by amendment.)~~

Sec. 8. NRS 533.365 is hereby amended to read as follows:

533.365 1. Any person interested may, within 60 days after the first date of publication or, if the notice is not published consecutively, 30 days after the date of last publication ~~[end of the period]~~ of the notice of ~~[for the]~~ application ~~[.] that is set forth in the notice pursuant to subparagraph (2) of paragraph (c) of~~ subsection 1 of NRS 533.360, **whichever is later,** file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which,

except as otherwise provided in subsection 2, must be verified by the affidavit of the protestant, or an agent or attorney thereof.

2. If the application is for a permit to change the place of diversion, manner of use or place of use of water already appropriated within the same basin, a protest filed against the granting of such an application by a government, governmental agency or political subdivision of a government must be verified by the affidavit of:

(a) Except as otherwise provided in paragraph (b), the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or

(b) If the governmental agency or political subdivision is a division or other part of a department, the director or other person in charge of that department in this State, including, without limitation:

(1) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;

(2) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;

(3) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;

(4) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;

(5) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or

(6) The chair of the board of county commissioners, if the protest is filed by a county.

3. On receipt of a protest that complies with the requirements of subsection 1 or 2, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which advice must be sent by certified mail.

4. The State Engineer shall consider the protest, and may, in his or her discretion, hold hearings and require the filing of such evidence as the State Engineer may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.

5. Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.

6. If the State Engineer holds a hearing pursuant to subsection 4, the State Engineer shall render a decision on each application not later than 240 days after the later of:

(a) The date all transcripts of the hearing become available to the State Engineer; or

(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.

7. The State Engineer shall adopt rules of practice regarding the conduct of a hearing held pursuant to subsection 4. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.

8. If the State Engineer does not receive any written protest against the granting of an application within 60 days after the first date of publication pursuant to subsection 1 of NRS 533.360, the State Engineer may presume that the notice was published consecutively and process the application conditionally. The State Engineer may not grant the application or issue a permit until the State Engineer files proof that the notice was published and posted pursuant to the requirements of NRS 533.360.

Sec. 9. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

- (a) The application is accompanied by the prescribed fees;
- (b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and
- (c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

- (1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

- (2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, where there is no unappropriated water in the proposed source of supply, where the groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State

Engineer shall ~~cause~~ ~~submit~~ notice of the application to be republished **and** ~~re-mail the notice of the application to be publicly posted~~ reposted pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. ~~[The cost of the remailing must be paid by the State Engineer.]~~ After such republication, ~~[renotification,]~~ and reposting, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, “domestic well” has the meaning ascribed to it in NRS 534.350.

Sec. 10. NRS 533.405 is hereby amended to read as follows:

533.405 1. The State Engineer may, in his or her discretion, request that the statement required by NRS 533.400 be accompanied by a map on ~~tracing linen or~~ a scale of not less than 1,000 feet to the inch, which shall show with substantial accuracy the following:

(a) The point of diversion by legal subdivisions or by metes and bounds from some corner, when possible, from the source of supply.

(b) The traverse of the ditch or other conduit, together with cross sections of the same.

(c) The legal subdivisions of the land embraced in the application for the permit and the outline by metes and bounds of the irrigated area, with the amount thereof.

(d) The average grade and the difference in elevation of the termini of the conduit, and the carrying capacity of the same.

(e) The actual quantity of water flowing in the canal or conduit during the time the survey was being made.

2. The map must bear the affidavit of the surveyor or engineer making such survey and map. If the survey and map are made by different persons the affidavit of each must be on the map, showing that the map as compiled agrees with the survey.

3. The map shall conform with such rules and regulations as the State Engineer shall make, which rules shall not be in conflict herewith.

Sec. 11. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water..... \$360.00

This fee includes the cost of publication, which is \$50.

For reviewing a corrected application or map, or both, in connection with an application for a water right permit 100.00

For examining and acting upon plans and specifications for construction of a dam 1,200.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right..... 240.00

This fee includes the cost of publication, which is \$50.

For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing right 180.00

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water, watering livestock or wildlife purposes..... 360.00

plus \$3 per acre-foot approved or fraction thereof.

Except for generating hydroelectric power, watering livestock or wildlife purposes, for issuing and

recording each permit to change an existing water right whether temporary or permanent for any purpose	300.00
plus \$3 per acre-foot approved or fraction thereof.	
For issuing and recording each permit for additional rate of diversion from a well where no additional volume of water is granted	1,000.00
For issuing and recording each permit to change the point of diversion or place of use of an existing right whether temporary or permanent for irrigation purposes, a maximum fee of	750.00
For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for watering livestock or wildlife purposes.....	240.00
plus \$50 for each cubic foot of water per second approved or fraction thereof.	
For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water.....	480.00
plus \$50 for each cubic foot per second of water approved or fraction thereof.	
For filing and examining a request for a waiver in connection with an application to drill a well	120.00
For filing and examining a notice of intent to drill a well	25.00
For filing and examining an affidavit to relinquish water rights in favor of use of water for domestic wells	300.00
For filing a secondary application under a reservoir permit	300.00
For approving and recording a secondary permit under a reservoir permit	540.00
For reviewing each tentative subdivision map	180.00
plus \$1 per lot.	
For reviewing and approving each final subdivision map	120.00
For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet.....	480.00
plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.	
For flood control detention basins	480.00

plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.

For filing proof of completion of work	60.00
For filing proof of beneficial use	60.00
For issuing and recording a certificate upon approval of the proof of beneficial use	350.00
For filing proof of resumption of a water right	360.00
For filing any protest	30.00
For filing any application for extension of time within which to file proofs, of completion or beneficial use, for each year for which the extension of time is sought	120.00
For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought	120.00
For reviewing a cancellation of a water right pursuant to a petition for review	360.00
For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384	120.00
plus \$20 per conveyance document.	
For filing any other instrument	10.00
For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page	1.00
For each additional page	.20
For certifying to copies of documents, records or maps, for each certificate	6.00
For each copy of any full size drawing or map	6.00
For each color copy of any full size drawing or map (2' x 3')	12.00
For colored ~~mylar~~ plots	10.00

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the State General Fund. All fees received for copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the

refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the State General Fund.

Sec. 12. ~~[NRS 534.037 is hereby amended to read as follows:~~

~~534.037 1. In a basin that has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110, a petition for the approval of a groundwater management plan for the basin may be submitted to the State Engineer. The petition must be signed by a majority of the holders of permits or certificates to appropriate water in the basin that are on file in the Office of the State Engineer and must be accompanied by a groundwater management plan which must set forth the necessary steps for removal of the basin's designation as a critical management area.~~

~~2. In determining whether to approve a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall consider, without limitation:~~

- ~~(a) The hydrology of the basin;~~
- ~~(b) The physical characteristics of the basin;~~
- ~~(c) The geographic spacing and location of the withdrawals of groundwater in the basin;~~
- ~~(d) The quality of the water in the basin;~~
- ~~(e) The wells located in the basin, including, without limitation, domestic wells;~~
- ~~(f) Whether a groundwater management plan already exists for the basin; and~~
- ~~(g) Any other factor deemed relevant by the State Engineer.~~

~~3. Before approving or disapproving a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall hold a public hearing to take testimony on the plan in the county where the basin lies or, if the basin lies in more than one county, within the county where the major portion of the basin lies. The State Engineer shall cause notice of the hearing to be:~~

~~(a) [Given] Submitted for publication once each week for 2 consecutive weeks before the hearing [in] to a newspaper of general circulation in the county or counties in which the basin lies. **If the newspaper fails to publish the notice 2 times or consecutively for 2 weeks, the State Engineer is not required to republish the notice so long as the State Engineer ensures that the newspaper published the notice at least once.**~~

~~(b) Posted on the Internet website of the State Engineer for at least 2 consecutive weeks immediately preceding the date of the hearing.~~

~~(c) Mailed to not less than one public library in the county or counties in which the basin lies to be publicly posted. **If there is no public library in the county or counties in which the basin lies, the notice must be mailed to another public place in the county or counties to be publicly posted.**~~

~~4. The decision of the State Engineer on a groundwater management plan may be reviewed by the district court of the county pursuant to NRS 533.450.~~

~~5. An amendment to a groundwater management plan must be proposed and approved in the same manner as an original groundwater management plan is proposed and approved pursuant to this section. (Deleted by amendment.)~~

~~Sec. 13. (NRS 534.270 is hereby amended to read as follows:~~

~~534.270 1. Upon receipt of an application for a permit to operate a project, the State Engineer shall endorse on the application the date it was received and keep a record of the application. The State Engineer shall conduct an initial review of the application within 45 days after receipt of the application. If the State Engineer determines in the initial review that the application is incomplete, the State Engineer shall notify the applicant. The application is incomplete until the applicant files all the information requested in the application. The State Engineer shall determine whether the application is correct within 180 days after receipt of a complete application. The State Engineer may request additional information from the applicant. The State Engineer may conduct such independent investigations as are necessary to determine whether the application should be approved or rejected.~~

~~2. If the application is determined to be complete and correct, the State Engineer, within 30 days after such a determination or a longer period if requested by the applicant, shall [cause]:~~

~~(a) Submit notice of the application [to be given] once each week for 2 consecutive weeks [in] to a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the project. If the newspaper fails to publish the notice 2 times or consecutively for 2 weeks, the State Engineer is not required to republish the notice so long as the State Engineer ensures that the newspaper published the notice at least once.~~

~~(b) Mail notice of the application to not less than one public library in the county or counties in which persons reside who could reasonably be expected to be affected by the project to be publicly posted. If there is no public library in the county or counties in which such persons reside, the notice must be mailed to another public place in the county or counties to be publicly posted.~~

~~3. The notice required pursuant to subsection 2 must state:~~

- ~~(a) The legal description of the location of the proposed project;~~
- ~~(b) A brief description of the proposed project including its capacity;~~
- ~~(c) That any person who may be adversely affected by the project may file a written protest with the State Engineer within 30 days after the last publication of the notice;~~
- ~~(d) The date of the last publication;~~
- ~~(e) That the grounds for protesting the project are limited to whether the project would be in compliance with subsection 2 of NRS 534.250;~~
- ~~(f) The name of the applicant; and~~
- ~~(g) That a protest must:~~
 - ~~(1) State the name and mailing address of the protester;~~
 - ~~(2) Clearly set forth the reason why the permit should not be issued; and~~

~~— (3) Be signed by the protestor or the protestor's agent or attorney or, if the protestor is a government, governmental agency or political subdivision of a government, be approved and signed in the manner specified in paragraph (g) of subsection [3.] 4.~~

~~— [3.] 4. A protest to a proposed project:~~

~~— (a) May be made by any person who may be adversely affected by the project;~~

~~— (b) Must be in writing;~~

~~— (c) Must be filed with the State Engineer within 30 days after the last publication of the notice;~~

~~— (d) Must be upon a ground listed in subsection 2 of NRS 534.250;~~

~~— (e) Must state the name and mailing address of the protestor;~~

~~— (f) Must clearly set forth the reason why the permit should not be issued; and~~

~~— (g) Except as otherwise provided in this paragraph, must be signed by the protestor or the protestor's agent or attorney. If the protestor is a government, governmental agency or political subdivision of a government, the protest must be:~~

~~— (1) Except as otherwise provided in subparagraph (2), approved and signed by the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or~~

~~— (2) If the governmental agency or political subdivision is a division or other part of a department, approved and signed by the director or other person in charge of that department in this State, including, without limitation:~~

~~— (I) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;~~

~~— (II) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;~~

~~— (III) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;~~

~~— (IV) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;~~

~~— (V) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or~~

~~— (VI) The chair of the board of county commissioners, if the protest is filed by a county.~~

~~— [4.] 5. Upon receipt of a protest, the State Engineer shall advise the applicant by certified mail that a protest has been filed.~~

~~— [5.] 6. Upon receipt of a protest, or upon the motion of the State Engineer, the State Engineer may hold a hearing. Not less than 30 days before the hearing, the State Engineer shall send by certified mail notice of the hearing to the applicant and any person who filed a protest.~~

~~— [6.] 7. The State Engineer shall either approve or deny each application within 1 year after the final date for filing a protest, unless the State Engineer has received a written request from the applicant to postpone making a~~

~~decision or, in the case of a protested application, from both the protester and the applicant. The State Engineer may delay action on the application pursuant to paragraph (d) of subsection 4 of NRS 533.370.~~

~~[7.] 6. Any person aggrieved by any decision of the State Engineer made pursuant to subsection [6] 7 may appeal that decision to the district court pursuant to NRS 533.450.] (Deleted by amendment.)~~

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. 41.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 481.

AN ACT relating to economic development; establishing the Nevada Innovation Account; requiring the Executive Director of the Office of Economic Development within the Office of the Governor to establish certain programs to be funded from the Account; establishing certain duties of the Executive Director regarding such programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Economic Development within the Office of the Governor, the administration and technical activities of which are directed and supervised by an Executive Director. (NRS 231.043, 231.047) Existing law authorizes the Executive Director to cause the formation of a nonprofit entity for certain economic development purposes, upon approval by the Board of Economic Development. (NRS 231.0545) **Section 3** of this bill creates the Nevada Innovation Account in the State General Fund and requires the Executive Director to administer the Account. **Section 5** of this bill requires the Executive Director to establish certain programs to be funded from the Account and to establish procedures for applying for an allocation of money from the Account pursuant to such programs. **Section 4** of this bill requires the Executive Director to enter into a contract with a nonprofit corporation for economic development to operate such programs. **Section 5** requires applications for an allocation from the Account to be made to the nonprofit corporation and authorizes the nonprofit corporation to approve such applications if the nonprofit corporation makes certain findings. **Section 5** authorizes the Executive Director to make an allocation from the Account to an applicant whose application is approved by the nonprofit corporation. **Section 6** of this bill sets forth various duties of the Executive Director regarding the programs established pursuant to **section 5**. **Section 7** of this bill makes a conforming change to exclude an allocation of money from the Account from the definition of "development resource."

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

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires:*

1. “Accelerator” means a full-time, immersive program which is administered by a private entity or ~~research university~~ the Nevada System of Higher Education to potentially invest in, mentor and accelerate the commercial development of start-up businesses.

2. “Incubator” means a facility designed to assist entrepreneurs and support the growth of start-up businesses by providing assistance which may include, without limitation, shared business services, equipment, space and access to on-site business consultants.

3. “Nonprofit corporation for economic development” means the nonprofit corporation formed by the Executive Director pursuant to NRS 231.0545 with which the Executive Director has entered into a contract pursuant to section 4 of this act.

4. “Private entity” means a privately owned corporation, limited-liability company, partnership, sole proprietorship or other business entity or association including, without limitation, a nonprofit corporation.

5. ~~“Research universities” means the University of Nevada, Las Vegas, and the University of Nevada, Reno.~~

~~6.~~ “Small Business Innovation Research Program” means the Small Business Innovation Research Program enacted pursuant to the Small Business Innovation Development Act of 1982, 15 U.S.C. § 638, as amended.

~~7.~~ 6. “Small Business Technology Transfer Program” means the Small Business Technology Transfer Program enacted pursuant to the Small Business Technology Transfer Act of 1992, 15 U.S.C. § 638, as amended.

~~8.~~ 7. “Technology readiness level” means the level of maturity of a technology as determined using the method for assessing such maturity that is used by the Federal Government and is determined by the nonprofit corporation for economic development to be most appropriate for assessing the maturity of the technology.

Sec. 3. 1. The Nevada Innovation Account is hereby created in the State General Fund.

2. The interest and income earned on:

(a) Money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the Account.

3. Any money in the Account and any unexpended appropriations made to the Account from the State General Fund remaining at the end of a fiscal

year do not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The Executive Director may apply for and accept any gift, grant, donation, bequest, federal allocation or other source of money for deposit into the Account. The Executive Director and the nonprofit corporation for economic development may enter into any agreement necessary to claim federal funds for deposit in the Account.

5. The Executive Director shall administer the Account in a manner that is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

Sec. 4. The Executive Director shall enter into a contract with a nonprofit corporation formed pursuant to NRS 231.0545 for the operation of the programs established pursuant to section 5 of this act and to carry out the duties assigned to the nonprofit corporation for economic development pursuant to sections 2 to 6, inclusive, of this act.

Sec. 5. 1. The Executive Director shall, to the extent that money in the Nevada Innovation Account is available for this purpose, establish:

(a) One or more competitive grant programs that:

(1) Are designed to:

(I) Address market gaps in the development of technology in this State; and

(II) Support research, development and innovation of promising technologies with strong market potential and that have a technology readiness level of at least 3 and not more than 5.

(2) Offer grants, on a competitive basis, to:

(I) Private entities that had not more than \$2,000,000 in combined financing, grant funding and revenues within the 3 years immediately preceding the date of the grant application and employ not more than ten full-time equivalent employees; or

(II) Partnerships between the ~~research universities or the Desert Research Institute~~ Nevada System of Higher Education and private entities that had not more than \$2,000,000 in combined financing, grant funding and revenues within the 3 years immediately preceding the date of the grant application and employ not more than ten full-time equivalent employees.

(3) Do not overlap with or duplicate other state funded programs.

(b) A program that provides matching funds to businesses that have received an award under the Small Business Innovation Research Program or the Small Business Technology Transfer Program.

(c) A program to promote and encourage the establishment, maintenance and operation of incubators and accelerators in this State by providing grants or other financial assistance to companies, nonprofit entities, economic development agencies, educational institutions, governmental agencies or other entities for programs that promote an entrepreneurial business environment or train or educate entrepreneurs.

(d) A program, in cooperation with entrepreneurial support organizations operating in this State and the Nevada System of Higher Education, to provide internship opportunities on a competitive basis, at Nevada companies in targeted technology areas to university and college students who are studying relevant fields including, without limitation, computer science, business, engineering or science.

2. After considering any advice and recommendations of the Board and the nonprofit corporation for economic development, the Executive Director shall establish procedures for applying for an allocation of money from the Account pursuant to the programs established pursuant to subsection 1. The procedures must include, without limitation, a requirement that applications for allocations of money from the Account must set forth:

- (a) The proposed use of the money;
- (b) The plans, projects and programs for which the money will be used;
- (c) The expected benefits of the money; and
- (d) A statement of the short-term and long-term impacts of the use of the money.

3. An application for an allocation from the Account must be made to the nonprofit corporation for economic development. Upon receipt of an application for an allocation from the Account, the nonprofit corporation for economic development shall review the application and determine whether the approval of the application would promote the economic development of this State and aid in the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053. The nonprofit corporation for economic development may approve the application if the nonprofit corporation for economic development determines that:

(a) Approving the application will promote the economic development of this State and aid in the implementation of the State Plan for Economic Development; and

(b) The applicant has satisfied any other requirements of the program under which the application was made.

4. The Executive Director may make an allocation of money from the Account to an applicant whose application is approved by the nonprofit corporation for economic development pursuant to subsection 3.

Sec. 6. The Executive Director shall:

1. For each program established pursuant to subsection 1 of section 5 of this act, establish economic development goals which are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

2. Verify that the programs established pursuant to subsection 1 of section 5 of this act are meeting the economic development goals established pursuant to subsection 1.

3. Monitor the nonprofit corporation for economic development to ensure that allocations from the Nevada Innovation Account are being made

in accordance with legislative intent and to maximize the benefit and return to this State.

4. Develop methods and incentives to encourage investment in and contributions to the programs established pursuant to subsection 1 of section 5 of this act from the private sector and the Federal Government.

5. Establish requirements for periodic reports to be submitted by each recipient of an allocation from the Account to the Executive Director and the nonprofit corporation for economic development concerning the use of allocations from the Account. The requirements must include, without limitation, a requirement that each recipient of an allocation provide a report that includes:

(a) A description of each activity undertaken with money from the allocation and the amount of money used for each such activity; and

(b) Such documentation as the Executive Director and the nonprofit corporation for economic development deem appropriate to support the information provided in the report.

6. On or before November 1, 2024, and on or before November 1 of every year thereafter, submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation:

(a) The dollar amount of allocations awarded from the Account;

(b) The number of applications received for an allocation from the Account;

(c) The number of applicants awarded an allocation from the Account;

(d) The amount of all grants, gifts, allocations and donations made to the Account from public and private sources;

(e) The number of businesses which have been created or expanded in this State, or relocated to this State, because of the programs established pursuant to subsection 1 of section 5 of this act;

(f) The number of jobs created or saved as a result of the programs established pursuant to subsection 1 of section 5 of this act; and

(g) The number of university and college students placed as interns as a result of the programs established pursuant to subsection 1 of section 5 of this act.

Sec. 7. NRS 231.005 is hereby amended to read as follows:

231.005 1. “Development resource” means any funding or other resource for economic development, including, without limitation, a structured lease of real property.

2. The term does not include any:

(a) Funding for administrative or operating purposes;

(b) Grant or loan of money from the Catalyst Account created by NRS 231.1573;

(c) Issuance of a certificate of eligibility for transferable tax credits or a certificate of transferable tax credits pursuant to NRS 231.1555; ~~for~~

(d) Allocation of money from the Knowledge Account created by NRS 231.1592 ~~to~~; **or**

(e) Allocation of money from the Nevada Innovation Account created by section 3 of this act.

Sec. 8. 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. 9. This act becomes effective on July 1, 2023.

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. 42.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 136.

AN ACT relating to education; requiring annual reports of accountability for public schools to include information relating to requests for variances from prescribed maximum pupil-teacher **and pupil-school counselor** ratios; making certain requirements relating to pupil-teacher ratios applicable to charter schools and university schools for profoundly gifted pupils; revising or prescribing the maximum pupil-teacher ratios for certain classes and grades ~~to~~ **and the maximum pupil-school counselor ratio for a school**; revising the procedure to request a variance from requirements concerning maximum ~~pupil-teacher~~ ratios; revising certain reporting requirements relating to pupil-teacher **and pupil-school counselor** ratios; ~~removing authorization for certain smaller school districts to comply with the alternative maximum pupil-teacher ratios;~~ eliminating certain requirements relating to the distribution of money for the reduction of pupil-teacher ratios; requiring the development of certain guidance concerning the reduction of pupil-teacher **and pupil-school counselor** ratios; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the maximum ratio of pupils per teacher in classes where core curriculum is taught in kindergarten and grades 1, 2 and 3. Existing law requires any school district that includes one or more elementary schools which exceed those maximum ratios or certain other maximum pupil-teacher ratios approved by the Legislature to request a variance from the State Board of Education for the next quarter of the school year. Existing law requires each school district to submit to the State Board a plan to reduce teacher-pupil ratios within the district. (NRS 388.700) Existing law requires the State Board to establish by regulation maximum pupil-teacher ratios for each grade other than kindergarten and grades 1, 2 and 3. (NRS 387.1234)

Sections ~~3-9~~ 3-5 and 6-9 of this bill make provisions relating to pupil-teacher ratios additionally applicable to charter schools and university schools for profoundly gifted pupils. **Section 5** of this bill makes requirements governing maximum pupil-teacher ratios apply to each campus of a school that operates at different campuses. ~~[Section 5 also increases the maximum ratio of pupils per licensed teacher in classes where core curriculum is taught: (1) from 16 to 1 to 18 to 1 in kindergarten; (2) from 16 to 1 to 20 to 1 in grades 1 and 2; and (3) from 18 to 1 to 20 to 1 in grade 3.]~~ **Section 5** additionally prescribes the maximum ratios of pupils per licensed teacher in English language arts and mathematics of: (1) 25 to 1 in grades 4, 5 and 6; and (2) 30 to 1 in grades 7-12. **Section 5.5 of this bill expands such maximum ratios of pupils per licensed teacher to include science and social science teachers. Section 5 also prescribes the maximum ratio of pupils per school counselor in a school or campus to 250 to 1 and requires a school district to request a variance to exceed such a ratio.** **Section 5** reduces from quarterly to annually the frequency with which a school district, charter school or university school for profoundly gifted pupils is required to request a variance. **Section 5** additionally requires a school district, charter school or university school for profoundly gifted pupils that is granted a variance to submit a report on or before April 15 explaining the changes in the ratio of pupils per licensed teacher **or pupils per school counselor** that occurred throughout the school year. **Sections 5 and 9** of this bill revise various reporting requirements concerning pupil-teacher ratios **and pupil-school counselor ratios** and requests for a variance from provisions establishing maximum pupil-teacher ratios. **and pupil-school counselor ratios.**

Existing law requires: (1) each board of trustees of a school district or sponsor of a charter school to prepare an annual report of accountability for the schools within the district or the charter schools sponsored by the sponsor, as applicable; and (2) the State Board of Education to prepare an annual report of accountability for the public schools in this State. (NRS 385A.070, 385A.400) **Sections 1 and 2** of this bill require such reports to include certain information related to requests for variances from requirements governing pupil-teacher ratios **and pupil-school counselor ratios.**

Existing law requires each school district to submit to the State Board a plan to reduce the district's pupil-teacher ratio. (NRS 388.720) **Section 7** of this bill revises this requirement to apply to each school district, charter school or university school for profoundly gifted pupils that operates one or more schools or campuses for which the pupil-teacher ratio exceeds a maximum pupil-teacher ratio prescribed by **section 5 ~~4~~**.

~~Existing law authorizes a school district in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to submit to the State Board a plan to comply with alternative pupil-teacher ratios, which are larger than the pupil-teacher ratios that are otherwise required. (NRS 388.720) Section 7 eliminates the ability for such a school district to comply with such an alternative ratio, thereby requiring all school districts in this State~~

~~to comply with the same maximum pupil teacher ratios. Sections 3, 9 and 10 of this bill remove references and other language relating to such alternative ratios.~~ **and requires a similar plan be submitted if the pupil-school counselor ratio exceeds the maximum pupil-school counselor ratio prescribed in section 5.**

Existing law requires the Department of Education to develop certain policies, procedures and guidance concerning the reduction of class sizes and compliance with prescribed pupil-teacher ratios. (NRS 388.723) **Section 8** of this bill requires such guidance to include guidance concerning the use of money over which school districts, charter schools and university schools for profoundly gifted pupils have discretion for the purpose of reducing pupil-teacher ratios. ~~It~~ **and pupil-school counselor ratios.** **Section 8** also eliminates requirements that the Department: (1) develop policies and procedures for the distribution of money to each school district for the reduction of pupil-teacher ratios; and (2) communicate with the board of trustees of each school district regarding the expectations of the Department for the use of such money.

Existing law requires the State Board to develop nonbinding recommendations for the ratio of pupils per teacher and specialized instructional support personnel in public schools in this State. (NRS 388.890) Section 9.2 of this bill requires the State Board to prescribe a suggested ratio of pupils per school counselor in the nonbinding recommendations that does not exceed the ratio set forth in section 5.

Existing law requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to develop a plan to improve the ratio of pupils to specialized instructional support personnel to meet the ratio recommended by the State Board and submit a report to the Department on the implementation of the plan. (NRS 388.892) Section 9.5 of this bill requires the board of trustees of each school district to develop such a plan and submit such a report.

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

Section 1. NRS 385A.210 is hereby amended to read as follows:

385A.210 The annual report of accountability prepared pursuant to NRS 385A.070 must include information on class sizes, including, without limitation:

1. The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district; ~~and~~

2. The average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district ~~It~~; **and**

3. *The total number of:*

(a) Requests for a variance filed with the State Board pursuant to subsection ~~5~~ 6 of NRS 388.700; and

(b) Pupils affected by the variances granted by the State Board pursuant to subsection ~~6~~ 7 of NRS 388.700.

Sec. 2. NRS 385A.420 is hereby amended to read as follows:

385A.420 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on class sizes, including, without limitation:

1. The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; ~~and~~

2. The average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole ~~}; and~~

3. The total number of:

(a) Requests for a variance filed with the State Board pursuant to subsection ~~5~~ 6 of NRS 388.700; and

(b) Pupils affected by the variances granted by the State Board pursuant to subsection ~~6~~ 7 of NRS 388.700.

Sec. 3. NRS 387.1234 is hereby amended to read as follows:

387.1234 1. Except as otherwise provided in ~~subsection 3 and~~ NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district, ***charter school and university school for profoundly gifted pupils*** of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district, ***or at the charter school or university school for profoundly gifted pupils***, with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include ~~educational television,~~ ***, without limitation, virtual learning models, hybrid learning, competency-based education,*** team teaching or new teaching systems or techniques.

2. If the Superintendent of Public Instruction finds that any school district, ***charter school or university school for profoundly gifted pupils*** is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district ***or governing body of the charter school or university school, as applicable,*** has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district ~~}; or school, as applicable,~~ and

the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

~~[3. The provisions of this section do not apply to a charter school, a university school for profoundly gifted pupils, a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, or a challenge school.]~~

Sec. 4. NRS 387.304 is hereby amended to read as follows:

387.304 The Department shall:

1. Conduct an annual audit of the count of pupils for apportionment purposes reported each quarter by ~~each~~ school ~~district~~ **districts, charter schools and university schools for profoundly gifted pupils** pursuant to NRS 387.123 and the data reported by ~~each~~ school ~~district~~ **districts, charter schools and university schools for profoundly gifted pupils** pursuant to NRS 388.710 that is used to measure the effectiveness of the implementation of a plan developed by ~~each~~ **a school district, charter school or university school for profoundly gifted pupils** to reduce the pupil-teacher ratio as required by NRS 388.720.

2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared by each district as required by NRS 387.303, and report the findings of the review to the State Board and the Joint Interim Standing Committee on Education, with any recommendations for legislation, revisions to regulations or training needed by school district employees. The report by the Department must identify school districts which failed to comply with any statutes or administrative regulations of this State or which had any:

- (a) Long-term obligations in excess of the general obligation debt limit;
- (b) Deficit fund balances or retained earnings in any fund;
- (c) Deficit cash balances in any fund;
- (d) Variances of more than 10 percent between total general fund revenues and budgeted general fund revenues; or
- (e) Variances of more than 10 percent between total actual general fund expenditures and budgeted total general fund expenditures.

3. In preparing its biennial budgetary request for the State Education Fund, consult with the superintendent of schools of each school district or a person designated by the superintendent.

4. Provide, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, training to the financial officers of school districts in matters relating to financial accountability.

Sec. 5. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, for each ~~school year~~ ~~quarter of a~~ school year, the ratio in each school district, **charter school or university school for profoundly gifted pupils** of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten ~~1/1~~ and grades 1 and 2, must not exceed 16 ~~148~~ to 1 ~~1/1~~, and in grade ~~four~~

~~(b) In grades 1, 2 and~~ 3, must not exceed 18 ~~20~~ to 1 ~~1/1~~; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.
~~{→}~~

2. *Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per licensed teacher designated to teach, on a full-time basis, in classes where English language arts or mathematics is taught:*

(a) *In grades 4, 5 and 6, must not exceed 25 to 1, ~~1/1~~ and*

~~{(b) In}~~ *in grades 7 to 12, inclusive, must not exceed 30 to 1 ~~1/1~~; or*

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

3. In determining ~~this~~ the ratio ~~1/1~~ of pupils per licensed teacher pursuant to subsection 1 or 2, all licensed educational personnel who teach a grade level specified in ~~paragraph (a)~~ subsection 1 or 2, as applicable, or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, ~~subsection 1 or 2, as applicable,~~ must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject areas to more than one classroom of pupils, counselors, librarians, administrators, deans, specialists, any administrators or other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom and teachers who are not actively teaching pupils during a class period or who do not teach a subject area for which the ratio of pupils per licensed teacher is being determined.

~~{2.}~~ 4. A school district, *charter school or university school for profoundly gifted pupils* may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the end of ~~a quarter~~ *an instructional period* during the school year to any existing class regardless of the number of pupils in the class if the school district, *charter school or university school for profoundly gifted pupils* requests and is approved for a variance from the State Board pursuant to subsection ~~4.6~~

~~=3.}~~ 7.

5. *Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per school counselor in a school or campus must not exceed 250 to 1.*

6. Each school district, *charter school or university school for profoundly gifted pupils* that includes one or more ~~elementary~~ schools or

campuses which exceed the ratio of pupils per class or pupils per school counselor during any ~~quarter of a~~ school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1 ~~;~~
~~—(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or~~ 2, 4 or 5; or

~~[(c)]~~ **(b)** Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district, *charter school or university school for profoundly gifted pupils*,

↪ must ~~request~~, **not later than October 15 of that school year, file with the State Board a request for a** variance for each such school **or campus** for the ~~next quarter of the~~ current school year ~~if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable, from the State Board~~ by providing a written statement that includes the reasons for the request, **the name of any school or campus within the school district, charter school or university school for profoundly gifted pupils that is requesting the class size variance,** the justification for exceeding the applicable prescribed ratio ~~of pupils per class~~ and a plan of actions that the school district, *charter school or university school for profoundly gifted pupils* will take to reduce the ratio. ~~of pupils per class.~~

~~—4.6.1~~ 7. The State Board may grant to a school district, *charter school or university school for profoundly gifted pupils* a variance from the limitation on the number of pupils per class or pupils per school counselor set forth in paragraph (a) ~~1~~ 1 or (b) ~~for (c)]~~ of subsection ~~3-5~~ 6 for good cause, including the lack of available financial support ~~specifically set aside for the reduction of pupil-teacher ratios.] or difficulties in hiring due to lack of qualified teachers; persons applying for open teaching] positions.~~

~~7.1~~ 8. **On or before April 15 of a school year in which a school district, charter school or university school for profoundly gifted pupils receives a variance pursuant to subsection ~~6.1~~ 7, the school district, charter school or university school for profoundly gifted pupils shall submit to the State Board a report of any changes in the number of pupils per class or pupils per school counselor during the school year and the reasons for those changes.**

~~[(5.8.1)]~~ 9. The State Board shall ~~on a quarterly basis, submit~~ **annually compile** a report ~~to the Interim Finance Committee~~ on each variance requested by a school district, *charter school or university school for profoundly gifted pupils* pursuant to subsection ~~4~~ during the preceding quarter and, ~~if~~ 5 6 **for the current school year. The report must include, without limitation:**

(a) A list of each school or campus for which a request for a variance ~~was granted, an identification] was filed;~~

(b) A list of each ~~elementary]~~ school **or campus** for which a variance was granted ~~and the]~~;

(c) The specific justification for ~~the]~~ each variance ~~]~~

~~6.~~ The State Board shall, on or before February 1 of each odd-numbered year, submit a report to the Legislature on:

~~(a)~~ Each variance requested by a school district pursuant to subsection 4 during the preceding biennium and, if a variance was granted, an identification of each elementary school for which variance was granted and the specific justification for the variance.

~~(b)~~ ;

(d) The total number of pupils affected by each variance;

(e) The approximate financial cost to each school district, charter school and university school for profoundly gifted pupils to bring schools and campuses for which a variance was granted into compliance with subsection 1, ~~for 2~~ or 5, as applicable; and

(f) The data reported to it by the various school districts, charter schools and university schools for profoundly gifted pupils pursuant to subsection 2 of NRS 388.710, including ~~an~~, without limitation:

(1) An explanation of that data ~~and the~~; and

(2) The current ~~pupil-teacher~~;

(I) Pupil-teacher ratios per class in the grade levels specified in ~~paragraph (a) of subsection~~ subsections 1 and 2 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district ~~and~~

~~7. and 2.~~

~~9.~~ ; and

(II) Pupil-school counselor ratio specified in subsection 5.

10. On or before January 1 of each year, the State Board shall submit the report compiled pursuant to subsection ~~8~~ 9 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee and:

(a) In an odd-numbered year, the next regular session of the Legislature; and

(b) In an even-numbered year, the Joint Interim Standing Committee on Education.

~~10.~~ 11. The Department shall, on or before ~~November 15~~ January 1 of each year, report to the Chief of the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau ~~the~~ the number of school counselors employed at each school or campus during the current school year and:

(a) The number of teachers employed full-time;

(b) ~~The number of teachers employed in order to attain the ratio required by subsection 1;~~

~~(c)~~ The number of substitute teachers filling vacancies or long-term positions;

~~(d)~~ *(c) The number of pupils enrolled; and*

~~{(e)}~~ (d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

↪ during the current school year in the grade levels specified in ~~paragraph (a) of subsection~~ **subsections 1 and 2** or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

~~{8.} The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, and 2.~~

Sec. 5.5. NRS 388.700 is hereby amended to read as follows:

1. Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 and 2, must not exceed 16 to 1, and in grade 3, must not exceed 18 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

2. Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per licensed teacher designated to teach, on a full-time basis, in classes where English language arts, ~~for~~ mathematics, **science or social studies** is taught:

(a) In grades 4, 5 and 6, must not exceed 25 to 1, and in grades 7 to 12, inclusive, must not exceed 30 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

3. In determining the ratio of pupils per licensed teacher pursuant to subsection 1 or 2, all licensed educational personnel who teach a grade level specified in subsection 1 or 2, as applicable, or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject areas to more than one classroom of pupils, counselors, librarians, administrators, deans, specialists, any administrators or other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom and teachers who are not actively teaching pupils during a class period or who do not teach a subject area for which the ratio of pupils per licensed teacher is being determined.

4. A school district, charter school or university school for profoundly gifted pupils may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the end of an instructional period during the school year to any existing class regardless of

the number of pupils in the class if the school district, charter school or university school for profoundly gifted pupils requests and is approved for a variance from the State Board pursuant to subsection 7.

5. Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per school counselor in a school or campus must not exceed 250 to 1.

6. Each school district, charter school or university school for profoundly gifted pupils that includes one or more schools or campuses which exceed the ratio of pupils per class or pupils per school counselor during any school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1, 2 or 5; or

(b) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district, charter school or university school for profoundly gifted pupils,

➡ must, not later than October 15 of that school year, file with the State Board a request for a variance for each such school or campus for the current school year by providing a written statement that includes the reasons for the request, the name of any school or campus within the school district, charter school or university school for profoundly gifted pupils that is requesting the class size variance, the justification for exceeding the applicable prescribed ratio and a plan of actions that the school district, charter school or university school for profoundly gifted pupils will take to reduce the ratio.

7. The State Board may grant to a school district, charter school or university school for profoundly gifted pupils a variance from the limitation on the number of pupils per class or pupils per school counselor set forth in paragraph (a) or (b) of subsection 6 for good cause, including the lack of available financial support or difficulties in hiring due to lack of qualified persons applying for open positions.

8. On or before April 15 of a school year in which a school district, charter school or university school for profoundly gifted pupils receives a variance pursuant to subsection 7, the school district, charter school or university school for profoundly gifted pupils shall submit to the State Board a report of any changes in the number of pupils per class or pupils per school counselor during the school year and the reasons for those changes.

9. The State Board shall annually compile a report on each variance requested by a school district, charter school or university school for profoundly gifted pupils pursuant to subsection 6 for the current school year. The report must include, without limitation:

(a) A list of each school or campus for which a request for a variance was filed;

(b) A list of each school or campus for which a variance was granted;

(c) The specific justification for each variance;

(d) The total number of pupils affected by each variance;

(e) The approximate financial cost to each school district, charter school and university school for profoundly gifted pupils to bring schools and campuses for which a variance was granted into compliance with subsection 1, 2 or 5, as applicable; and

(f) The data reported to it by the various school districts, charter schools and university schools for profoundly gifted pupils pursuant to subsection 2 of NRS 388.710, including, without limitation:

(1) An explanation of that data; and

(2) The current:

(I) Pupil-teacher ratios per class in the grade levels specified in subsections 1 and 2 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district; and

(II) Pupil-school counselor ratio specified in subsection 5.

10. On or before January 1 of each year, the State Board shall submit the report compiled pursuant to subsection 9 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee and:

(a) In an odd-numbered year, the next regular session of the Legislature; and

(b) In an even-numbered year, the Joint Interim Standing Committee on Education.

11. The Department shall, on or before January 1 of each year, report to the Chief of the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau the number of school counselors employed at each school or campus during the current school year and:

(a) The number of teachers employed full-time;

(b) The number of substitute teachers filling vacancies or long-term positions;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

↪ during the current school year in the grade levels specified in subsections 1 and 2 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

Sec. 6. NRS 388.710 is hereby amended to read as follows:

388.710 1. The State Board, in consultation with ~~the trustees of the~~ school districts, **charter schools, university schools for profoundly gifted pupils** and the recognized associations representing licensed educational personnel, after receiving comments from the general public, shall determine the data that must be monitored by each school district, **charter school or university school for profoundly gifted pupils that is subject to the requirements of NRS 388.720** and used to measure the effectiveness of the implementation of a plan developed by ~~each~~ a school district, **charter school**

or university school for profoundly gifted pupils to reduce the pupil-teacher ratio *or pupil-school counselor ratio, as applicable*, pursuant to NRS 388.720.

2. Each school district , *charter school and university school for profoundly gifted pupils that is subject to the requirements of NRS 388.720* shall report the data to the State Board as required by the State Board.

Sec. 7. NRS 388.720 is hereby amended to read as follows:

388.720 1. ~~{Except as otherwise provided in subsection 2, each}~~ *Each school district , charter school and university school for profoundly gifted pupils that has one or more schools or campuses which exceed the ratio of pupils per class or pupils per school counselor pursuant to NRS 388.700,* together with the recognized associations representing licensed educational personnel shall develop a plan to reduce the ~~{district's}~~ pupil-teacher ratio per class ~~{in kindergarten and grades 1, 2 and 3}~~ *or pupil-school counselor, as applicable, to conform with the maximum {pupil-teacher} ratios prescribed by NRS 388.700* within the limits of available financial support specifically set aside for this purpose and submit that plan to the State Board.

2. In lieu of complying with the pupil-teacher ratio prescribed in paragraph (a) of subsection 1 of NRS 388.700, a school district in a county whose population is less than 100,000 may, in consultation with the recognized associations representing licensed educational personnel, develop a plan to reduce the district's pupil-teacher ratios per class for specified grade levels in elementary schools. Alternative ratios for grade 6 may only be approved for those school districts that include grade 6 in elementary school. The alternative pupil-teacher ratios must not:

- (a) Exceed 22 to 1 in grades 1, 2 and 3; and
- (b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as applicable.

3. The State Board shall approve a plan submitted pursuant to subsection ~~{2}~~ 1 or 2 if the plan ~~{-~~

~~{-}~~ (a) Reduces} reduces the district's pupil-teacher ratio *or pupil-school counselor ratio* in the ~~{elementary}~~ schools *or campuses* within the school district ~~{-}~~ and

~~{-}~~ (b) Is fiscally neutral such that the plan will not cost more to carry out than a plan that complies with the ratios prescribed in paragraph (a) of subsection 1 of NRS 388.700.} , *charter school or university school for profoundly gifted pupils.*

Sec. 8. NRS 388.723 is hereby amended to read as follows:

388.723 The Department shall:

1. Develop policies and procedures for:

(a) Monitoring the plan of ~~{each}~~ a school district , *charter school or university school for profoundly gifted pupils* to reduce the pupil-teacher ratio per class *or pupil-school counselor ratio* developed pursuant to NRS 388.720, which must include, without limitation, provisions for:

(1) The review of each plan submitted to the State Board to ensure the adequacy of such plans; and

(2) The review of any data submitted to the State Board pursuant to NRS 388.710.

(b) Monitoring the ~~quarterly~~ reports concerning the average daily enrollment of pupils, ~~and~~ the pupil-teacher ratios and the pupil-school counselor ratios in each school district, *charter school or university school for profoundly gifted pupils* submitted by the ~~board of trustees of the~~ school district, *charter school or university school for profoundly gifted pupils* pursuant to NRS 388.725 to ensure the completeness and accuracy of such reports.

(c) The review of any requests for a variance submitted to the State Board pursuant to NRS 388.700, which must include, without limitation, provisions to verify the information in such requests to ensure the accuracy of the reports on variances submitted by the State Board to the Legislature pursuant to that section.

~~[(d) The distribution of money to each school district for the reduction of pupil teacher ratios, which must include, without limitation, provisions for:~~

~~—(1) The retention of all documents and records related to the distribution; and~~

~~—(2) The review of the work performed to determine the distribution of such money to ensure the accuracy of supporting information and the calculations used in making such determinations.]~~

2. Provide guidance to the school districts, *charter schools and university schools for profoundly gifted pupils* on:

(a) The development of a plan to reduce the pupil-teacher ratio per class and pupil-school counselor ratio pursuant to NRS 388.720. In developing such guidance, the Department shall:

(1) Outline the criteria that each plan must include to meet the requirements of NRS 388.720.

(2) Provide examples of policies, plans or strategies adopted by other states to reduce class sizes, ~~and~~ pupil-school counselor ratios.

(b) The requirements for reporting information related to the reduction of pupil-teacher ratios ~~and~~ pupil-school counselor ratios.

(c) The data that must be monitored pursuant to NRS 388.710 by ~~each~~ a school district, *charter school or university school for profoundly gifted pupils* and used to measure the effectiveness of the implementation of any plan to reduce pupil-teacher ratios ~~for~~

~~—2. Communicate with the board of trustees of each school district regarding the expectations of the Department for the use of any money distributed to reduce pupil teacher ratios in the school district, including, without limitation, the minimum number of teachers the school district is expected to employ.] and pupil-school counselor ratios.~~

(d) The use of money over which the school districts, charter schools and university schools for profoundly gifted pupils have discretion for the purpose of reducing pupil-teacher ratios ~~and~~ the pupil-school counselor ratios.

Sec. 9. NRS 388.725 is hereby amended to read as follows:

388.725 ~~1.1. On or before [August 1, November 1, February 1 and May 1] October 15 and April 15 of each year, [the board of trustees of] each school district , charter school and university school for profoundly gifted pupils shall report to the Department for the [preceding quarter:~~

~~—(a) Except as otherwise provided in paragraph (b),] current school year [the] :~~

1. The average daily enrollment of pupils [and the] :

2. The ratio of pupils per licensed teacher for [grades 1, 2 and 3 for] each [elementary school in the school district.

~~—(b) If the State Board has approved an alternative class size reduction plan for the school district pursuant to NRS 388.720, the average daily enrollment of pupils and the ratio of pupils per licensed teacher for those grades which are required to comply with the alternative class size reduction plan for each elementary school in the school district.~~

~~—2. The board of trustees of each school district shall post on the Internet website maintained by the school district:~~

~~—(a) The information concerning average daily enrollment and class size for each elementary school in the school district, as reported to the Department pursuant to subsection 1; and~~

~~—(b) An identification of each elementary school in the school district, if any, for which a variance from the prescribed pupil teacher ratios was granted by the State Board pursuant to subsection 4 of NRS 388.700.] grade or class that is required to have a certain ratio of pupils per licensed teacher pursuant to NRS 388.700 ~~for~~ or subsection 2 of NRS 388.720 ; and~~

3. The average ratio of pupils per school counselors pursuant to NRS 388.700.

Sec. 9.2. NRS 388.890 is hereby amended to read as follows:

388.890 1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher and specialized instructional support personnel in the public schools of this State for kindergarten and grades 1 to 12, inclusive. The board of trustees of each school district shall consider the recommendations in establishing the ratio of pupils per licensed teacher or specialized instructional support personnel, as applicable, in the school district.

2. The recommendations developed by the State Board must:

(a) Prescribe a suggested ratio of pupils per licensed teacher for each classroom and course of instruction, except choir, orchestra and band, in kindergarten and grades 1 to 12, inclusive;

(b) Prescribe a suggested ratio of pupils per each type of specialized instructional support personnel for each kind of public school described in NRS 388.020;

(c) Prescribe a suggested ratio of pupils per school counselor for each school that does not exceed the ratio set forth in NRS 388.700;

(d) Be based on evidence-based national standards set forth by the licensing body for teachers and the licensing body for each type of specialized instructional support personnel;

~~((e))~~ (e) Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners;

~~((f))~~ (f) Require that administrators and other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom may not be counted in determining the ratio of pupils per licensed teacher; and

~~((g))~~ (g) Count only teachers who are actively teaching pupils during a class period and teach a subject, and are the teacher of record assigned to the classroom of pupils, for which the ratio of pupils per licensed teacher is being determined.

3. Nothing in this section shall be deemed to relieve a school district of its obligation to comply with the requirements of NRS 388.700 and 388.720, as applicable to the school district.

4. Not later than 30 days after the beginning of each school year, the board of trustees of each school district shall post on an Internet website maintained by the school district the ratio of pupils per licensed teacher that has been approved for each class in the district.

5. The board of trustees of a school district with one or more schools that exceed the recommended ratio of pupils to specialized instructional support personnel shall develop a 15-year strategic plan to achieve the ratio of pupils to specialized instructional support personnel in the district.

6. On or before February 1 of each odd-numbered year, the board of trustees of each school district shall submit a report on the progress of the school district in obtaining the ratio of pupils per licensed teacher and specialized instructional support personnel recommended pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

7. As used in this section:

(a) “English learner” has the meaning ascribed to it in 20 U.S.C. § 7801(20).

(b) “Specialized instructional support personnel” includes persons employed by each school to provide necessary services such as assessment, diagnosis, counseling, educational services, therapeutic services and related services, as defined in 20 U.S.C. § 1401(26), to pupils. Such persons employed by a school include, without limitation:

- (1) A school counselor;
- (2) A school psychologist;
- (3) A school social worker;
- (4) A school nurse;
- (5) A speech-language pathologist;
- (6) A school library media specialist; and
- (7) Any other qualified professional.

Sec. 9.5. NRS 388.892 is hereby amended to read as follows:

388.892 1. The board of trustees of ~~the~~ **each** school district ~~in a county whose population is 100,000 or more~~ shall develop a plan to improve the ratio of pupils to specialized instructional support personnel to meet the ratio recommended by the State Board pursuant to NRS 388.890. The plan must include, without limitation:

(a) Strategies to recruit and retain school counselors, school psychologists and school social workers and other specialized instructional support personnel; and

(b) Annual targets to meet the ratio of pupils to specialized instructional support personnel recommended by the State Board pursuant to NRS 388.890.

2. On or before October 1 of each year, the board of trustees of ~~the~~ **each** school district ~~in a county whose population is 100,000 or more~~ shall submit to the Department a report on the implementation of the plan developed pursuant to subsection 1 for the immediately preceding school year. The report must include, without limitation:

(a) The ratio of pupils to specialized instructional support personnel for the immediately preceding school year, disaggregated by type of specialized instructional support personnel, and any progress made to meet the recommended ratio;

(b) An evaluation of the strategies to recruit and retain specialized instructional support personnel implemented pursuant to paragraph (a) of subsection 1; and

(c) A strategy to be implemented over the next school year to meet the annual targets identified pursuant to paragraph (b) of subsection 1.

3. On or before February 1 of each year, the Department shall submit a compilation of the reports submitted to the Department pursuant to subsection 2 to:

(a) The Governor;

(b) In odd-numbered years, the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education;

(c) In even-numbered years, the Joint Interim Standing Committee on Education; and

(d) The State Board.

4. The compilation prepared by the Department pursuant to subsection 3 must allow the information included in the report to be disaggregated by school district. The Department shall post a copy of the compilation on its Internet website.

5. As used in this section, “specialized instructional support personnel” has the meaning ascribed to it in NRS 388.890.

Sec. 10. ~~NRS 388C.120 is hereby amended to read as follows:~~

~~388C.120 1. Each empowerment plan for a school must:~~

~~(a) Set forth the manner by which the school will be governed;~~

~~—(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;~~

~~—(c) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;~~

~~—(d) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the empowerment school, the college and career readiness assessment administered pursuant to NRS 390.610;~~

~~—(e) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;~~

~~—(f) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;~~

~~—(g) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;~~

~~—(h) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 ; [or 388.720, as applicable;]~~

~~—(i) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;~~

~~—(j) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;~~

~~—(k) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385A.650;~~

~~—(l) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and~~

~~—(m) Set forth the calendar and schedule for the school.~~

~~—2. If the empowerment plan includes an incentive pay structure, that pay structure must:~~

~~—(a) Provide an incentive for all staff employed at the school;~~

~~—(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and~~

~~—(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.~~

~~—3. An empowerment plan may:~~

~~—(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.~~

~~—(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development,~~

transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

~~4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is at~~

~~(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive;~~

~~(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan. (Deleted by amendment.)~~

Sec. 11. 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. 12. 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. 13. ~~[This act becomes]~~

1. This section and sections 1 to 5, inclusive, and sections 6 to 12, inclusive, of this act become effective on July 1, 2023.

2. Section 5.5 of this act becomes effective on July 1, 2025.

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. 65.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 138.

AN ACT relating to education; revising provisions relating to reports regarding and investigations into incidents of discrimination based on race, bullying and cyber-bullying; revising provisions governing the approval of work-based learning programs; revising ~~[provisions governing performance evaluations of certain postprobationary teachers and administrators;]~~ **the requirement for children of a certain age to attend a public school;** revising provisions governing the placement of children in certain early grades; ~~[revising provisions relating to discipline in public schools;]~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the Office for a Safe and Respectful Learning Environment in the Department of Education and requires the Director of the Office to investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying. (NRS 388.1323) Existing law also requires the Director to establish the SafeVoice Program within the Office, which allows a person to make an anonymous report to a support center regarding dangerous, violent or unlawful activity that is conducted, or is threatened to be conducted, on the property of a public school or in certain other circumstances related to public schools. (NRS 388.1455) Any anonymous tip made through the SafeVoice Program is then forwarded to the appropriate public safety agencies and certain trained personnel at the public school for appropriate action to be taken. (NRS 388.14553) **Section 3** of this bill provides that the Director is not required to investigate a complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying if the complaint is made through the SafeVoice Program and investigated by certain trained personnel at the public school, unless the complaint alleges that a previous investigation of the same matter by the personnel at the public school failed to resolve the issue or was otherwise deficient.

Section 2 of this bill revises the definition of “bullying” to exclude acts, gestures and expressions which are engaged in as part of a mutual disagreement or conflict.

Upon receiving a report of discrimination based on race, bullying or cyber-bullying, existing law requires the administrator of a school or his or her designee to immediately begin an investigation into the report. With certain exceptions, existing law requires the investigation to be completed not later than 2 school days after receipt of the report. (NRS 388.1351) **Section 6** of this bill requires the investigation to be completed, to the greatest extent practicable, within 5 school days after the administrator or designee receives the report, or within 7 school days if extenuating circumstances prevent the investigation from being completed within 5 school days. **Section 6** also removes the requirement for a direct supervisor of a principal to submit to the Office a quarterly report regarding incidents of discrimination based on race, bullying or cyber-bullying.

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon the approval of the State Board of Education. (NRS 389.167) **Section 9** of this bill requires a work-based learning program to be approved instead by the Superintendent of Public Instruction.

~~Existing law requires a postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as highly effective for 2 consecutive school years to participate in one observation cycle~~

~~in the school year immediately following the school year in which the postprobationary teacher or administrator receives a second consecutive evaluation designating his or her performance as highly effective but does not require such a teacher or administrator to receive an evaluation for that year. (NRS 391.690, 391.710) Sections 10 and 11 of this bill authorize such a postprobationary teacher or administrator to receive an evaluation in the school year immediately following the school year in which the postprobationary teacher or administrator receives a second consecutive evaluation designating his or her performance as highly effective upon the request of the teacher or administrator or at the discretion of the administrator who conducts the observation cycle for that year.]~~

~~Existing law requires a child to be a certain age on or before the first day of the school year to be admitted to certain early grades of school. (NRS 392.040) Section 12 of this bill changes the date by which a child must attain a certain age to start certain early grades from the first day of the school year to August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1~~ preceding a school year.

~~Existing law, in general, requires a child who is 6 years of age on or before the first day of school and has not completed kindergarten to be admitted to kindergarten. (NRS 392.040) Section 12 instead requires such a child to undergo an assessment to determine whether the child should be admitted to kindergarten or first grade.~~

~~Existing law requires a child who is 7 years of age on or before the first day of school to: (1) be admitted to second grade if the child has completed kindergarten and first grade; (2) be admitted to first grade if the child has completed kindergarten; and (3) if the child has not completed kindergarten, to undergo an assessment to determine whether the child should be admitted to kindergarten or first grade. (NRS 392.040) Section 12: (1) eliminates the requirement for a child who is 7 years of age by August 1 preceding a school year to complete kindergarten; and (2) requires such a child who has not completed first grade to be placed in either first or second grade based on the results of an assessment.~~

~~Existing law establishes provisions related to the discipline of pupils, including, without limitation, suspending, expelling or removing a pupil from school. (NRS 392.461-392.472) Existing law prohibits a public school from suspending, expelling or removing a pupil from a classroom or other premises of the school without first providing a plan of action based on restorative justice. (NRS 392.472) Section 15 of this bill removes the requirement for a public school to provide a plan of action based on restorative justice before suspending, expelling or removing a pupil from a classroom or other premises of the school and requires a public school to instead consider whether restorative approaches should be used as an alternative or in addition to suspending or expelling a pupil or removing a pupil from a classroom or other premises of the school. Section 15 defines “restorative approaches” and requires the Department to develop examples of disciplinary practices in which~~

restorative approaches are used as an alternative or in addition to suspending or expelling a pupil or removing a pupil from a classroom or other premises of the school. Sections 1, 4, 5, 7, 9, 13 and 14 of this bill make conforming changes relating to restorative approaches.] **between 7 and 18 years of age to attend public school. (NRS 392.040) Section 12.5 of this bill revises this provision to require each child to begin attending public school once the child is 6 years of age, rather than 7 years of age. Section 15.5 of this bill requires a child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time to be admitted to kindergarten or first grade.**

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

Section 1. ~~{NRS 385A.250 is hereby amended to read as follows:~~

~~385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:~~

~~—(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district;~~

~~—(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district;~~

~~—(c) Records of the suspension or expulsion, or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467;~~

~~—(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district;~~

~~—(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235;~~

~~—(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;~~

~~—(2) The number of incidents determined to be discrimination based on race, bullying or cyber bullying after an investigation is conducted pursuant to NRS 388.1351;~~

~~—(3) The number of incidents resulting in suspension or expulsion, or both, for discrimination based on race, bullying or cyber bullying; and~~

~~—(4) Any actions taken to reduce the number of incidents of discrimination based on race, bullying or cyber bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented;~~

~~—(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:~~

~~—(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;~~

~~—(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;~~

~~—(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and~~

~~—(4) The process used by the high school to address violations of a code of honor which are reported to the principal.~~

~~—(g) For each school in the district, including, without limitation, each charter school sponsored by the district, information on:~~

~~—(1) The [plan for restorative justice and the] process for progressive discipline used by the school [;], **including, without limitation, any restorative approaches that are used by the school;** and~~

~~—(2) The manner in which the school trains employees on restorative [justice] **approaches** and progressive discipline.~~

~~—2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:~~

~~—(a) Pupils who are economically disadvantaged;~~

~~—(b) Pupils from major racial and ethnic groups;~~

~~—(c) Pupils with disabilities;~~

~~—(d) Pupils who are English learners;~~

~~—(e) Pupils who are migratory children;~~

~~—(f) Gender;~~

~~—(g) Pupils who are homeless;~~

~~—(h) Pupils in foster care; and~~

~~—(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.~~

~~—3. As used in this section:~~

~~—(a) “Bullying” has the meaning ascribed to it in NRS 388.122.~~

~~—(b) “Cyber bullying” has the meaning ascribed to it in NRS 388.123.~~

~~—(c) “Discrimination based on race” has the meaning ascribed to it in NRS 388.1235.~~

~~—(d) “Expulsion” has the meaning ascribed to it in NRS 392.4603.~~

~~—(e) “Restorative [justice] **approaches**” has the meaning ascribed to it in NRS 392.472.~~

~~—(f) “Suspension” has the meaning ascribed to it in NRS 392.4607.] **(Deleted by amendment.)**~~

Sec. 2. NRS 388.122 is hereby amended to read as follows:

388.122 1. “Bullying” means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:

(a) Have the effect of:

(1) Physically harming a person or damaging the property of a person; or

(2) Placing a person in reasonable fear of physical harm to the person or damage to the property of the person;

(b) Interfere with the rights of a person by:

(1) Creating an intimidating or hostile educational environment for the person; or

(2) Substantially interfering with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school; or

(c) Are acts or conduct described in paragraph (a) or (b) and are based upon the:

(1) Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; or

(2) Association of a person with another person having one or more of those actual or perceived characteristics.

2. The term includes, without limitation:

(a) Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;

(b) Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;

(c) Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;

(d) Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;

(e) Blackmail, extortion or demands for protection money or involuntary loans or donations;

(f) Blocking access to any property or facility of a school;

(g) Stalking; and

(h) Physically harmful contact with or injury to another person or his or her property.

3. *The term does not include expressions, acts or gestures which are engaged in as part of a mutual disagreement or conflict.*

Sec. 3. NRS 388.1323 is hereby amended to read as follows:

388.1323 1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, and obtain information about antidiscrimination and anti-bullying efforts and organizations; and

(b) Provides outreach and antidiscrimination and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:

(1) Training regarding methods, procedures and practice for recognizing discrimination based on race, bullying and cyber-bullying behaviors;

(2) Training regarding effective intervention and remediation strategies regarding discrimination based on race, bullying and cyber-bullying;

(3) Training regarding methods for reporting violations of NRS 388.135; and

(4) Information on and referral to available resources regarding suicide prevention and the relationship between discrimination based on race, bullying or cyber-bullying and suicide, including, without limitation, resources for pupils who are members of groups at a high risk of suicide. Such groups include, without limitation, the groups described in subsection 3 of NRS 388.256.

4. The Director of the Office shall establish procedures by which the Office may receive reports of discrimination based on race, bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive.

5. ~~The~~ **Except as otherwise provided in this subsection, the** Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated a provision of NRS 388.121 to 388.1395, inclusive. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety. ***The Director of the Office or his or her designee is not required to investigate a complaint pursuant to this subsection if the complaint is made through the SafeVoice Program established pursuant to NRS 388.1455 and investigated by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553, unless the complaint alleges that a previous investigation conducted by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553 regarding the same matter failed to resolve the issue or was otherwise deficient.***

Sec. 4. ~~[NRS 388.133 is hereby amended to read as follows:~~

~~388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber bullying;~~

~~2. The policy must include, without limitation:~~

~~(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;~~

~~(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;~~

~~(c) Requirements and methods for restorative disciplinary practices that align with the statewide framework for restorative [justice] **approaches** if such a framework is developed pursuant to NRS 388.1333; and~~

~~(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:~~

~~— (1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber bullying so that pupils may realize their full academic and personal potential;~~

~~— (2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber bullying;~~

~~— (3) Training concerning the needs of persons with diverse gender identities or expressions;~~

~~— (4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;~~

~~— (5) Methods to promote a positive learning environment;~~

~~— (6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and~~

~~— (7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior. **(Deleted by amendment.)**~~

Sec. 5. ~~[NRS 388.1333 is hereby amended to read as follows:~~

~~388.1333 1. To the extent that money is available, the Department shall develop a statewide framework for restorative [justice.] **approaches**. The statewide framework must, without limitation:~~

~~(a) In accordance with NRS 392.472, establish standards for [a plan of action based on] restorative [justice] **approaches** to enable a public school to address the unique needs of pupils enrolled in the school;~~

~~(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;~~

~~—(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;~~

~~—(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information on, without limitation:~~

~~—(1) Multi-tiered systems of support;~~

~~—(2) Early warning systems;~~

~~—(3) Positive behavioral interventions and support;~~

~~—(4) The provision of school social workers;~~

~~—(5) Curriculum on social and emotional learning; and~~

~~—(6) Trauma-informed practices; and~~

~~—(e) Provide for training for teachers, administrators and other school staff in:~~

~~—(1) Child and adolescent development;~~

~~—(2) Restorative [justice.] **approaches**, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and~~

~~—(3) Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress;~~

~~—2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative [justice.] **approaches**;~~

~~—3. As used in this section:~~

~~—(a) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.~~

~~—(b) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).~~

~~—(c) “Restorative [justice.] **approaches**” has the meaning ascribed to it in NRS 392.472.~~

~~—(d) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6). **(Deleted by amendment.)**~~

Sec. 6. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the discrimination based on race, bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the discrimination based on race, bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee

does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported discrimination based on race, bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the discrimination based on race, bullying or cyber-bullying. The notification must be provided:

(1) If the discrimination based on race, bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the discrimination based on race, bullying or cyber-bullying is reported; or

(2) If the discrimination based on race, bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the discrimination based on race, bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed ~~not later than 21~~, **to the greatest extent practicable, within 5** school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within ~~21~~ 5 school days after making a good faith effort, ~~11~~ 2 additional school ~~day~~ **days** may be used to complete the investigation. ~~[The time for completing an investigation into a report of cyber-bullying may also be extended to not more than 5 school days after the report is received with the consent of each reported victim of the cyber-bullying or, if a reported victim is under 18 years of age and is not emancipated, the parent or guardian of the reported victim.]~~

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred:

(a) The report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights

and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation; and

(b) Any action taken after the completion of the investigation to address the discrimination based on race, bullying or cyber-bullying must be based on restorative disciplinary practices and carried out in a manner that causes the least possible disruption for the victim or victims. When necessary, the administrator or ~~this or her~~ designee shall give priority to ensuring the safety and well-being of the victim or victims over any interest of the perpetrator or perpetrators when determining the actions to take.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the discrimination based on race, bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported discrimination based on race, bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or ~~this or her~~ designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator ~~[-his]~~ or ~~her~~ designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or ~~this or her~~ designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of discrimination based on race, bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

- (a) Reports received pursuant to subsection 1 concerning incidents of bullying or cyber-bullying;
- (b) Reports received pursuant to subsection 1 concerning incidents of discrimination based on race;
- (c) Times in which a violation of NRS 388.135 is found to have occurred; and
- (d) Times in which no violation of NRS 388.135 is found to have occurred.

13. ~~{A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235, the:~~

- ~~—(a) Total number of reports received pursuant to subsection 1 concerning bullying or cyber bullying;~~
- ~~—(b) Total number of reports received pursuant to subsection 1 concerning incidents of discrimination based on race;~~
- ~~—(c) Number of times in which a violation of NRS 388.135 is found to have occurred; and~~
- ~~—(d) Number of times in which no violation of NRS 388.135 is found to have occurred.~~

~~—14. The Office for a Safe and Respectful Learning Environment, in consultation with the direct supervisor of a principal, shall, after reviewing a report submitted pursuant to subsection 12 or 13, as applicable, make any recommendations based on identified trends and patterns the Office determines to be appropriate regarding interventions or training to address discrimination based on race, bullying and cyber bullying at the school.~~

~~—15.} School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.~~

~~{16.}~~ 14. The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Sec. 7. ~~{NRS 388A.495 is hereby amended to read as follows:~~

~~—388A.495— 1. A governing body of a charter school shall adopt:~~

- ~~—(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and~~
- ~~—(b) Appropriate punishments for violations of the rules.~~

~~—2. If suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. Before a pupil is suspended or expelled, the charter school shall consider whether~~

~~restorative approaches should be used as an alternative or in addition to suspension or expulsion. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.~~

~~3. [A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.~~

~~4.] A pupil with a disability who is at least 11 years of age and who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~(b) Expelled from school pursuant to this section.~~

~~(c) Permanently expelled from school pursuant to this section.~~

~~[5.] 4. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:~~

~~(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.~~

~~(b) Available for public inspection at the charter school.~~

~~[6.] 5. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.~~

~~[7.] 6. As used in this section:~~

~~(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.~~

~~(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled.~~

~~—(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and~~

~~—(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.~~

~~—(c) “Pupil with a disability” has the meaning ascribed to it in NRS 388.417.~~

~~—(d) “Restorative approaches” has the meaning ascribed to it in NRS 392.472.~~

~~—(e) “Suspend” or “suspension” has the meaning ascribed to it in NRS 392.4607.1 (Deleted by amendment.)~~

Sec. 8. ~~[NRS 388C.150 is hereby amended to read as follows:~~

~~388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:~~

~~—(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and~~

~~—(b) Appropriate punishments for violations of the rules.~~

~~2. If suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. **Before a pupil is suspended or expelled, the university school shall consider whether restorative approaches should be used as an alternative or in addition to suspension or expulsion.** If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.~~

~~3. [A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.~~

~~4.] A pupil with a disability who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university~~

~~school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~—(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~—(b) Expelled from school pursuant to this section.~~

~~—(c) Permanently expelled from school pursuant to this section.~~

~~—[5.] 4. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:~~

~~—(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.~~

~~—(b) Available for public inspection at the university school.~~

~~—[6.] 5. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.~~

~~—[7.] 6. As used in this section:~~

~~—(a) “Expel” or “expulsion” has the meaning ascribed to it in NRS 392.4603.~~

~~—(b) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled;~~

~~—(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and~~

~~—(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.~~

~~—(c) “Pupil with a disability” has the meaning ascribed to it in NRS 388.417.~~

~~—(d) “Restorative approaches” has the meaning ascribed to it in NRS 392.472.~~

~~—(e) “Suspend” or “suspension” has the meaning ascribed to it in NRS 392.4607.~~ **(Deleted by amendment.)**

Sec. 9. NRS 389.167 is hereby amended to read as follows:

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil’s elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to

and with the approval of the ~~{State Board}~~ **Superintendent of Public Instruction**. An application to offer a work-based learning program must include, without limitation:

- (a) The fields, trades or occupations in which a work-based learning program will be offered.
- (b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.
- (c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.
- (d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.
- (e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the ~~{State Board}~~ **Superintendent of Public Instruction** of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

- (a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.
- (b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the ~~{State Board}~~ **Superintendent of Public Instruction** to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

- (a) A detailed training agreement and training plan be completed for each pupil participating in the work-based training program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;
- (b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program; and
- (c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:

(a) The number of pupils participating in the work-based learning program; and

(b) The types of work-based learning offered through the work-based learning program.

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 10. ~~NRS 391.690 is hereby amended to read as follows:~~

~~391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as developing or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three observation cycles which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two observation cycles during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as developing or ineffective on the evaluation, the postprobationary teacher may request that the third observation cycle be conducted by another administrator. If a postprobationary teacher requests that his or her third observation cycle be conducted by another administrator, that administrator must be:~~

~~(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and~~

~~(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.~~

~~2. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation~~

must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of the school year.

~~3. If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective for 2 consecutive school years, the postprobationary teacher must:~~

~~(a) Participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as highly effective. [, and] **The postprobationary teacher may receive one evaluation based in part upon the observation cycle conducted pursuant to this paragraph.**~~

~~— (1) Upon request of the postprobationary teacher; or~~

~~— (2) At the discretion of the administrator who conducts the observation cycle.~~

~~(b) Receive one evaluation in the school year immediately following the school year in which the postprobationary teacher participated in the observation cycle pursuant to paragraph (a). The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of that school year. }~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 391.710 is hereby amended to read as follows:~~

~~391.710 1. If a postprobationary administrator receives an evaluation designating his or her overall performance as developing or ineffective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year which is based in part upon three observation cycles which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.705. If a postprobationary administrator receives evidence from the first two observation cycles indicating that, unless his or her performance improves, his or her overall performance may be rated as developing or ineffective on the evaluation, the postprobationary administrator may request that the third observation cycle be conducted by another administrator. If a postprobationary administrator requests that his or her third observation cycle be conducted by another administrator, that administrator must be:~~

~~— (a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and~~

~~— (b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.~~

~~2. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of the school year.~~

~~3. If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective for 2 consecutive school years, the postprobationary administrator must:~~

~~(a) Participate in one observation cycle in the school year immediately following the school year in which the postprobationary administrator receives a second consecutive evaluation designating his or her performance as highly effective. [; and] The postprobationary administrator may receive one evaluation based in part upon the observation cycle conducted pursuant to this paragraph;~~

~~(1) Upon the request of the postprobationary administrator; or~~

~~(2) At the discretion of the administrator who conducts the observation cycle.~~

~~(b) Receive one evaluation in the school year immediately following the school year in which the postprobationary administrator participated in the observation cycle pursuant to paragraph (a). The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of that school year. (Deleted by amendment.)~~

Sec. 12. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before ~~the first day of~~ August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding ~~the~~ the school year, may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before ~~the first day of~~ August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding ~~the~~ the school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before ~~the first day of~~ August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding ~~the~~ the school year must:

(a) If the child has not completed kindergarten, ~~undergo an assessment by the school district or charter school, as applicable, pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the school district or charter school, as applicable, determines that the child is prepared developmentally, the child must be admitted to the first grade at the beginning of that school year. If the school district or charter school, as applicable, determines that the child is not so~~

~~prepared, he or she must~~ be admitted to kindergarten at the beginning of that school year ~~or~~ ; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➡ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before ~~the first day of~~ **August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the** school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before ~~the first day of~~ **August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the** school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before ~~the first day of~~ **August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the** school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade, ~~at the beginning of that school year.~~

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, ~~child has not completed first~~

~~grade,~~ undergo an assessment by the ~~[school]~~ district ~~for charter school, as applicable,~~ pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first ~~[second]~~ grade. If the ~~[school]~~ district ~~for charter school, as applicable,~~ determines that the child is prepared developmentally, the child must be admitted to the first ~~[second]~~ grade ~~at the beginning of that school year.~~ If the ~~[school]~~ district ~~for charter school, as applicable,~~ determines that the child is not so prepared, he or she must be admitted to kindergarten. ~~[the first grade at the beginning of that school year.]~~

↪ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district ~~[and charter school]~~ shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) ~~[Who is 6 years of age on or before August 1 preceding a school year and who has not completed kindergarten, to determine whether the child is prepared developmentally to be admitted to the first grade, or~~

~~—(b)—~~ Who is 7 years of age on or before ~~[the first day]~~ August 1 of the ~~[next]~~ school year, or if August 1 does not occur during a school year, on or before August 1 preceding [a] the school year ; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4.

↪ ~~[who has not completed first grade,~~ to determine whether the child is prepared developmentally to be admitted to the first ~~[second]~~ grade.

~~[The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.~~

8. Except as otherwise provided in subsection 9, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

10. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.3. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of ~~4~~ 5 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

↪ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is ~~4~~ 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year may elect for the child not to attend kindergarten ~~for the first grade~~ during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS

392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of ~~4~~ 6 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

~~6. [A child who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:~~

~~—(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.~~

~~—(b) If the child has completed kindergarten, be admitted to the first grade.~~

~~—(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.~~

~~—The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.~~

~~7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:~~

~~—(a) Who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year; and~~

~~—(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4;~~

~~—to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.~~

~~8.]~~ Except as otherwise provided in subsection ~~10.]~~ 7, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of

trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~19.1~~ 7. Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

~~110.1~~ 8. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.5. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of ~~17~~ 6 and 18 years; and

(b) Any child who has arrived at the age of ~~16~~ 5 years but not at the age of ~~17~~ 6 years and is enrolled in a public school,

↳ who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. ~~NRS 392.4644 is hereby amended to read as follows:~~

~~392.4644 1. The board of trustees of each school district shall establish a plan to provide for the restorative discipline of pupils and on-site review of disciplinary decisions. The plan must:~~

~~(a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, pupils who are enrolled in schools within the~~

~~school district and the parents and guardians of pupils who are enrolled in schools within the school district.~~

~~—(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.~~

~~—(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.~~

~~—(d) Provide restorative disciplinary practices which include, without limitation:~~

~~—(1) Holding a pupil accountable for his or her behavior;~~

~~—(2) Restoration or remedies related to the behavior of the pupil;~~

~~—(3) Relief for any victim of the pupil; and~~

~~—(4) Changing the behavior of the pupil.~~

~~—(e) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.~~

~~—(f) Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.~~

~~—(g) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.~~

~~—(h) Be in accordance with the statewide framework for restorative [justice] approaches developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.~~

~~—(i) Be posted on the Internet website maintained by the school district.~~

~~—2. On or before September 15 of each year, the principal of each public school shall:~~

~~—(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators and other educational personnel and support personnel who are employed at the school and the parents and guardians of pupils and the pupils who are enrolled in the school;~~

~~—(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;~~

~~—(c) Based upon the review, recommend to the board of trustees of the school district revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel and the parents and guardians of pupils and the pupils who are enrolled in the school, if necessary;~~

~~—(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~—(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.~~

~~3. On or before November 15 of each year, the board of trustees of each school district shall:~~

~~(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school within the district in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and~~

~~(b) Post a copy of the report on the Internet website maintained by the school district.~~

~~4. As used in this section, “restorative [justice] approaches” has the meaning ascribed to it in NRS 392.472. (Deleted by amendment.)~~

Sec. 14. [NRS 392.466 is hereby amended to read as follows:

~~392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. [The school shall provide a plan of action based on] restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil.] The pupil may be suspended or expelled from the school, in which case the pupil shall:~~

~~(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~

~~(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.~~

~~➔ **Before a pupil is suspended or expelled from the school, the school shall consider the use of restorative approaches as an alternative or in addition to suspension or expulsion.**~~

~~2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school [the plan of action provided pursuant to subsection 1] if:~~

~~(a) The employee feels any **disciplinary** actions taken [pursuant to such plan] are inappropriate; and~~

~~(b) For a pupil with a disability who committed the battery, the board of trustees of the school district or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~

~~3. Except as otherwise provided in this section, any pupil of any age, including, without limitation, a pupil with a disability, who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus~~

must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.

~~4. If, after a meeting conducted pursuant to subsection 1, a school concludes that it is unable to retain a pupil in the school [pursuant to subsection 1] for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school to [create a plan of action based on restorative justice for the pupil] **determine if any restorative approaches should be implemented** and to ensure that any resources required to [execute] **implement** the [plan of action based on] restorative [justice] **approaches** are available at the new school.~~

~~5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655 [,] **and** the pupil is at least 11 years of age, [and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil,] based on the seriousness of the acts which were the basis for the discipline, the pupil may be:~~

~~(a) Suspended from the school; or~~

~~(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.~~

~~6. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:~~

~~(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~

~~(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.~~

~~7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that [a plan of action based on] restorative [justice] **approaches** may be used successfully [,] **as an alternative to the suspension or expulsion.**~~

~~8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school.~~

~~A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.~~

~~9. Except as otherwise provided in this subsection and subsection 3, a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.~~

~~10. Except as otherwise provided in subsection 3, a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.~~

~~(b) Expelled from school pursuant to this section.~~

~~(c) Permanently expelled from school pursuant to this section.~~

~~11. A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.~~

~~12. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.~~

~~13. As used in this section:~~

~~(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.~~

~~—(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.~~

~~—(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.~~

~~—(d) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.~~

~~—(e) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).~~

~~—(f) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:~~

~~—(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and~~

~~—(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.~~

~~—(g) “Restorative [justice]” **approaches** has the meaning ascribed to it in NRS 392.472.~~

~~—(h) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).~~

~~—14. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil. **(Deleted by amendment.)**~~

Sec. 15. ~~[NRS 392.472 is hereby amended to read as follows:~~

~~—392.472 1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall [provide a plan of action based on restorative justice before], **before** removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school [], **consider the use of restorative approaches as an alternative or in addition to removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil.**~~

~~—2. The Department shall develop one or more examples of [a plan of action which] **disciplinary practices in which restorative approaches are used as an**~~

~~alternative or in addition to removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school. Such disciplinary practices~~ may include, without limitation:

- ~~— (a) [Positive behavioral interventions and support;~~
- ~~— (b) A] The development of a plan for behavioral intervention;~~
- ~~— [(c)] (b) A referral to a team of student support;~~
- ~~— [(d)] (c) A referral to an individualized education program team;~~
- ~~— [(e)] (d) A referral to appropriate community-based services; [and~~
- ~~— (f)] (e) A conference with the principal of the school or his or her designee and any other appropriate personnel [.] ; and~~
- ~~— (f) Any other method for implementing restorative approaches;~~

~~— 3. [The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.~~

~~— 4.] The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:~~

- ~~— (a) A description of the statewide framework for restorative [justice] approaches developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;~~
- ~~— (b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;~~
- ~~— (c) One or more models of restorative [justice] approaches and best practices relating to restorative [justice];] approaches;~~
- ~~— (d) A curriculum for professional development relating to restorative [justice] approaches and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative [justice];] approaches; and~~
- ~~— (e) One or more examples of [a plan of action based on restorative justice] disciplinary practices developed pursuant to subsection 2.~~

~~— [5.] 4. As used in this section:~~

~~— (a) “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B);~~

~~— (b) “Restorative [justice]” means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.] approaches”;~~

~~— (1) Means a relationship focused student discipline model that, without limitation:~~

~~— (I) Is preventative and proactive;~~

~~— (II) Emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well being of the school community;~~

~~— (III) In response to behavior that violates the clear behavioral expectations that contribute to the well being of the school community, focuses on accountability for any harm done by such behavior; and~~

~~(IV) Addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of any person who was harmed.~~

~~(2) May include, without limitation, conflict resolution, mediation, peer mediation, circle processes, restorative conferences, social emotional learning, trauma informed care, positive behavioral intervention supports, rehabilitation and de-escalation techniques.] (Deleted by amendment.)~~

Sec. 15.3. NRS 422A.333 is hereby amended to read as follows:

422A.333 1. A recipient who has control or charge of a child who is not less than ~~17~~ **6** years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~17~~ **6** years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~17~~ **6** years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

↪ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 15.5. A child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time must:

1. If the child has not completed kindergarten, be admitted to kindergarten at the beginning of the 2024-2025 school year; or

2. If the child has completed kindergarten, be admitted to the first grade at the beginning of the 2024-2025 school year.

Sec. 16. 1. This section and sections 1 to 12, inclusive, 13, 14 and 15 of this act becomes effective on July 1, 2023.

2. Sections 12.3, 12.5, 15.3 and 15.5 of this act become effective on July 1, 2024.

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. 85.

Bill read second time.

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

Amendment No. 267.

AN ACT relating to health care; creating the Independent Commission on Rates for Health Care Services; establishing procedures for fixing the rates charged by hospitals, independent centers for emergency medical care and surgical centers for ambulatory patients for certain goods and services ~~for~~ **provided to certain patients;** authorizing the imposition of a civil penalty and initiation of disciplinary action against such a facility that fails to comply with provisions concerning rate fixing; creating certain causes of action to enforce those provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes a procedure to determine the amount that a third party which provides health coverage to a person is required to pay to an out-of-network hospital, independent center for emergency medical care or other provider of health care for medically necessary emergency services rendered to that person. (NRS 439B.700-439B.760) Existing law also requires certain major hospitals to reduce the total billed charge by at least 30 percent for hospital services provided to certain patients who have no insurance or other contractual agreement for the payment of the charges by a third party that provides health coverage. (NRS 439B.260) **Sections 2-13** of this bill establish procedures to fix rates charged by hospitals, independent centers for emergency medical care and surgical centers for ambulatory patients for goods and services that are reimbursable through Medicare when provided to a patient who is ~~is: (1) not indigent; and (2) not covered by Medicare or Medicaid.~~ **covered by the Public Employees' Benefits Program. Section 27.5 of this bill additionally applies those fixed rates to such goods and services when provided to a patient who is covered by the Public Option, when the Public Option begins operating on January 1, 2026. Sections 3-5 of this bill define necessary terms. Section 6 of this bill creates the Independent Commission on Rates for Health Care Services, which consists of members who are representatives of various health care and business entities. Section 7 of this bill establishes procedures governing the meetings and operations of the Independent Commission.**

Section 8 of this bill generally prohibits hospitals, independent centers for emergency medical care and surgical centers for ambulatory patients from charging rates different from those fixed under **sections 2-13 ~~for~~ for services provided to patients to whom such fixed rates apply.** **Section 9** of this bill requires the Independent Commission to fix rates to ensure that each health care facility is able to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to its employees. **Section 9** requires the Independent Commission to generally: (1) presume that the rates paid by Medicare allow a health care facility to cover reasonable costs, earn a

fair and reasonable profit and provide fair and adequate compensation to employees; and (2) fix rates at that amount. However, **section 9** authorizes a health care facility to request a different rate if the health care facility determines the rates paid by Medicare do not allow the health care facility to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees. **Section 10** of this bill: (1) requires the Division of Health Care Financing and Policy of the Department of Health and Human Services to evaluate such requests; and (2) prescribes the procedure for evaluating such a request and the criteria that the Division is required to consider during the evaluation. **Section 11** of this bill: (1) requires the Division to make a recommendation on the request to the Independent Commission; (2) requires the Independent Commission to review that recommendation and issue an order fixing rates for the health care facility that requested a different rate; and (3) prescribes the procedure and requirements concerning such a recommendation and order relating to such a request. **Section 11** provides that such an order is valid for 1 year and authorizes a health care facility to request to renew a rate. **Section 11.5 of this bill requires the Independent Commission to annually submit to the Legislature a report concerning the impacts of rate fixing in accordance with sections 2-13.**

Section 12 of this bill requires the Division to adopt certain regulations governing rate fixing, including regulations establishing civil penalties to be imposed against a health care facility that violates provisions governing rate fixing. **Sections 13 and 21** of this bill provide for the imposition of disciplinary action against a health care facility for such a violation. **Section 13** also authorizes: (1) the Division or Attorney General to maintain a suit for an injunction against such a violation; and (2) any person or entity injured by such a violation to maintain a suit for damages. **Sections 14, 15, 17 and 22-27.4** of this bill make conforming changes to clarify the application of or remove existing provisions concerning the rates that a health care facility may charge for certain services. ~~{Sections 16-20 and 30 of this bill remove the applicability of provisions that establish a procedure for determining rates for medically necessary emergency medical care to hospitals and independent centers for emergency medical care because sections 2-13 require the Independent Commission to fix the rates for such care.}~~

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

Section 1. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Division” means the Division of Health Care Financing and Policy of the Department.*

Sec. 4. *“Health care facility” means:*

1. A hospital, as defined in NRS 449.012, other than a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

2. An independent center for emergency medical care, as defined in NRS 449.013.

3. A surgical center for ambulatory patients, as defined in NRS 449.019.

Sec. 5. “Independent Commission” means the Independent Commission on Rates for Health Care Services created by section 6 of this act.

Sec. 6. 1. The Independent Commission on Rates for Health Care Services is hereby created within the Division.

2. The Governor shall appoint nine members to the Independent Commission.

3. Each member of the Independent Commission must:

(a) Be a citizen of the United States and resident of this State;

(b) Have demonstrated leadership skills in his or her professional and civil life; and

(c) Offer expertise, knowledge and experience in consumer advocacy, management of a company that offers health insurance to its employees, public health, finance, organized labor, health care or operation of a small business.

4. Not more than four members of the Independent Commission may be persons whose household income, during the tenure of the person on the Independent Commission or within the 12 months immediately preceding the appointment of the person to the Independent Commission, is derived from health care or a field related to health care.

5. At least one member of the Independent Commission must be a ~~provider of health care in this State,~~ representative of a hospital in this State or the Nevada Hospital Association or its successor organization.

6. After the initial terms, each member of the Independent Commission serves for a term of 4 years, and members serve at the pleasure of the Governor. Each member of the Independent Commission continues in office until his or her successor is appointed. Any vacancy in the membership must be filled by the Governor for the remainder of the unexpired term. Each member may serve not more than two consecutive full terms.

7. Members of the Independent Commission serve without compensation but are entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

8. A member of the Independent Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from the duties of the member without loss of regular compensation so that the member may prepare for and attend meetings of the Independent Commission and perform any work necessary to carry out the duties of the Independent Commission in the most timely manner practicable. A state

agency or political subdivision of this State shall not require an officer or employee who is a member of the Independent Commission to:

(a) Make up the time the member is absent from work to carry out the duties required as a member of the Independent Commission; or

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

9. As used in this section, “provider of health care” means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

Sec. 7. 1. At its first meeting and annually thereafter, the Independent Commission shall elect a Chair from its members.

2. The Independent Commission shall meet at the call of the Chair or the Governor as is necessary to achieve its objectives and carry out its duties.

3. A majority of the Independent Commission constitutes a quorum for the transaction of business and a majority of a quorum present at a meeting is sufficient for any official action taken by the Independent Commission.

4. The Division shall provide any additional personnel, facilities, equipment and supplies required by the Independent Commission to carry out the provisions of sections 2 to 13, inclusive, of this act.

Sec. 8. 1. A health care facility shall charge rates fixed in accordance with sections 2 to 13, inclusive, of this act for any goods or services described in subsection 2 that are provided to a patient who is ~~not~~ covered by ~~Medicare, Medicaid or the Children’s Health Insurance Program and is not entitled to relief under the provisions of chapter 428 of NRS.~~ the Public Employees’ Benefits Program.

2. The provisions of sections 2 to 13, inclusive, of this act apply to goods and services that are reimbursable through Medicare. As used in this subsection, “reimbursable” means that Medicare provides reimbursement for a good or service when that good or service is provided to a patient who is covered by Medicare.

3. A health care facility shall not provide any person with a discount, incentive or price reduction or enter into any arrangement where the effective amount paid to the health care facility for goods or services is different from the rate established for those goods or services pursuant to sections 2 to 13, inclusive, of this act.

4. To the extent of their applicability, the provisions of sections 2 to 13, inclusive, of this act supersede any other provision of law relating to the rates charged by a health care facility, including, without limitation, provisions requiring or authorizing reduced or discounted rates.

Sec. 9. 1. The Independent Commission shall fix rates pursuant to sections 2 to 13, inclusive, of this act to ensure that each health care facility is able to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees. If a health care facility does not request a different rate pursuant to subsection 2, the Independent Commission shall:

(a) Presume that the rates at which Medicare provides reimbursement for the goods and services provided by the health care facility allow the health care facility to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees; and

(b) Fix the rates that the health care facility may charge for goods or services at rates equal to the rates set forth in paragraph (a).

2. A health care facility which determines that the rates set forth in paragraph (a) of subsection 1 do not allow the health care facility to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees may, on or before March 1 of any year, submit to the Independent Commission a request for a rate different from the rate set forth in paragraph (a) of subsection 1. A request for different rates ~~is~~

~~(a) May apply to particular goods or services provided by the health care facility or to all goods and services provided by the health care facility.~~

~~(b) Must~~ must include, without limitation:

~~{(1)} The goods and services for which the health care facility is requesting a different rate;~~

~~(2)} (a) An explanation of why the health care facility is unable to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees charging the rates set forth in paragraph (a) of subsection 1;~~

~~{(3)} (b) The rates that the health care facility has determined are necessary to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees ~~is~~, which must be in the form of:~~

~~(1) A multiplier of the rates at which Medicare provides reimbursement which applies to all goods and services provided by the health care facility;~~
~~or~~

~~(2) Two separate multipliers of the rates at which Medicare provides reimbursement, one of which applies to goods and services provided to inpatients by the health care facility and the other of which applies to goods and services provided to outpatients by the health care facility; and~~

~~{(4)} (c) Any other information required by the regulations adopted pursuant to section 12 of this act.~~

Sec. 10. 1. The Independent Commission shall refer requests submitted pursuant to subsection 2 of section 9 of this act to the Division for evaluation pursuant to this section.

2. When evaluating requests submitted pursuant to subsection 2 of section 9 of this act, the Division shall ensure that each health care facility is able to cover reasonable costs and earn a fair and reasonable profit and that the employees of the facility are able to receive fair and adequate compensation. The health care facility that submitted the request has the burden of demonstrating that the health care facility will not cover reasonable costs, earn a fair and reasonable profit or provide fair and

adequate compensation to employees charging the rates set forth in paragraph (a) of subsection 1 of section 9 of this act. When determining whether a health care facility has met that burden and, if so, the appropriate rate, the Division shall consider, without limitation:

(a) The relative populations of persons and entities who pay for goods and services provided by the health care facility and the relative amounts of reimbursement paid by those persons and entities;

(b) Where applicable, the disparities in compensation between providers of primary care and specialty services or between providers of different types of specialty services;

(c) The effectiveness and efficiency of the services provided by the health care facility;

(d) Any financial hardship that rapidly reducing the rates that a health care facility is authorized to charge would impose upon the health care facility;

(e) The extent to which the health care facility provides care to patients who are more vulnerable or who suffer from comorbidities that make treatment more difficult;

(f) The emphasis placed by the health care facility on promoting population health;

(g) Issues relating to the health care workforce and quality of jobs in health care; and

(h) Any other criteria prescribed by the regulations adopted pursuant to section 12 of this act.

3. When evaluating a request submitted pursuant to subsection 2 of section 9 of this act, the Division:

(a) May request from the health care facility any information that the Division determines to be necessary to make its recommendation; and

(b) Shall solicit input on the request from affected persons and entities, including, without limitation, insurers and patients.

Sec. 11. 1. After evaluating a request pursuant to section 10 of this act, the Division shall issue a recommendation to the Independent Commission to:

(a) Deny the request and fix rates for the health care facility in the amount set forth in paragraph (a) of subsection 1 of section 9 of this act, which recommendation must state the reasons therefor;

(b) Fix the rates as requested by the health care facility pursuant to subsection 2 of section 9 of this act; or

(c) Fix specified rates for the health care facility that are different from the rates requested by the health care facility pursuant to subsection 2 of section 9 of this act.

2. A recommendation issued pursuant to subsection 1 concerning a request submitted pursuant to subsection 2 of section 9 of this act must be made on or before April 1 of the year in which the request was filed.

3. The Independent Commission shall review the recommendation issued by the Division pursuant to subsection 1 and the record underlying the recommendation, including, without limitation, all documents the Division reviewed in making its decision and arguments made, and issue an order on or before May 1 of the year, which:

(a) Denies the request and fixes rates for the health care facility in the amount set forth in paragraph (a) of subsection 1 of section 9 of this act and states the reasons therefor;

(b) Fixes the rates as requested by the health care facility pursuant to subsection 2 of section 9 of this act;

(c) Fixes specified rates for the health care facility that are different from the rates requested by the health care facility pursuant to subsection 2 of section 9 of this act; or

(d) Requests the Division to evaluate the request again under conditions specified by the Independent Commission and issue a new recommendation to the Independent Commission.

4. If the Independent Commission requests the Division to reevaluate a request and issue a new recommendation, the Division shall issue its new recommendation not later than 15 days after the issuance of the order by the Independent Commission pursuant to paragraph (d) of subsection 3. The Independent Commission shall issue a new order not later than 15 days after receiving the new recommendation. Such an order may take any action described in paragraph (a), (b) or (c) of subsection 3.

5. All rates fixed by the Independent Commission ~~are~~ :

(a) Must be in a form described in paragraph (b) of subsection 2 of section 9 of this act; and

(b) Are in force, and are prima facie lawful, from the date of the order until 1 year after that date.

6. The Division shall publish all rates fixed by the Independent Commission pursuant to this section or section 9 of this act on an Internet website maintained by the Division.

7. A health care facility may request to renew a fixed rate on or before March 1 of the year in which the rate is set to expire. The health care facility has the burden of demonstrating that the health care facility will not cover reasonable costs, earn a fair and reasonable profit or provide fair and adequate compensation to employees charging the rates set forth in paragraph (a) of subsection 1 of section 9 of this act.

Sec. 11.5. On or before July 30 of each even-numbered year, the Independent Commission shall:

1. Review and study the impacts of the provisions of sections 2 to 13, inclusive, of this act;

2. Compile a report with a summary of such information and any recommendations of the Independent Commission relating to the provisions of sections 2 to 13, inclusive, of this act; and

3 Submit the report compiled pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.

Sec. 12. The Division shall adopt any regulations necessary to carry out the provisions of sections 2 to 13, inclusive, of this act. Those regulations must include, without limitation, regulations prescribing:

1. Any information that must be included in a request made pursuant to subsection 2 of section 9 of this act;
2. The procedure and specific criteria, in addition to those prescribed by section 10 of this act, that the Division will and the Independent Commission must use when considering such a request;
3. A streamlined process for making and considering a request pursuant to subsection 7 of section 11 of this act to renew a rate established by the Independent Commission; and
4. Civil penalties that may be imposed against a health care facility that charges a rate different from those established for the health care facility pursuant to sections 2 to 13, inclusive, of this act.

Sec. 13. 1. The Division may report any failure by a health care facility to comply with the provisions of sections 2 to 13, inclusive, of this act to the Division of Public and Behavioral Health of the Department for the initiation of disciplinary proceedings.

2. The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from charging rates different from those established for the health care facility under the provisions of sections 2 to 13, inclusive, of this act. Such an injunction:

- (a) May be issued without proof of actual damage sustained by any person as a preventive or punitive measure.
- (b) Does not relieve any person or business entity from any other legal action.

3. Any person or entity injured by the failure of a health care facility to charge rates in accordance with the provisions of sections 2 to 13, inclusive, of this act may maintain in any court of competent jurisdiction a suit to recover:

- (a) Damages resulting from such failure; and
- (b) Attorney's fees and costs.

Sec. 14. ~~INRS 439B.260 is hereby amended to read as follows:~~

~~439B.260 1. A major hospital shall reduce or discount the total billed charge by at least 30 percent for hospital services, other than services subject to the provisions of sections 2 to 13, inclusive, of this act, provided to an inpatient who:~~

- ~~(a) Has no policy of health insurance or other contractual agreement with a third party that provides health coverage for the charge;~~
- ~~(b) Is not eligible for coverage by a state or federal program of public assistance that would provide for the payment of the charge; and~~

~~—(c) Makes reasonable arrangements within 30 days after the date that notice was sent pursuant to subsection 2 to pay the hospital bill.~~

~~—2. A major hospital shall include on or with the first statement of the hospital bill provided to the patient after his or her discharge a notice of [the] any reduction or discount available pursuant to this section, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount.~~

~~—3. A major hospital or patient who disputes the reasonableness of arrangements made pursuant to paragraph (c) of subsection 1 may submit the dispute to the Bureau for Hospital Patients for resolution as provided in NRS 232.462.~~

~~—4. A major hospital shall reduce or discount the total billed charge of its outpatient pharmacy by at least 30 percent to a patient who is eligible for Medicare.~~

~~—5. As used in this section, “third party” means:~~

~~—(a) An insurer, as that term is defined in NRS 679B.540;~~

~~—(b) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for services and care at a hospital;~~

~~—(c) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or~~

~~—(d) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.~~

~~—The term does not include an insurer that provides coverage under a policy of casualty or property insurance.] (Deleted by amendment.)~~

Sec. 15. NRS 439B.400 is hereby amended to read as follows:

439B.400 Each hospital in this State shall maintain and use a uniform list of billed charges for that hospital for units of service or goods provided to all inpatients. A hospital may not use a billed charge for an inpatient that is different than the billed charge used for another inpatient for the same service or goods provided. This section does not restrict the ability of a hospital or other person to negotiate a discounted rate from the hospital’s billed charges or to contract for a different rate or mechanism for payment of the hospital ~~[-]~~ **for services and goods that are not subject to the provisions of sections 2 to 13, inclusive, of this act.**

Sec. 16. ~~[NRS 439B.727 is hereby amended to read as follows:~~

~~439B.727 “Provider of health care” has the meaning ascribed to it in NRS 695C.070 [-], except that the term does not include a health care facility, as defined in section 4 of this act.] (Deleted by amendment.)~~

Sec. 17. NRS 439B.742 is hereby amended to read as follows:

439B.742 The provisions of NRS 439B.745 and 439B.748 do not apply to

1. A hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e) or any medically necessary emergency services provided at such a hospital;

2. A ~~for~~ person who is covered by a policy of health insurance that was sold outside this State ~~for~~ ; ~~or~~

3. Any health care services provided more than 24 hours after notification is provided pursuant to NRS 439B.745 that a person has been stabilized ~~for~~ ;
or

4. Any goods or services subject to the provisions of sections 2 to 13, inclusive, of this act.

Sec. 18. ~~[NRS 439B.745 is hereby amended to read as follows:~~

~~439B.745 [1.] An out-of-network provider shall not collect from a covered person for medically necessary emergency services, and a covered person is not responsible for paying, an amount that exceeds the copayment, coinsurance or deductible required for such services provided by an in-network provider by the coverage for that person.~~

~~[2. An out-of-network emergency facility that provides medically necessary emergency services to a covered person shall:~~

~~—(a) When possible, notify the third party that provides coverage for the covered person not later than 8 hours after the covered person presents at the out-of-network emergency facility to receive medically necessary emergency services; and~~

~~—(b) Notify the third party that the condition of the covered person has stabilized to such a degree that the person may be transferred to an in-network emergency facility not later than 24 hours after the person's emergency medical condition is stabilized. Not later than 24 hours after the third party receives such notice, the third party shall arrange for the transfer of the person to such a facility.] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 439B.751 is hereby amended to read as follows:~~

~~439B.751 1. If an out-of-network provider [, other than an out-of-network emergency facility,] had a provider contract as an in-network provider within the 12 months immediately preceding the date on which the medically necessary emergency services were rendered to a covered person and:~~

~~—(a) The out-of-network provider terminated the most recent applicable provider contract between the third party that provides coverage for the covered person and the out-of-network provider without cause before it was scheduled to expire, the third party shall pay to the out-of-network provider for those services, and the out-of-network provider shall accept as payment in full for those services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider, the amount that would have been paid for those services pursuant to that provider contract, less the amount of the copayment, coinsurance or deductible, if applicable.~~

~~—(b) The out-of-network provider terminated the most recent applicable provider contract between the third party that provides coverage for the~~

~~covered person and the out of network provider for cause before it was scheduled to expire or the third party terminated the contract without cause, the third party shall pay to the out of network provider for those services, and the out of network provider shall accept as payment in full for those services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in network provider, 108 percent of the amount that would have been paid for those services pursuant to the provider contract, less the amount of the copayment, coinsurance or deductible, if applicable.~~

~~—(c) The third party that provides coverage for the covered person terminated the most recent applicable provider contract between the third party and the out of network provider for cause before it was scheduled to expire, the third party shall pay to the out of network provider an amount that the third party has determined to be fair and reasonable as payment for the medically necessary emergency services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in network provider.~~

~~—(d) The contract was not terminated by either party, the third party that provides coverage for the covered person shall pay to the out of network provider for those services, and the out of network provider shall accept as payment in full for those services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in network provider, the amount that would have been paid for those services pursuant to the most recent applicable provider contract between the third party and the out of network provider plus an amount equal to the percentage of increase in the Consumer Price Index, Medical Care Component, during the immediately preceding calendar year, less the amount of the copayment, coinsurance or deductible, if applicable.~~

~~—2. If an out of network provider [other than an out of network emergency facility,] did not have a provider contract as an in network provider within the 12 months immediately preceding the date on which the medically necessary emergency services were rendered to a covered person, the third party that provides coverage to the covered person shall submit to the out of network provider an offer of payment in full for the medically necessary emergency services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in network provider.] (Deleted by amendment.)~~

Sec. 20. [NRS 439B.754 is hereby amended to read as follows:

~~—439B.754 1. An out of network provider shall accept or reject an amount paid pursuant to [subsection 2 of NRS 439B.748 or] paragraph (c) of subsection 1 or subsection 2 of NRS 439B.751 as payment in full for the medically necessary emergency services for which the payment was offered within 30 days after receiving the payment. If an out of network provider fails to comply with the requirements of this section, the amount paid shall be deemed accepted as payment in full for the medically necessary emergency~~

services for which the payment was offered 30 days after the out of network provider received the payment.

~~2. If an out of network provider rejects the amount paid as payment in full, the out of network provider must request from the third party an additional amount which, when combined with the amount previously paid, the out of network provider is willing to accept as payment in full for the medically necessary emergency services.~~

~~3. If the third party refuses to pay the additional amount requested by the out of network provider pursuant to subsection 2 or fails to pay that amount within 30 days after receiving the request for the additional amount, the out of network provider must request a list of five randomly selected arbitrators from an entity authorized by regulations of the Director of the Department to provide such arbitrators. Such regulations must require:~~

~~(a) For claims of less than \$5,000, the use of arbitrators who will conduct the arbitration in an economically efficient manner. Such arbitrators may include, without limitation, qualified employees of the State and arbitrators from the voluntary program for the use of binding arbitration established in the judicial district pursuant to NRS 38.255 or, if no such program has been established in the judicial district, from the program established in the nearest judicial district that has established such a program.~~

~~(b) For claims of \$5,000 or more, the use of arbitrators from nationally recognized providers of arbitration services, which may include, without limitation, the American Arbitration Association, JAMS or their successor organizations.~~

~~4. Upon receiving the list of randomly selected arbitrators pursuant to subsection 3, the out of network provider and the third party shall each strike two arbitrators from the list. If one arbitrator remains, that arbitrator must arbitrate the dispute concerning the amount to be paid for the medically necessary emergency services. If more than one arbitrator remains, an arbitrator randomly selected from the remaining arbitrators by the entity that provided the list of arbitrators pursuant to subsection 3 must arbitrate that dispute.~~

~~5. The out of network provider and the third party shall participate in binding arbitration of the dispute concerning the amount to be paid for the medically necessary emergency services conducted by the arbitrator selected pursuant to subsection 4. The out of network provider or third party may provide the arbitrator with any relevant information to assist the arbitrator in making a determination.~~

~~6. The arbitrator shall require:~~

~~(a) The out of network provider to accept as payment in full for the provision of the medically necessary emergency services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider, the amount paid by the third party pursuant to [subsection 2 of NRS 439B.748 or]~~

paragraph (c) of subsection 1 or subsection 2 of NRS 439B.751, as applicable;
~~or~~

~~— (b) The third party to pay the additional amount requested by the out of network provider pursuant to subsection 2.~~

~~— 7. If the arbitrator requires:~~

~~— (a) The out of network provider to accept the amount paid by the third party pursuant to [subsection 2 of NRS 439B.748 or] paragraph (c) of subsection 1 or subsection 2 of NRS 439B.751, as applicable, as payment in full for the provision of the medically necessary emergency services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider, the out of network provider must pay the costs of the arbitrator.~~

~~— (b) The third party to pay the additional amount requested by the out of network provider pursuant to subsection 2, the third party must pay the costs of the arbitrator.~~

~~— 8. An out of network provider or a third party must pay its own attorney's fees incurred during the process prescribed by this section.~~

~~— 9. Interest does not accrue on any claim for which an offer of payment is rejected pursuant to subsection 1 for the period beginning on the date of the rejection and ending 30 days after the arbitrator renders a decision.~~

~~— 10. Except as otherwise provided in this subsection and NRS 439B.760, any decision of an arbitrator pursuant to this section and any documents associated with such a decision are confidential and are not admissible as evidence during a legal proceeding, including, without limitation, a legal proceeding between the third party and the out of network provider. The decision of an arbitrator and any documents associated with such a decision may be disclosed and are admissible as evidence during a legal proceeding to enforce the decision.~~ **(Deleted by amendment.)**

Sec. 21. 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, 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, 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 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.

(h) Failure to comply with the provisions of sections 2 to 13, inclusive, of this act, any regulations adopted pursuant thereto or any order issued pursuant thereto.

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. 22. NRS 449A.118 is hereby amended to read as follows:

449A.118 1. Every medical facility and facility for the dependent shall inform each patient or the patient's legal representative, upon the admission of the patient to the facility, of the patient's rights as listed in NRS 449A.100 and 449A.106 to 449A.115, inclusive.

2. In addition to the requirements of subsection 1, if a person with a disability is a patient at a facility, as that term is defined in NRS 449A.218, the facility shall inform the patient of his or her rights pursuant to NRS 449A.200 to 449A.263, inclusive.

3. In addition to the requirements of subsections 1 and 2, every hospital shall, upon the admission of a patient to the hospital, provide to the patient or the patient's legal representative:

(a) Notice of the right of the patient to:

(1) Designate a caregiver pursuant to NRS 449A.300 to 449A.330, inclusive; and

(2) Express complaints and grievances as described in paragraphs (b) to (f), inclusive;

(b) The name and contact information for persons to whom such complaints and grievances may be expressed, including, without limitation, a patient representative or hospital social worker;

(c) Instructions for filing a complaint with the Division;

(d) The name and contact information of any entity responsible for accrediting the hospital;

(e) A written disclosure approved by the Director of the Department of Health and Human Services, which written disclosure must set forth:

(1) Notice of the existence of the Bureau for Hospital Patients created pursuant to NRS 232.462;

(2) The address and telephone number of the Bureau; and

(3) An explanation of the services provided by the Bureau, including, without limitation, the services for dispute resolution described in subsection 3 of NRS 232.462; and

(f) Contact information for any other state or local entity that investigates complaints concerning the abuse or neglect of patients.

4. In addition to the requirements of subsections 1, 2 and 3, every hospital shall, upon the discharge of a patient from the hospital, provide to the patient or the patient's legal representative a written disclosure approved by the Director, which written disclosure must set forth:

(a) If the hospital is a major hospital:

(1) Notice of ~~the~~ **any** reduction or discount available pursuant to NRS 439B.260, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount under that section; and

(2) Notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide ~~discounted~~ **discounts for services that are not subject to the provisions of sections 2 to 13, inclusive, of this act** to persons, which policies and procedures are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260. The notice required by this subparagraph must describe the criteria a patient must satisfy to qualify for the additional reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

(b) If the hospital is not a major hospital, notice of any policies and procedures the hospital may have adopted to reduce charges for services **that are not subject to the provisions of sections 2 to 13, inclusive, of this act**

provided to persons or to provide ~~discounted~~ **discounts on such** services to persons. The notice required by this paragraph must describe the criteria a patient must satisfy to qualify for the reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

➡ As used in this subsection, “major hospital” has the meaning ascribed to it in NRS 439B.115.

5. In addition to the requirements of subsections 1 to 4, inclusive, every hospital shall post in a conspicuous place in each public waiting room in the hospital a legible sign or notice in 14-point type or larger, which sign or notice must:

(a) Provide a brief description of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, including, without limitation:

(1) Instructions for receiving additional information regarding such policies and procedures; and

(2) Instructions for arranging to make payment;

(b) Be written in language that is easy to understand; and

(c) Be written in English and Spanish.

Sec. 23. NRS 450.420 is hereby amended to read as follows:

450.420 1. The board of county commissioners of the county in which a public hospital is located may determine whether patients presented to the public hospital for treatment are subjects of charity. Except as otherwise provided in NRS 439B.330, the board of county commissioners shall establish by ordinance criteria and procedures to be used in the determination of eligibility for medical care as medical indigents or subjects of charity.

2. The board of hospital trustees shall fix the charges for ~~treatment of~~ **the provision of goods and services that are not subject to the provisions of sections 2 to 13, inclusive, of this act to** those persons able to pay for the charges, as the board deems just and proper. The board of hospital trustees may impose an interest charge of not more than 12 percent per annum on unpaid accounts. The receipts must be paid to the county treasurer and credited to the hospital fund. In fixing charges pursuant to this subsection the board of hospital trustees shall not include, or seek to recover from paying patients, any portion of the expense of the hospital which is properly attributable to the care of indigent patients.

3. Except as provided in subsection 4 of this section and subsection 3 of NRS 439B.320, the county is chargeable with the entire cost of services rendered by the hospital and any salaried staff physician or employee to any person admitted for emergency treatment, including all reasonably necessary recovery, convalescent and follow-up inpatient care required for any such person as determined by the board of trustees of the hospital, but the hospital shall use reasonable diligence to collect the charges from the emergency patient or any other person responsible for the support of the patient. Any amount collected must be reimbursed or credited to the county.

4. The county is not chargeable with the cost of services rendered by the hospital or any attending staff physician or surgeon to the extent the hospital is reimbursed for those services pursuant to NRS 428.115 to 428.255, inclusive.

Sec. 23.5. NRS 287.0434 is hereby amended to read as follows:

287.0434 The Board may:

1. Use its assets only to pay the expenses of health care for its members and covered dependents, to pay its employees' salaries and to pay administrative and other expenses.

2. Enter into contracts relating to the administration of the Program, including, without limitation, contracts with licensed administrators and qualified actuaries. Each such contract with a licensed administrator:

(a) Must be submitted to the Commissioner of Insurance not less than 30 days before the date on which the contract is to become effective for approval as to the licensing and fiscal status of the licensed administrator and status of any legal or administrative actions in this State against the licensed administrator that may impair his or her ability to provide the services in the contract.

(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.

3. Enter into contracts with physicians, surgeons, hospitals, health maintenance organizations and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of members and covered dependents. The Board shall not enter into a contract pursuant to this subsection unless:

(a) Provision is made by the Board to offer all the services specified in the request for proposals, either by a health maintenance organization or through separate action of the Board.

(b) The rates set forth in the contract **for goods and services not subject to the provisions of sections 2 to 13, inclusive, of this act** are based on:

(1) For active and retired state officers and employees and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool; and

(2) For active and retired officers and employees of public agencies enumerated in NRS 287.010 that contract with the Program to obtain group insurance by participation in the Program and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool.

4. Enter into contracts for the services of other experts and specialists as required by the Program.

5. Charge and collect from an insurer, health maintenance organization, organization for dental care or nonprofit medical service corporation, a fee for

the actual expenses incurred by the Board or a participating public agency in administering a plan of insurance offered by that insurer, organization or corporation.

6. Charge and collect the amount due from local governments pursuant to paragraph (b) of subsection 4 of NRS 287.023. If the payment of a local government pursuant to that provision is delinquent by more than 90 days, the Board shall notify the Executive Director of the Department of Taxation pursuant to NRS 354.671.

Sec. 24. ~~[NRS 689A.041 is hereby amended to read as follows:~~

~~689A.041 1. A policy of health insurance which provides coverage for the surgical procedure known as a mastectomy must also provide commensurate coverage for:~~

~~(a) Reconstruction of the breast on which the mastectomy has been performed;~~

~~(b) Surgery and reconstruction of the other breast to produce a symmetrical structure; and~~

~~(c) Prostheses and physical complications for all stages of mastectomy, including lymphedemas.~~

~~2. The provision of services must be determined by the attending physician and the patient.~~

~~3. The plan or issuer may require deductibles and coinsurance payments if they are consistent with those established for other benefits.~~

~~4. Written notice of the availability of the coverage must be given upon enrollment and annually thereafter. The notice must be sent to all participants:~~

~~(a) In the next mailing made by the plan or issuer to the participant or beneficiary; or~~

~~(b) As part of any annual information packet sent to the participant or beneficiary,~~

~~→ whichever is earlier.~~

~~5. A plan or issuer may not:~~

~~(a) Deny eligibility, or continued eligibility, to enroll or renew coverage, in order to avoid the requirements of subsections 1 to 4, inclusive; or~~

~~(b) Penalize, or limit reimbursement to, a provider of care, or provide incentives to a provider of care, in order to induce the provider not to provide the care listed in subsections 1 to 4, inclusive.~~

~~6. [A] Except as otherwise provided in section 8 of this act, a plan or issuer may negotiate rates of reimbursement with providers of care.~~

~~7. If reconstructive surgery is begun within 3 years after a mastectomy, the amount of the benefits for that surgery must equal the amounts provided for in the policy at the time of the mastectomy. If the surgery is begun more than 3 years after the mastectomy, the benefits provided are subject to all of the terms, conditions and exclusions contained in the policy at the time of the reconstructive surgery.~~

~~8. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 2001, 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.

~~9. For the purposes of this section, “reconstructive surgery” means a surgical procedure performed following a mastectomy on one breast or both breasts to re-establish symmetry between the two breasts. The term includes augmentation mammoplasty, reduction mammoplasty and mastopexy.]~~
(Deleted by amendment.)

Sec. 25. ~~[NRS 689B.0375 is hereby amended to read as follows:~~

~~689B.0375 1. A policy of group health insurance which provides coverage for the surgical procedure known as a mastectomy must also provide commensurate coverage for:~~

~~—(a) Reconstruction of the breast on which the mastectomy has been performed;~~

~~—(b) Surgery and reconstruction of the other breast to produce a symmetrical structure; and~~

~~—(c) Prostheses and physical complications for all stages of mastectomy, including lymphedemas.~~

~~2. The provision of services must be determined by the attending physician and the patient.~~

~~3. The plan or issuer may require deductibles and coinsurance payments if they are consistent with those established for other benefits.~~

~~4. Written notice of the availability of the coverage must be given upon enrollment and annually thereafter. The notice must be sent to all participants:~~

~~—(a) In the next mailing made by the plan or issuer to the participant or beneficiary; or~~

~~—(b) As part of any annual information packet sent to the participant or beneficiary,~~

~~—whichever is earlier.~~

~~5. A plan or issuer may not:~~

~~—(a) Deny eligibility, or continued eligibility, to enroll or renew coverage, in order to avoid the requirements of subsections 1 to 4, inclusive; or~~

~~—(b) Penalize, or limit reimbursement to, a provider of care, or provide incentives to a provider of care, in order to induce the provider not to provide the care listed in subsections 1 to 4, inclusive.~~

~~6. [A] Except as otherwise provided in section 8 of this act, a plan or issuer may negotiate rates of reimbursement with providers of care.~~

~~7. If reconstructive surgery is begun within 3 years after a mastectomy, the amount of the benefits for that surgery must equal those amounts provided for in the policy at the time of the mastectomy. If the surgery is begun more than 3 years after the mastectomy, the benefits provided are subject to all of the terms, conditions and exclusions contained in the policy at the time of the reconstructive surgery.~~

~~8. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 2001, 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.

~~9. For the purposes of this section, “reconstructive surgery” means a surgical procedure performed following a mastectomy on one breast or both breasts to re-establish symmetry between the two breasts. The term includes augmentation mammoplasty, reduction mammoplasty and mastopexy.]~~
(Deleted by amendment.)

Sec. 26. ~~[NRS 695B.191 is hereby amended to read as follows:~~

~~695B.191 1. A policy of health insurance, issued by a medical service corporation, which provides coverage for the surgical procedure known as a mastectomy must also provide commensurate coverage for:~~

~~—(a) Reconstruction of the breast on which the mastectomy has been performed;~~

~~—(b) Surgery and reconstruction of the other breast to produce a symmetrical structure; and~~

~~—(c) Prostheses and physical complications for all stages of mastectomy, including lymphedemas.~~

~~2. The provision of services must be determined by the attending physician and the patient.~~

~~3. The plan or issuer may require deductibles and coinsurance payments if they are consistent with those established for other benefits.~~

~~4. Written notice of the availability of the coverage must be given upon enrollment and annually thereafter. The notice must be sent to all participants:~~

~~—(a) In the next mailing made by the plan or issuer to the participant or beneficiary; or~~

~~—(b) As part of any annual information packet sent to the participant or beneficiary,~~

~~— whichever is earlier.~~

~~5. A plan or issuer may not:~~

~~—(a) Deny eligibility, or continued eligibility, to enroll or renew coverage, in order to avoid the requirements of subsections 1 to 4, inclusive; or~~

~~—(b) Penalize, or limit reimbursement to, a provider of care, or provide incentives to a provider of care, in order to induce the provider not to provide the care listed in subsections 1 to 4, inclusive.~~

~~6. [A] Except as otherwise provided in section 8 of this act, a plan or issuer may negotiate rates of reimbursement with providers of care.~~

~~7. If reconstructive surgery is begun within 3 years after a mastectomy, the amount of the benefits for that surgery must equal those amounts provided for in the policy at the time of the mastectomy. If the surgery is begun more than 3 years after the mastectomy, the benefits provided are subject to all of the terms, conditions and exclusions contained in the policy at the time of the reconstructive surgery.~~

~~8. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 2001, 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.

~~9. For the purposes of this section, “reconstructive surgery” means a surgical procedure performed following a mastectomy on one breast or both breasts to re-establish symmetry between the two breasts. The term includes augmentation mammoplasty, reduction mammoplasty and mastopexy.]~~
(Deleted by amendment.)

Sec. 27. ~~[NRS 695C.171 is hereby amended to read as follows:~~

~~695C.171 1. A health maintenance plan which provides coverage for the surgical procedure known as a mastectomy must also provide commensurate coverage for:~~

~~—(a) Reconstruction of the breast on which the mastectomy has been performed;~~

~~—(b) Surgery and reconstruction of the other breast to produce a symmetrical structure; and~~

~~—(c) Prostheses and physical complications for all stages of mastectomy, including lymphedemas.~~

~~2. The provision of services must be determined by the attending physician and the patient.~~

~~3. The plan or issuer may require deductibles and coinsurance payments if they are consistent with those established for other benefits.~~

~~4. Written notice of the availability of the coverage must be given upon enrollment and annually thereafter. The notice must be sent to all participants:~~

~~—(a) In the next mailing made by the plan or issuer to the participant or beneficiary; or~~

~~—(b) As part of any annual information packet sent to the participant or beneficiary,~~

~~—whichever is earlier.~~

~~5. A plan or issuer may not:~~

~~—(a) Deny eligibility, or continued eligibility, to enroll or renew coverage, in order to avoid the requirements of subsections 1 to 4, inclusive; or~~

~~—(b) Penalize, or limit reimbursement to, a provider of care, or provide incentives to a provider of care, in order to induce the provider not to provide the care listed in subsections 1 to 4, inclusive.~~

~~6. [A] Except as otherwise provided in section 8 of this act, a plan or issuer may negotiate rates of reimbursement with providers of care.~~

~~7. If reconstructive surgery is begun within 3 years after a mastectomy, the amount of the benefits for that surgery must equal those amounts provided for in the policy at the time of the mastectomy. If the surgery is begun more than 3 years after the mastectomy, the benefits provided are subject to all of the terms, conditions and exclusions contained in the policy at the time of the reconstructive surgery.~~

~~8. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 2001, 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.

~~9. For the purposes of this section, “reconstructive surgery” means a surgical procedure performed following a mastectomy on one breast or both breasts to re-establish symmetry between the two breasts. The term includes, but is not limited to, augmentation mammoplasty, reduction mammoplasty and mastopexy.~~ **(Deleted by amendment.)**

Sec. 27.3. NRS 695K.200 is hereby amended to read as follows:

695K.200 1. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, shall design, establish and operate a health benefit plan known as the Public Option.

2. The Director:

(a) Shall make the Public Option available:

(1) As a qualified health plan through the Exchange to natural persons who reside in this State and are eligible to enroll in such a plan through the Exchange under the provisions of 45 C.F.R. § 155.305; and

(2) For direct purchase as a policy of individual health insurance by any natural person who resides in this State. The provisions of chapter 689A of NRS and other applicable provisions of this title , except for any provisions authorizing an insurer to negotiate with providers of goods and services subject to the provisions of sections 2 to 13, inclusive, of this act, apply to the Public Option when offered as a policy of individual health insurance.

(b) May make the Public Option available to small employers in this State or their employees to the extent authorized by federal law. The provisions of chapter 689C of NRS and other applicable provisions of this title , except for any provisions authorizing a carrier to negotiate with providers of goods and services subject to the provisions of sections 2 to 13, inclusive, of this act, apply to the Public Option when it is offered as a policy of health insurance for small employers.

(c) Shall comply with all state and federal laws and regulations applicable to insurers when carrying out the provisions of this chapter, to the extent that such laws and regulations are not waived.

3. The Public Option must:

(a) Be a qualified health plan, as defined in 42 U.S.C. § 18021; and

(b) Provide at least levels of coverage consistent with the actuarial value of one silver plan and one gold plan.

4. Except as otherwise provided in this section, the premiums for the Public Option:

(a) Must be at least 5 percent lower than the reference premium for that zip code; and

(b) Must not increase in any year by a percentage greater than the increase in the Medicare Economic Index for that year.

5. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, may revise the requirements of subsection 4, provided that the average premiums for the Public Option must be at least 15

percent lower than the average reference premium in this State over the first 4 years in which the Public Option is in operation.

6. As used in this section:

(a) **“Carrier” has the meaning ascribed to it in NRS 689C.025.**

~~(b)~~ **(b)** “Gold plan” means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a gold level plan.

~~(c)~~ **(c)** “Health benefit plan” means a policy, contract, certificate or agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

~~(d)~~ **(d)** “Medicare Economic Index” means the Medicare Economic Index, as designated by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 42 C.F.R. § 405.504.

~~(e)~~ **(e)** “Reference premium” means, for any zip code, the lower of:

(1) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the 2024 plan year, adjusted by the percentage change in the Medicare Economic Index between January 1, 2024, and January 1 of the year to which a premium applies; or

(2) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the year immediately preceding the year to which a premium applies.

~~(f)~~ **(f)** “Silver plan” means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a silver level plan.

~~(g)~~ **(g)** “Small employer” has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).

Sec. 27.4. NRS 695K.240 is hereby amended to read as follows:

695K.240 1. In establishing networks for the Public Option and reimbursing providers of health care that participate in the Public Option, the Director shall, to the extent practicable:

(a) Ensure that care for persons who were previously covered by Medicaid or the Children’s Health Insurance Program and enroll in the Public Option is minimally disrupted;

(b) Encourage the use of payment models that increase value for persons enrolled in the Public Option and the State;

(c) Improve health outcomes for persons enrolled in the Public Option;

(d) Reward providers of health care and medical facilities for delivering high-quality services; and

(e) Lower the cost of care in both urban and rural areas of this State.

2. Except as otherwise provided in subsections 3 to 6, inclusive, reimbursement rates under the Public Option must be, in the aggregate, comparable to or better than reimbursement rates available under Medicare. For the purposes of this section, the aggregate reimbursement rate under Medicare:

(a) Includes any add-on payments or other subsidies that a provider receives under Medicare; and

(b) Does not include payments under Medicare for a patient encounter or a cost-based payment rate under Medicare.

3. If a provider of health care currently receives reimbursement under Medicare at rates that are cost-based, the reimbursement rates for that provider of health care under the Public Option must be comparable to or better than the cost-based reimbursement rates provided for that provider of health care by Medicare.

4. The reimbursement rates for a federally-qualified health center or a rural health clinic under the Public Option must be comparable to or better than the reimbursement rates established for patient encounters under the applicable Prospective Payment System established for Medicare by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services.

5. The reimbursement rates for a certified community behavioral health clinic under the Public Option must be comparable to or better than the reimbursement rates established for community behavioral health clinics under the State Plan for Medicaid.

6. The requirements of subsections 2 to 5, inclusive, do not apply to a payment model described in paragraph (b) of subsection 1.

7. **The requirements of this section do not apply to the extent that they conflict with the provisions of sections 2 to 13, inclusive, of this act.**

8. As used in this section, “Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 27.5. Section 8 of this act is hereby amended to read as follows:

1. A health care facility shall charge rates fixed in accordance with sections 2 to 13, inclusive, of this act for any goods or services described in subsection 2 that are provided to a patient who is covered by the Public Employees’ Benefits Program ~~or~~ **or the Public Option established pursuant to NRS 695K.200.**

2. The provisions of sections 2 to 13, inclusive, of this act apply to goods and services that are reimbursable through Medicare. As used in this subsection, “reimbursable” means that Medicare provides reimbursement for a good or service when that good or service is provided to a patient who is covered by Medicare.

3. A health care facility shall not provide any person with a discount, incentive or price reduction or enter into any arrangement where the effective amount paid to the health care facility for goods or services is different from the rate established for those goods or services pursuant to sections 2 to 13, inclusive, of this act.

4. To the extent of their applicability, the provisions of sections 2 to 13, inclusive, of this act supersede any other provision of law relating to the rates charged by a health care facility, including, without limitation, provisions requiring or authorizing reduced or discounted rates.

Sec. 28. 1. On or before January 1, 2024, the Governor shall appoint to the Independent Commission on Rates for Health Care Services created by section 6 of this act:

- (a) Four members to initial terms that expire on January 1, 2026; and
- (b) Five members to initial terms that expire on January 2, 2028.

2. Notwithstanding the amendatory provisions of this act, a health care facility is not required to comply with the provisions of sections 2 to 13, inclusive, of this act until the later of:

- (a) January 1, 2025; or
- (b) One year after the date on which the regulations adopted pursuant to section 12 of this act become effective.

3. The amendatory provisions of this act do not affect any contract or other agreement that establishes the rates paid to a health care facility which is entered into on or before the effective date of this section. A health care facility shall not enter into a contract or other agreement after the effective date of this section that provides for the payment of rates for services to which sections 2 to 13, inclusive, of this act apply that differ from the rates fixed pursuant to those sections after the later of:

- (a) January 1, 2025; or
- (b) One year after the date on which the regulations adopted pursuant to section 12 of this act become effective.

4. As used in this section, “health care facility” has the meaning ascribed to it in section 4 of this act.

Sec. 28.5. 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. 29. 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. 30. ~~[NRS 439B.706, 439B.709, 439B.718 and 439B.748 are hereby repealed.] (Deleted by amendment.)~~

Sec. 31. 1. This section and section 28 of this act become effective upon passage and approval.

2. Sections 1 to 12, inclusive, **28.5** and 29 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.

3. Sections 13 to 27, inclusive, and 30 of this act become effective on the later of:

- (a) January 1, 2025; or
- (b) One year after the date on which the regulations adopted pursuant to section 12 of this act become effective.

4. Sections 27.3, 27.4 and 27.5 of this act becomes effective on January 1, 2026.

†

~~LEADLINES OF REPEALED SECTIONS~~

~~439B.706 “Independent center for emergency medical care” defined.~~
~~439B.709 “In-network emergency facility” defined.~~
~~439B.718 “Out-of-network emergency facility” defined.~~
~~439B.748 Payment to out-of-network emergency facility by third party.~~

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. 86.

Bill read second time.

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

Amendment No. 284.

AN ACT relating to animals; revising provisions relating to animal cruelty; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a person from ~~engaging in cruelty to animals and prescribes minimum standards for the housing, keeping and restraint of dogs.~~
: (1) torturing or unjustifiably injuring, maiming, mutilating or killing an animal kept for companionship or pleasure or any cat or dog; or (2) overdriving, torturing, cruelly beating or unjustifiably injuring, maiming, mutilating or killing any animal or causing, procuring or allowing any such act against an animal. (NRS 574.100) [This] Section 1 of this bill also prohibits: (1) committing these acts against an animal kept for working purposes or a domesticated animal that is not owned by any person; and (2) with certain exceptions, depriving an animal of proper ventilation, necessary veterinary care or grooming and shearing under certain circumstances.

Existing law prohibits the abandonment of maimed, diseased, disabled or infirm animals. (NRS 574.110) Section 1 prohibits the abandonment of any animal and sets forth what constitutes abandonment of an animal.

Existing law prescribes minimum standards for the housing, keeping and restraining of dogs and sets forth certain exceptions to these provisions. (NRS 574.100) Section 1 prohibits a person from restraining a dog using: (1) a collar, harness or other device that is not properly fitted; or (2) a tether, chain, tie, trolley or pulley system or other device that has a weight attached. ~~[This bill]~~ **Section 1** also prohibits leaving a dog outside and unattended unless the dog is provided with: (1) adequate shelter; (2) an area that allows the dog to avoid standing water and exposure to excessive animal waste; (3) shade from direct sunlight; and (4) potable water. **Section 1**

provides an exception from these prohibitions for a dog that is actively engaged in or training for: (1) police, military, patrol or detection work; (2) search and rescue; (3) herding, livestock guarding or other work; (4) guide dogs, hearing dogs or service dogs; and (5) trials, sporting or other lawful competitions or competitive functions.

Section 1.5 of this bill repeals a provision of existing law relating to the abandonment of disabled animals.

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

Section 1. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably injure, maim, mutilate or kill:

(1) An animal kept for companionship, ~~for~~ pleasure ~~or~~ or for working purposes, whether belonging to the person or to another; ~~or~~

(2) Any cat or dog; or

(3) A domesticated animal that is not owned by any person.

(b) ~~Except as otherwise provided in paragraph (a), overdrive, overload, torture,~~ Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly ~~beat~~ beaten or unjustifiably ~~[injure, maim, mutilate]~~ injured, maimed, mutilated or ~~[kill an animal, whether belonging]~~ killed, regardless of whether the animal belongs to the person, ~~or to~~ another ~~or~~ person or is not owned by any person;

(c) Deprive an animal of or cause an animal to be deprived of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) ~~[Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;~~

~~—(e)—~~ If an animal is confined inside of an enclosed space, including, without limitation, a shed, barn or garage, deprive an animal of proper ventilation or neglect or refuse to furnish the animal with proper ventilation;

(e) Except as otherwise provided in subsection 5, deprive an ill, infirm or injured animal of necessary veterinary care, or neglect or refuse to furnish the animal with necessary veterinary care, resulting in the animal experiencing unnecessary or unjustifiable pain, suffering or death;

(f) Except as otherwise provided in subsection 5, deprive an animal of grooming or shearing or refuse to furnish the animal such grooming or shearing, to the extent that such grooming or shearing is reasonably necessary to prevent adverse health effects, pain, injury or the impediment of the natural movement of the animal;

(g) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

~~—(h)—~~ (h) Abandon an animal [in circumstances other than those prohibited in NRS 574.110. The provisions of this paragraph do not apply to], regardless

of whether the animal is healthy, maimed, diseased, disabled or infirm. For the purposes of this paragraph:

(1) Except as otherwise provided in this paragraph, an animal is considered abandoned if a person who owns or has custody of the animal relinquishes his or her duty to care for that animal by leaving the animal without providing minimal care, which may include, without limitation, leaving an animal on the property of the owner or another person, in a public place or on open land, except that an animal that has been left on the property of the animal's owner or person having custody of the animal is not considered abandoned unless the animal is left for more than 72 hours.

(2) An animal is not considered abandoned if:

(I) A person delivers the animal to another person who will accept ownership or custody of the animal or an animal rescue organization or animal shelter; or

(II) The animal is a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. ~~As used in this paragraph, "feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.]~~

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not ~~restrain~~ :

(a) **Restrain** a dog:

~~{(a)}~~ (1) **Using a collar, harness or other device that is not properly fitted;**

(2) Using a tether, chain, tie, trolley or pulley system or other device that:

~~{(1)}~~ (I) Is less than 12 feet in length;

~~{(2)}~~ (II) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; ~~{or}~~

~~{(3)}~~ (III) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object; **or**

(IV) **Has a weight attached;**

~~{(b)}~~ (3) Using a prong, pinch or choke collar or similar restraint; or

~~{(c)}~~ (4) For more than 14 hours during a 24-hour period ~~{-}~~ ; **or**

(b) **Leave a dog , who does not have immediate access to the indoors, outside and unattended unless the person provides the dog with access to:**

(1) **Adequate shelter, which must include, without limitation, a sturdy structure that:**

(I) ~~{Protects}~~ **Is waterproof, ventilated and constructed of sound and substantial material that is adequate to protect the dog from inclement weather ~~{-}~~ and which allows the dog to maintain a normal body temperature;**

(II) Provides a solid surface, resting platform, pad, floor mat or similar device large enough for the dog to lie on in a normal manner and that can be maintained in a sanitary manner;

(III) Is appropriate for the size and breed of the dog with sufficient dimensions that allow the dog to stand erect, sit, turn around and lie down in an unimpeded position while inside the structure; and

(IV) Prevents pain, injury or a significant risk to the health of the dog;

(2) An area that allows the dog to avoid standing water and exposure to excessive animal waste;

(3) Shade from direct sunlight; and

(4) Potable water.

3. ~~{Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog.}~~ If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of ~~{this subsection.}~~ **paragraph (b) of subsection 2.**

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in ~~{a}~~ **an animal** shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; ~~{or}~~

(h) **Actively engaged in or training for:**

(1) Police, military, patrol or detection work;

(2) Search and rescue;

(3) Herding, livestock guarding or otherwise working;

(4) A role as a guide dog, hearing dog or service dog; or

(5) Trials, sporting or other lawful competitions or competitive functions; or

(i) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. **The provisions of paragraphs (e) and (f) of subsection 1 do not apply to an indigent person. A person may be determined to be indigent 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;

(c) Has a household income that is less than 200 percent of the federally designated level signifying poverty; or

(d) Any other relevant factor, as determined by a court.

6. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

~~6.~~ **7.** A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~7.~~ **8.** Except as otherwise provided in subsection ~~6.~~ **7.** a person who violates subsection 1, 2, 3 or ~~5.~~ **6:**

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➡ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➡ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~§ 9.~~ 9. In addition to any other fine or penalty provided in subsection ~~6 or 7, 7 or 8,~~ a court shall order a person convicted of violating subsection 1, 2, 3 or ~~5~~ 6 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or ~~5~~ 6, including, without limitation, money expended for veterinary treatment, feed and housing.

~~§ 10.~~ 10. The court may order the person convicted of violating subsection 1, 2, 3 or ~~5~~ 6 to surrender ownership or possession of the mistreated animal ~~if ownership has not already been divested in accordance with NRS 574.055, 574.203 and 574.2035.~~

~~§ 11.~~ 11. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

- (a) Carrying out the activities of a rodeo or livestock show; or
- (b) Operating a ranch.

~~§ 12.~~ 12. As used in this section ~~“horse tripping”~~:

(a) “Animal rescue organization” has the meaning ascribed to it in NRS 574.202.

(b) “Animal shelter” has the meaning ascribed to it in NRS 574.240.

(c) “Feral cat” means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

(d) “Horse tripping” means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

~~(a)~~ (1) Tripping such an animal to provide medical or other health care for the animal; or

~~(b)~~ (2) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

~~(c)~~ (e) “Minimal care” means proper sustenance or food reasonably sufficient to meet the nutritional needs of an animal, sufficient potable water and accessible shelter.

(f) “Properly fitted” means a collar, harness or other device that:

(1) Is appropriate for the size of a dog based on the measurements and body weight of the dog;

(2) Does not choke the dog or impede the normal breathing or swallowing of the dog; and

(3) Does not cause pain or injury to the dog.

Sec. 1.5. NRS 574.110 is hereby repealed.

Sec. 2. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

574.110 Abandonment of disabled animal unlawful; penalty. 1. A person being the owner or possessor, or having charge or custody, of a maimed, diseased, disabled or infirm animal, who abandons such animal or leaves it to die in a public street, road or public place, or who allows it to lie in a public street, road or public place more than 3 hours after the person receives notice that it is left disabled, is guilty of a misdemeanor.

2. Any agent or officer of any society for the prevention of cruelty to animals, or of any society duly incorporated for that purpose, or any police officer, may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing, in the judgment of two reputable citizens called by the agent or officer to view the same in his or her presence, to be glandered, injured or diseased past recovery for any useful purpose, or after such agent or officer has obtained in writing from the owner of such animal the owner's consent to such destruction.

3. When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any agent or officer of such society or societies or any police officer may take charge of such animal and of such vehicle and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof. All necessary expenses incurred in taking charge of such property shall be a charge thereon.

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. 117.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 316.

AN ACT relating to public safety; ~~requiring the Investigation Division of the Department of Public Safety to investigate domestic terror activity;~~ defining “domestic terror activity” to include certain offenses; creating the Anti-Domestic Terrorism Assistance Account in the State General Fund to award grants to support state and local programs to counter domestic terror activity; **requiring the Chief of the Investigation Division of the Department of Public Safety to assist in the investigation of domestic terror activity upon the request of a law enforcement agency;** authorizing ~~counties to cooperate~~ **the Chief of the Investigation Division to enter into agreements** with intelligence centers; **revising the definition of “act of**

terrorism” and the definitions of related terms; revising provisions relating to criminal anarchy and criminal syndicalism; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the primary ~~functions and~~ responsibilities of the **Chief of the** Investigation Division of the Department of Public Safety. (NRS 480.460) **Section 6** of this bill adds to the ~~functions and~~ responsibilities of the **Chief of the** Investigation Division the duty to ~~investigate~~ **assist in the investigation of** domestic terror activity ~~[-]~~ **upon the request of a law enforcement agency.** **Section 2** of this bill defines domestic terror activity to mean any of the following offenses: (1) acts of terrorism and certain related acts; (2) armed association; (3) criminal anarchy; (4) criminal syndicalism; (5) unlawful drill or parade with arms; (6) simulation of summons or other legal process; and (7) the commission of an unlawful act because of the actual or perceived characteristics of another person or group of persons. **Section 4** of this bill establishes the Anti-Domestic Terrorism Assistance Account within the State General Fund, to be administered by the Chief of the ~~Investigation~~ Division ~~[-]~~ **of Emergency Management of the Office of the Military and requires the Chief to submit a proposal for an expenditure from the Account to the Nevada Commission on Homeland Security, which is required to follow the same procedure for recommending the distribution of money from the Account as it does for recommending the distribution of money from any federal homeland security grant or related program.** **Section 4** requires that the money in the Account be used to support state or local programs aimed at countering domestic terror activity ~~[- Section]~~ **, and section 8** of this bill makes an appropriation of \$5,000,000 to the Account to provide grants to support such state and local programs.

~~Existing law creates the Nevada Threat Analysis Center within the Investigation Division, which is recognized as a fusion intelligence center by the United States Department of Homeland Security. (NRS 480.530) Section 3 of this bill recognizes in statute the existence of two other intelligence centers: (1) the Southern Nevada Counter Terrorism Center, hosted by the Las Vegas Metropolitan Police Department and designated as the primary fusion intelligence center for Nevada by the United States Department of Homeland Security; and (2) the Northern Nevada Regional Intelligence Center, located within the Washoe County Sheriff’s Office. Section 3 permits the board of county commissioners of a county to enter into agreements to participate in and collaborate with intelligence centers in this State. Section 7.8 of this bill makes a conforming change to provide that the duties of the Nevada Commission on Homeland Security include recommending the distribution of money from the Account for use by state and local agencies.~~

Existing law authorizes the Chief of the Investigation Division to enter into agreements with any state or local law enforcement agency in this State or in any other state to carry out the duties of the Division. (NRS

480.480) Section 7 of this bill ~~[clarifies]~~ **provides** that the Chief of the Investigation Division may also enter into agreements with intelligence centers **in this State or in any other state** in order to carry out the duties of the Division.

Existing law defines the term “act of terrorism,” in part to include any act involving the use or attempted use of sabotage, coercion or violence which is intended to cause great bodily harm or death to the general population. (NRS 202.4415) Section 7.2 of this bill includes additional actions that constitute an act of terrorism and defines the terms “civil disobedience,” “coercion,” “sabotage” and “violence” for the purposes of the commission of an act of terrorism.

Existing law sets forth the actions that constitute criminal anarchy and criminal syndicalism. (NRS 203.115, 203.117) Sections 7.4 and 7.6 of this bill require that such actions be directed at inciting or producing imminent lawless action and likely to incite or produce such imminent lawless action.

Section 5 of this bill makes a conforming change to indicate the proper placement of **sections 2, ~~3~~ and 4** in the Nevada Revised Statutes.

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

Section 1. Chapter 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Domestic terror activity” means any of the following:*

- 1. Acts of terrorism and any of the offenses set forth in NRS 202.445 to 202.449, inclusive;**
- 2. Armed association, as provided in NRS 203.080;**
- 3. Criminal anarchy, as provided in NRS 203.115;**
- 4. Criminal syndicalism, as provided in NRS 203.117;**
- 5. Unlawful drill or parade with arms, as provided in NRS 412.604;**
- 6. Simulation of summons or other legal process ; ~~as provided in NRS 207.337~~ and**
- 7. The commission of an unlawful act because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons, as provided in NRS 207.185.**

Sec. 3. ~~[The board of county commissioners of a county may enter into an agreement to participate in and collaborate with any intelligence center in this State, including, without limitation:~~

- ~~**1. The Northern Nevada Regional Intelligence Center;**~~
- ~~**2. The Southern Nevada Counter Terrorism Center;**~~
- ~~**3. The Nevada Threat Analysis Center created by NRS 480.530; and**~~
- ~~**4. Any fusion intelligence center designated by the Governor.] (Deleted by amendment.)**~~

Sec. 4. 1. *The Anti-Domestic Terrorism Assistance Account is hereby created in the State General Fund.*

2. *The Chief of the ~~{Investigation}~~ Division shall administer the ~~{account}~~ Account.*

3. *The money in the Account must be used to award grants of money to state and local agencies, including, without limitation, intelligence centers, to support programs for countering domestic terror activity.*

4. *Before money in the Account may be expended pursuant to subsection 3, the Chief of the ~~{Investigation}~~ Division must submit a proposal for the expenditure to the ~~{State Board of Examiners}~~ Nevada Commission on Homeland Security created by NRS 239C.120.*

5. ~~*{Upon making a determination that the proposed expenditure is appropriate and necessary, the State Board of Examiners shall recommend to the Interim Finance Committee, or the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means when the Legislature is in general session, that the expenditure be approved. Upon approval of the appropriate committee or committees, the money may be so expended.}*~~ *The Nevada Commission on Homeland Security shall follow the same procedure for recommending the distribution of money from the Account pursuant to this section as it does for recommending the distribution of money from any federal homeland security grant or related program for use by state, local and tribal government agencies and private sector organizations.*

6. *The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the 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.*

7. *As used in this section, “Division” means the Division of Emergency Management of the Office of the Military.*

Sec. 5. NRS 480.400 is hereby amended to read as follows:

480.400 As used in NRS 480.400 to 480.545, inclusive, **and sections 2, ~~3~~ and 4 of this act**, unless the context otherwise requires, the words and terms defined in NRS 480.405 to 480.440, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 6. NRS 480.460 is hereby amended to read as follows:

480.460 The Chief of the Investigation Division shall:

1. Furnish services relating to the investigation of crimes, including interrogation with the use of polygraph instruments, upon the request of the following:

(a) The Attorney General;

(b) The head of any agency, bureau, board, commission, department, division, office or other unit of the Executive Department of the State Government which is authorized or required to conduct criminal investigations; or

(c) Any sheriff, chief of police or district attorney.

2. Disseminate information relating to the dangers of the use of controlled substances and dangerous drugs.

3. Provide and operate a system of recording all information received by the Investigation Division relating to persons who have alleged connections with organized crime or have some connection with violations of laws regulating controlled substances or dangerous drugs.

4. Arrange for the purchase of controlled substances and dangerous drugs when such a purchase is necessary in an investigation of offenses relating to controlled substances and dangerous drugs.

5. Procure from law enforcement agencies and other reliable sources information relating to violators of laws which govern controlled substances and dangerous drugs, including information about their character, probable motives, circumstances of arrest, methods of operation and other pertinent information.

6. Enforce the provisions of chapter 453 of NRS.

7. Furnish information relating to any person of whom he or she maintains a record to any law enforcement agency.

8. Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124.

9. Upon request, assist:

(a) The Department of Taxation in carrying out a criminal investigation relating to cannabis pursuant to NRS 372A.200 to 372A.380, inclusive, and chapter 678A of NRS;

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out a criminal investigation relating to cannabis pursuant to chapter 678C of NRS; ~~and~~

(c) The Cannabis Compliance Board in carrying out a criminal investigation pursuant to title 56 of NRS, ~~and~~ and

(d) A law enforcement agency in the investigation of domestic terror activity.

10. Investigate technological crime, as defined in NRS 205A.030, and enforce the provisions of the law of this State relating to technological crime, as defined in NRS 205A.030.

~~**11. Investigate domestic terror activity.**~~

Sec. 7. NRS 480.480 is hereby amended to read as follows:

480.480 The Chief of the Investigation Division may enter into agreements with any state or local law enforcement agency **or intelligence center** in this State or in any other state to carry out the duties of the Division. A peace officer, while carrying out the duties of the Investigation Division pursuant to such an agreement, has the same powers and responsibilities as an investigator of the Investigation Division.

Sec. 7.2. NRS 202.4415 is hereby amended to read as follows:

202.4415 1. “Act of terrorism” means any act that involves the use or attempted use of sabotage, coercion or violence which is intended to:

(a) Cause ~~[great]~~ **substantial** bodily harm or death to the general population ~~[,]~~ **or to a specific population of persons with the same or a similar characteristic;**

(b) Intimidate or coerce a civilian population;

(c) Influence the policy of, affect the conduct of, or retaliate against any agency, bureau, board, commission, department or division of this State, a political subdivision of this State or any other branch or level of government;

or

~~[(b)]~~ **(d) Cause substantial destruction, contamination or impairment of:**

(1) Any building or infrastructure, communications, transportation, utilities or services; or

(2) Any natural resource or the environment.

2. As used in this section ~~[, “coercion”]~~ :

(a) “Civil disobedience” means an open and visible nonviolent violation of a provision of law that is punishable as a misdemeanor and is committed intentionally, symbolically and with the expectation of being punished.

(b) “Coercion” means the actions described in NRS 207.190 and does not include an act of civil disobedience.

(c) “Sabotage” means the intentional destruction of property or obstruction of a lawful activity and does not include an act of civil disobedience.

(d) “Violence” has the meaning ascribed to “crime of violence” in paragraph (b) of subsection 2 of NRS 200.408.

Sec. 7.4. NRS 203.115 is hereby amended to read as follows:

203.115 1. Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means.

2. It is unlawful:

(a) For any person, by word of mouth or writing, to advocate, advise or teach the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means ~~[,]~~ **, if such advocacy, advice or teaching is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;**

(b) For any person to print, publish, edit, issue or knowingly to circulate, sell, distribute or publicly to display any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means ~~[,]~~ **, if such contents, advocacy, advice or teaching is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;**

(c) For any person openly, willfully and deliberately to justify by word of mouth or writing the assassination or unlawful killing or assaulting of any

executive or other officer of the United States or of any state or of any civilized nation having an organized government because of his or her official character, or any other crime, with the intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy, ~~§~~, **if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;**

(d) For any person to organize or help to organize or become a member of or voluntarily to assemble with any society, group or assembly of persons formed to teach or advocate such a doctrine ~~§~~, **if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;**

(e) For two or more persons to assemble for the purpose of advocating or teaching the doctrines of criminal anarchy as defined in subsection 1 ~~§~~, **if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;** or

(f) For any owner, agent, superintendent, janitor, caretaker or occupant of any place, building or room willfully and knowingly to permit therein any assemblage of persons prohibited by paragraph (e), or, after notification that the premises are so used, to permit such use to be continued.

3. A person who violates the provisions of subsection 2 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.

Sec. 7.6. NRS 203.117 is hereby amended to read as follows:

203.117 1. Criminal syndicalism is the doctrine which advocates or teaches crime, sabotage, violence or unlawful methods of terrorism as a means of accomplishing industrial or political reform.

2. It is unlawful:

(a) For any person, by word of mouth or writing, to advocate or teach the duty, necessity or propriety of crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political reform ~~§~~, **if such advocacy or teaching is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;**

(b) For any person to print, publish, edit, issue or knowingly to circulate, sell, distribute or publicly to display any book, paper, document or written matter in any form, containing or advocating, advising or teaching the doctrine that industrial or political reform should be brought about by crime, sabotage, violence or other unlawful methods of terrorism ~~§~~, **if such contents, advocacy, advice or teaching is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;**

(c) For any person openly, willfully and deliberately to justify, by word of mouth or writing, the commission or the attempt to commit crime, sabotage, violence or other unlawful methods of terrorism with the intent to exemplify,

spread or advocate the propriety of the doctrine of criminal syndicalism ~~1.1~~, **if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;**

(d) For any person to organize or help to organize or become a member of, or voluntarily to assemble with, any society, group or assemblage of persons formed to teach or advocate the doctrine of criminal syndicalism ~~1.1~~, **if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;**

(e) For two or more persons to assemble for the purpose of advocating or teaching the doctrines of criminal syndicalism as defined in subsection 1 ~~1.1~~, **if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;** or

(f) For any owner, agent, superintendent, janitor, caretaker or occupant of any place, building or room, willfully and knowingly to permit therein any assemblage of persons prohibited by the provisions of paragraph (e), or, after notification that the premises are so used, to permit such use to be continued.

3. A person who violates the provisions of subsection 2 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 \$5,000.

Sec. 7.8. NRS 239C.160 is hereby amended to read as follows:

239C.160 The Commission shall, within the limits of available money:

1. Make recommendations to the Governor, the Legislature, agencies of this State, political subdivisions, tribal governments, businesses located within this State and private persons who reside in this State with respect to actions and measures that may be taken to protect residents of this State and visitors to this State from potential acts of terrorism and related emergencies.

2. Upon consideration of the most recent statewide strategic plan prepared by the Nevada Office of Cyber Defense Coordination pursuant to NRS 480.930, make recommendations to the Governor, through the Division, on the use of money received by the State from any homeland security grant or related program, including, without limitation, the State Homeland Security Grant Program and Urban Area Security Initiative, in accordance with the following:

(a) The Division shall provide the Commission with program guidance and briefings;

(b) The Commission must be provided briefings on existing and proposed projects, and shall consider statewide readiness capabilities and priorities for the use of money, administered by the Division, from any homeland security grant or related program;

(c) The Commission shall serve as the public body which reviews and makes recommendations for the State's applications to the Federal Government for homeland security grants or related programs, as administered by the Division; and

(d) The Commission shall serve as the public body which recommends, subject to approval by the Governor, the distribution of money from any ~~Homeland~~ :

(1) Homeland security grant or related program for use by state, local and tribal government agencies and private sector organizations. ~~or~~ ; **or**

(2) Grant from the Anti-Domestic Terrorism Assistance Account for use by state and local agencies in accordance with section 4 of this act.

3. Propose goals and programs that may be set and carried out, respectively, to counteract or prevent potential acts of terrorism and related emergencies before such acts of terrorism and related emergencies can harm or otherwise threaten residents of this State and visitors to this State.

4. With respect to buildings, facilities, geographic features and infrastructure that must be protected from acts of terrorism and related emergencies to ensure the safety of the residents of this State and visitors to this State, including, without limitation, airports other than international airports, the Capitol Complex, dams, gaming establishments, governmental buildings, highways, hotels, information technology infrastructure, lakes, places of worship, power lines, public buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:

(a) Identify and categorize such buildings, facilities, geographic features and infrastructure according to their susceptibility to and need for protection from acts of terrorism and related emergencies; and

(b) Study and assess the security of such buildings, facilities, geographic features and infrastructure from acts of terrorism and related emergencies.

5. Examine the use, deployment and coordination of response agencies within this State to ensure that those agencies are adequately prepared to protect residents of this State and visitors to this State from acts of terrorism and related emergencies.

6. Assess, examine and review the use of information systems and systems of communication used by response agencies within this State to determine the degree to which such systems are compatible and interoperable. After conducting the assessment, examination and review, the Commission shall:

(a) Establish a state plan setting forth criteria and standards for the compatibility and interoperability of those systems when used by response agencies within this State; and

(b) Advise and make recommendations to the Governor relative to the compatibility and interoperability of those systems when used by response agencies within this State, with particular emphasis upon the compatibility and interoperability of public safety radio systems.

7. Assess, examine and review the operation and efficacy of telephone systems and related systems used to provide emergency 911 service.

8. To the extent practicable, cooperate and coordinate with the Division to avoid duplication of effort in developing policies and programs for preventing and responding to acts of terrorism and related emergencies.

9. Submit an annual briefing to the Governor assessing the preparedness of the State to counteract, prevent and respond to potential acts of terrorism and related emergencies, including, but not limited to, an assessment of response plans and vulnerability assessments of utilities, public entities and private business in this State. The briefing must be based on information and documents reasonably available to the Commission and must be compiled with the advice of the Division after all utilities, public entities and private businesses assessed have a reasonable opportunity to review and comment on the Commission's findings.

10. Perform any other acts related to their duties set forth in subsections 1 to 9, inclusive, that the Commission determines are necessary to protect or enhance:

- (a) The safety and security of the State of Nevada;
- (b) The safety of residents of the State of Nevada; and
- (c) The safety of visitors to the State of Nevada.

Sec. 8. There is hereby appropriated from the State General Fund to the Anti-Domestic Terrorism Assistance Account created by section 4 of this act the sum of \$5,000,000 for the support of state and local programs countering domestic terror activity pursuant to section 4 of this act.

Sec. 9. 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. 148.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 324.

CONTAINS UNFUNDED MANDATE (§§ ~~10, 10.1~~ 32, 33)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to child welfare; prescribing qualifications for magistrates who make certain determinations concerning child custody; providing for the appointment of a guardian ad litem for an incapacitated parent or other person responsible for the welfare of a child in certain child welfare proceedings; revising the titles of certain officials appointed to oversee proceedings concerning juveniles and child support; prescribing the procedure for the judicial review of the placement of a child who is in the custody of an agency which provides child welfare services in a qualified residential treatment program; revising the procedures governing the court-ordered admission of such a child who has an emotional disturbance to certain psychiatric facilities and the release of such a child from such a facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to follow certain procedures concerning how to determine custody when a magistrate determines probable cause exists that a party to the custody proceeding has committed an act of abduction against a child. (NRS 125C.0035, 125C.240, 432B.159) **Sections 2, 3 and 44** of this bill require the magistrate who makes such a determination to be a magistrate who has the power to issue a criminal arrest warrant.

Upon the filing of a petition that a child is in need of protection, existing law requires the appointment of a guardian ad litem to represent and protect the best interests of the child during the child welfare proceedings. (NRS 432B.500) ~~Sections 19, 40, 32 and 33~~ of this bill prescribe a procedure for the appointment of a guardian ad litem to represent the best interests of ~~the~~ ~~(1) a parent who is incapacitated in a proceeding to terminate parental rights; or~~ ~~(2) a parent or other person responsible for the welfare of a child who is incapacitated during a child welfare proceeding.~~ ~~Sections 11 and~~ **Section 34** of this bill ~~require~~ **requires** a guardian ad litem appointed for a parent or other person responsible for the welfare of a child to act in the best interests of the parent or other person after considering the wishes of the parent or other person. ~~Sections 11 and~~ **Section 34** additionally: (1) ~~provide~~ **provides** that communications between a parent or other person responsible for the welfare of a child and his or her guardian ad litem are privileged; and (2) ~~prohibit~~ **prohibits** a guardian ad litem from taking any action to **relinquish parental rights**, effectuate a termination of parental rights or consent to a specific adoption ~~on behalf of the person for whom the guardian ad litem is appointed.~~

In general, existing law provides that information maintained by an agency which provides child welfare services is confidential and may only be disclosed under certain circumstances. (NRS 432B.290) **Section 46** of this bill authorizes the disclosure of information maintained by an agency which provides child welfare services to the ~~guardian ad litem of a parent or~~ legal guardian of a child appointed pursuant to **section 32** under certain circumstances.

Existing law authorizes, and in certain circumstances, requires a court to appoint a master to preside over child support proceedings. (NRS 3.405, 425.381) Existing law also authorizes a court to appoint a master to preside over certain proceedings concerning juveniles. (NRS 62B.020) **Sections 17, 21, 22, 29 and 74** of this bill revise the title of those appointed officials to “child support magistrate” and “juvenile magistrate,” respectively, without changing the duties of those positions. **Sections 1, 4-7, 12-16, 18, 19, 23-26, 48, 68 and 69** make various changes to conform to the terminology revised by **sections 17, 21, 22, 29 and 74. Section 71.5 of this bill provides that the change in the name of an appointed official from “master” to “child support magistrate” must not be construed to require the Division of Welfare and Supportive Services of the Department of Health and Human Services to modify any of the forms generated by the computer systems of**

the Division for the purpose of changing the term “master” to the term “magistrate.”

Existing law authorizes the placement of a child who is in need of protection in the protective custody of an agency which provides child welfare services under certain circumstances. (NRS 432B.390) If a court finds that such a child is in need of protection, existing law authorizes the court to place the child with certain entities, including a public agency or institution authorized to care for children. (NRS 432B.550) Existing law prescribes procedures governing the placement of a child who is in need of protection and requires such placement to be reviewed semiannually. (NRS 432B.450, 432B.580) Existing law also requires a court overseeing proceedings concerning such a child to hold an annual hearing concerning the permanent placement of the child. (NRS 432B.590) Existing federal law defines “qualified residential treatment program” to mean a program that: (1) provides trauma-informed treatment of children with serious emotional or behavioral disorders or disturbances; (2) has clinical staff available 24 hours a day and 7 days a week; and (3) meets certain other requirements. (42 U.S.C. § 672(k)(4)) **Section 31** of this bill adopts that federal definition, and **section 43** of this bill makes a conforming change to indicate the proper placement of **section 31** in the Nevada Revised Statutes. **Section 52** of this bill makes a conforming change to remove a definition of the term “qualified residential treatment program” that duplicates the definition prescribed in **section 31**. **Sections 35, 50 and 51** of this bill require a court to review the appropriateness of the placement of a child who is in the custody of an agency which provides child welfare services in a qualified residential treatment program: (1) not later than 60 days after the beginning of the placement; (2) as part of each semiannual review concerning the temporary placement of the child; and (3) at each annual hearing concerning the permanent placement of the child. **Sections 20, 45 and 47-49** of this bill make conforming changes to indicate the proper placement of **sections 32-35** in the Nevada Revised Statutes.

Existing law prescribes the procedure for: (1) placing a person who is in a mental health crisis on a mental health crisis hold for assessment, evaluation, intervention and treatment at a hospital or mental health facility; (2) the emergency admission of such a person to a mental health facility; and (3) the involuntary court-ordered admission of such a person to a mental health facility or assisted outpatient treatment. (NRS 433A.145-433A.345) Existing law prescribes a separate procedure for the involuntary court-ordered admission of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to certain psychiatric facilities. (NRS 432B.607-432B.6085) **Sections 37-40 and 54-57** of this bill revise the latter procedure to provide separate procedures for: (1) the involuntary court-ordered admission of such a child for nonemergency mental health treatment; and (2) the continuation of the emergency admission of such a child for longer than 5 days. **Sections 37, 39, 54 and 56** of this bill authorize a physician, **a psychiatrist**, a psychologist, ~~a physician assistant under the supervision of a~~

~~psychologist~~ or an advanced practice registered nurse ~~for clinical social worker~~ who possesses certain training to conduct certain examinations in the course of those procedures. ~~[Sections]~~ **Section 70** ~~[and 71]~~ of this bill ~~[make]~~ **makes** conforming changes to indicate the applicability of the training requirements for ~~[such]~~ an advanced practice registered nurse ~~, for clinical social worker.]~~

Sections 38 and 55 of this bill authorize the court to order the nonemergency admission or continued emergency admission, respectively, of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services if the court finds by clear and convincing evidence that the child presents a substantial likelihood of serious harm to himself or herself or others and certain other requirements are met. **Section 36** of this bill prescribes the manner in which to determine whether a child presents a substantial likelihood of serious harm to himself or herself or others for those purposes. **Sections 41 and 58** of this bill provide for the expiration and renewal of an order for nonemergency mental health treatment or to continue an emergency admission, as applicable. **Sections 41 and 58** also authorize the release of a child who has been admitted to a facility under such an order under certain circumstances, and **section 75** of this bill repeals: (1) existing provisions governing the release of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services from a facility; and (2) additional provisions of existing law which are duplicative of the provisions of **sections 37-40 and 54-57**.

Sections 42 and 59 of this bill require a facility to which a child who is in the custody of an agency which provides child welfare services is admitted under an involuntary court-ordered admission or a continued emergency admission to develop a written plan for the continued care ~~[,] or treatment [and training]~~ of the child upon discharge from the facility. **Sections 53 and 62** of this bill make conforming changes to indicate the proper placement of **sections [36-42] 35.3-42** in the Nevada Revised Statutes. **Sections 27, 28, 60, 61 and 63-67** of this bill make other conforming changes to indicate the continued applicability of certain provisions of existing law to the procedures created by **sections 37-40 and 54-57**.

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

Section 1. NRS 125B.200 is hereby amended to read as follows:

125B.200 As used in NRS 125B.200 to 125B.300, inclusive, unless the context otherwise requires:

1. “Court” includes a referee or ~~[master]~~ **magistrate** appointed by the court.
2. “Minor child” means a person who is:
 - (a) Under the age of 18 years;
 - (b) Under the age of 19 years, if the person is enrolled in high school;
 - (c) Under a legal disability; or

(d) Not declared emancipated pursuant to NRS 129.080 to 129.140, inclusive.

3. “Obligor-parent” means a parent who has been ordered by a court to pay for the support of a minor child.

Sec. 2. NRS 125C.0035 is hereby amended to read as follows:

125C.0035 1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to NRS 125C.0025 or to either parent pursuant to NRS 125C.003. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent’s application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.

(b) Any nomination of a guardian for the child by a parent.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

↪ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.

10. As used in this section:

(a) “Abduction” means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) “Domestic violence” means the commission of any act described in NRS 33.018.

(c) *“Magistrate” has the meaning ascribed to it in NRS 169.095.*

Sec. 3. NRS 125C.240 is hereby amended to read as follows:

125C.240 1. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking custody does not rebut the presumption, the court shall not enter an order for sole or joint custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

2. For purposes of subsection 1, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. If, after a court enters a final order concerning custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning custody, reconsider the previous order concerning custody pursuant to subsections 1 and 2.

4. As used in this section ~~["abduction"]~~:

(a) **"Abduction"** means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) **"Magistrate" has the meaning ascribed to it in NRS 169.095.**

Sec. 4. NRS 126.111 is hereby amended to read as follows:

126.111 1. The court shall endeavor to resolve the issues raised in an action pursuant to this chapter by an informal hearing.

2. As soon as practicable after an action to declare the existence or nonexistence of the father and child relationship has been brought, an informal hearing must be held. The court may order that the hearing be held before a ~~master~~ **magistrate appointed by the court** or referee. The public shall be barred from the hearing. A record of the proceeding or any portion thereof must be kept if any party requests or the court orders. Strict rules of evidence need not be observed, but those prescribed in NRS 233B.123 apply.

3. Upon refusal of any witness, including a party, to testify under oath or produce evidence, the court may order the witness to testify under oath and produce evidence concerning all relevant facts. If the refusal is upon the ground that the witness's testimony or evidence might tend to incriminate the witness, the court may grant the witness immunity from prosecution for all criminal offenses shown in whole or in part by testimony or evidence the witness is required to produce, except for perjury committed in his or her testimony. The refusal of a witness who has been granted immunity to obey an order to testify or produce evidence is a civil contempt of the court.

4. Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.

Sec. 5. NRS 126.121 is hereby amended to read as follows:

126.121 1. The court may, and shall upon the motion of a party, order the mother, child, alleged father or any other person so involved to submit to one or more tests for the typing of blood or taking of specimens for genetic identification to be made by a designated person, by qualified physicians or by other qualified persons, under such restrictions and directions as the court or judge deems proper. Whenever such a test is ordered and made, the results of the test must be received in evidence and must be made available to a judge, ~~master~~ **magistrate appointed by the court** or referee conducting a hearing pursuant to NRS 126.111. The results of the test and any sample or specimen taken may be used only for the purposes specified in this chapter. Unless a party files a written objection to the result of a test at least 30 days before the hearing at which the result is to be received in evidence, the result is admissible as evidence of paternity without foundational testimony or other proof of authenticity or accuracy. The order for such a test also may direct that the testimony of the experts and of the persons so examined may be taken by deposition or written interrogatories.

2. If any party refuses to submit to or fails to appear for a test ordered pursuant to subsection 1, the court may presume that the result of the test would be adverse to the interests of that party or may enforce its order if the rights of others and the interests of justice so require.

3. The court, upon reasonable request by a party, shall order that independent tests for determining paternity be performed by other experts or qualified laboratories.

4. In all cases, the court shall determine the number and qualifications of the experts and laboratories.

5. As used in this section:

(a) “Designated person” means a person who is:

(1) Properly trained to take samples or specimens for tests for the typing of blood and genetic identification; and

(2) Designated by an enforcing authority to take such samples or specimens.

(b) “Enforcing authority” means the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative, a district attorney or the Attorney General when acting pursuant to NRS 425.380.

Sec. 6. NRS 126.141 is hereby amended to read as follows:

126.141 1. On the basis of the information produced at the pretrial hearing, the judge, ~~master~~ **magistrate appointed by the court** or referee conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest

of the child. On the basis of the evaluation, an appropriate recommendation for settlement must be made to the parties, which may include any of the following:

(a) That the action be dismissed with or without prejudice.

(b) That the matter be compromised by an agreement among the alleged father, the mother and the child, in which the father and child relationship is not determined but in which a defined economic obligation, fully secured by payment or otherwise, is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the judge, ~~master~~ **magistrate appointed by the court** or referee conducting the hearing. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the judge, ~~master~~ **magistrate appointed by the court** or referee conducting the hearing shall consider the best interest of the child, discounted by the improbability, as it appears to him or her, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on the alleged father.

(c) That the alleged father voluntarily acknowledge his paternity of the child.

2. If the parties accept a recommendation made in accordance with subsection 1, judgment may be entered accordingly.

3. If a party refuses to accept a recommendation made under subsection 1 and blood tests or tests for genetic identification have not been taken, the court shall require the parties to submit to blood tests or tests for genetic identification, if practicable. Thereafter the judge, ~~master~~ **magistrate appointed by the court** or referee shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action must be set for trial.

4. The guardian ad litem may accept or refuse to accept a recommendation under this section.

5. The pretrial hearing may be terminated and the action set for trial if the judge, ~~master~~ **magistrate appointed by the court** or referee conducting the hearing finds unlikely that all parties would accept a recommendation he or she might make under subsection 1 or 3.

Sec. 7. NRS 126.143 is hereby amended to read as follows:

126.143 After an action is set for trial pursuant to NRS 126.141, the judge, ~~master~~ **magistrate appointed by the court** or referee shall, upon the motion of a party, issue an order providing for the temporary support of the child pending the resolution of the trial if the judge, ~~master~~ **magistrate appointed by the court** or referee determines that there is clear and convincing evidence that the party against whom the order is issued is the father of the child.

Sec. 8. ~~{Chapter 128 of NRS is hereby amended by adding thereto the provisions set forth as sections 9, 10 and 11 of this act.}~~ (Deleted by amendment.)

Sec. 9. ~~{1. If the parent of a child who is the subject of proceedings under this chapter is less than 18 years of age and is not emancipated, the court shall hold a hearing to determine whether the parent is incapacitated. If the court determines that the parent is incapacitated, the court shall appoint a guardian ad litem for the parent.~~

~~2. If the provisions of subsection 1 do not apply, a court may appoint a guardian ad litem for a parent of a child who is the subject of proceedings under this chapter upon the motion of a party or its own motion if the court determines that the parent is incapacitated. A party shall not make a motion pursuant to this subsection for the purpose of delay.~~

~~3. When determining whether a parent is incapacitated pursuant to subsection 1 or 2, a court shall consider:~~

~~(a) The ability of the parent to:~~

~~(1) Appreciate the allegations against him or her;~~

~~(2) Understand the possible outcomes of the proceedings;~~

~~(3) Understand the nature of the legal process;~~

~~(4) Disclose to his or her attorney the facts relevant to the proceedings;~~

~~(5) Display appropriate behavior in the courtroom; and~~

~~(6) Testify regarding issues relevant to the proceedings;~~

~~(b) Any findings in another legal proceeding that the parent is incapacitated or incompetent;~~

~~(c) Any mental illness, intellectual disability or developmental disability that affects the capacity of the parent;~~

~~(d) The results of any psychiatric evaluation conducted pursuant to section 10 of this act; and~~

~~(e) Any other factor that affects the capacity of the parent or evidence concerning such capacity.~~

~~4. A court may determine that a parent is incapacitated pursuant to this section only if it finds by clear and convincing evidence that the parent is unable to:~~

~~(a) Understand the nature of the allegations against him or her;~~

~~(b) Understand the nature and purpose of the proceedings; or~~

~~(c) Aid and assist his or her attorney at any time during the proceedings with a reasonable degree of rational understanding.~~

~~5. If a court determines that a parent is incapacitated pursuant to this section, the court shall appoint a guardian ad litem for the parent. The court may not appoint the attorney for the parent as his or her guardian ad litem. When determining the person who will be appointed as the guardian ad litem, the court:~~

~~(a) Shall consider the wishes of the parent for whom the guardian ad litem will be appointed;~~

~~(b) May consider any other relevant evidence; and~~

~~—(c) May call additional witnesses.~~

~~—6. The court shall, upon the request of a parent for whom a guardian ad litem will be appointed pursuant to this section, conduct the initial evaluation of a person who may be appointed as the guardian ad litem outside the presence of the other parties.~~

~~—7. An order appointing a guardian ad litem pursuant to this section must set forth:~~

~~—(a) The reasons for the determination of the court that the parent is incapacitated; and~~

~~—(b) The authority and duties of the guardian ad litem.~~

~~—8. Except as otherwise provided in this subsection, the court shall review an order appointing a guardian ad litem pursuant to this section upon the request of any party to determine whether the parent for whom the guardian ad litem was appointed remains incapacitated. The court is not required to conduct such a review within 45 days after:~~

~~—(a) The issuance of the order; or~~

~~—(b) The most recent previous review.~~

~~—9. If a court determines that a parent is incapacitated solely because of his or her age and appoints a guardian ad litem for the parent, the guardianship must terminate on the 18th birthday of the parent.~~ (Deleted by amendment.)

Sec. 10. ~~{1. If a parent described in subsection 1 of section 9 of this act or a parent who is the subject of a motion pursuant to subsection 2 of section 9 of this act requests a psychiatric evaluation and the court determines that the parent might be incapacitated because he or she is not mentally competent, the court shall order the parent to undergo a psychiatric evaluation by a person professionally qualified in the field of psychiatric mental health. In all other circumstances, the court may, upon the motion of a party or its own motion, order such a psychiatric evaluation if it determines that the parent might be incapacitated because he or she is not mentally competent.~~

~~—2. If a psychiatric evaluation is conducted pursuant to subsection 1 upon:~~

~~—(a) The request of the parent who is the subject of the evaluation or the motion of court, the court may, except as otherwise provided in subsection 3, pay the cost of the psychiatric evaluation.~~

~~—(b) The motion of a party, other than the parent who is the subject of the evaluation, the moving party shall pay the cost of the psychiatric evaluation.~~

~~—3. The court shall pay the cost of a psychiatric evaluation conducted pursuant to subsection 1 if:~~

~~—(a) The psychiatric evaluation is conducted upon the request of the parent who is the subject of the evaluation or the motion of court;~~

~~—(b) The psychiatric evaluation is not covered by a third party or the third party that provides such coverage is unable or unwilling to pay for the psychiatric evaluation in a timely manner; and~~

~~—(c) The parent who is the subject of the psychiatric evaluation has a household income that is less than 200 percent of the federally designated level signifying poverty.~~

~~—4. If the court pays the cost of a psychiatric evaluation pursuant to subsection 3 and later determines that the parent who is the subject of the examination is financially able to pay all or part of the cost of the psychiatric evaluation, the court may require the parent to make such payment to the clerk of the court.~~

~~—5. As used in this section:~~

~~—(a) “Household” means persons of the first degree of consanguinity or affinity who live in the same dwelling.~~

~~—(b) “Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433A.018.~~

~~—(c) “Third party” means any insurer or organization providing health coverage or benefits in accordance with state or federal law.} (Deleted by amendment.)~~

Sec. 11. ~~{1. In making decisions on behalf of a parent, a guardian ad litem appointed for the parent pursuant to section 9 of this act shall:~~

~~—(a) Consider the wishes of the parent and inform the court of those wishes; and~~

~~—(b) Act in the best interests of the parent, as determined by the guardian ad litem using his or her independent judgement.~~

~~—2. Communications between a parent and his or her guardian ad litem are privileged and confidential to the same extent as communications between the parent and his or her attorney.~~

~~—3. A guardian ad litem appointed pursuant to section 9 of this act may not take any action to effectuate a termination of parental rights or consent to a specific adoption.} (Deleted by amendment.)~~

Sec. 12. NRS 129.080 is hereby amended to read as follows:

129.080 Any minor who is at least 16 years of age, who is married or living apart from his or her parents or legal guardian, and who is a resident of the county, may petition the juvenile court of that county for a decree of emancipation. The district court may refer the petition to a ~~{master}~~ **juvenile magistrate** appointed pursuant to title 5 of NRS or chapter 432B of NRS.

Sec. 13. NRS 130.102 is hereby amended to read as follows:

130.102 1. The district court and, within the limitations of authority granted pursuant to NRS 3.405, 125.005 or 425.381 to 425.3852, inclusive, a ~~{master}~~ **child support magistrate** or referee appointed pursuant to any of those sections, are the tribunals of this State.

2. The support enforcement agency of this State may include, without limitation, a court, a district attorney, a law enforcement agency or the Division of Welfare and Supportive Services of the Department of Health and Human Services.

Sec. 14. NRS 3.025 is hereby amended to read as follows:

3.025 1. In each judicial district that includes a county whose population is 100,000 or more, the district judges of that judicial district shall choose from among those district judges a Chief Judge who is to be the presiding judge of the judicial district.

2. The Chief Judge shall:

- (a) Assign cases to each judge in the judicial district;
- (b) Prescribe the hours of court;
- (c) Adopt such other rules or regulations as are necessary for the orderly conduct of court business; and
- (d) Perform all other duties of the Chief Judge or of a presiding judge that are set forth in this chapter and any other provision of NRS.

3. If a case involves a matter within the jurisdiction of the family court and:

(a) The parties to the case are also the parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family court in the judicial district; or

(b) A child involved in the case is also involved in any other pending case or was involved in any other previously decided case assigned to a department of the family court in the judicial district, other than a case within the jurisdiction of the juvenile court pursuant to title 5 of NRS,

→ the Chief Judge shall assign the case to the department of the family court to which the other case is presently assigned or, if the other case has been decided, to the department of the family court that decided the other case, unless a different assignment is required by another provision of NRS, a court rule or the Revised Nevada Code of Judicial Conduct or the Chief Judge determines that a different assignment is necessary because of considerations related to the management of the caseload of the district judges within the judicial district. If a case described in this subsection is heard initially by a ~~master,~~ **magistrate appointed by the court**, the recommendation, report or order of the ~~master~~ **magistrate** must be submitted to the district judge of the department of the family court to which the case has been assigned pursuant to this subsection for consideration and decision by that district judge.

Sec. 15. NRS 3.026 is hereby amended to read as follows:

3.026 1. In each judicial district that includes a county whose population is 100,000 or more, in addition to the other duties set forth in NRS 3.025:

(a) The Chief Judge shall ensure that:

(1) The procedures which govern the consideration and disposition of cases and other proceedings within the jurisdiction of the district court are applied as uniformly as practicable; and

(2) Cases and other proceedings within the jurisdiction of the district court are considered and decided in a timely manner.

(b) Except as otherwise provided in subsection 2, the Chief Judge shall establish procedures for addressing grievances that are:

(1) Submitted to the Chief Judge by a party in a case or other proceeding within the jurisdiction of the district court; and

(2) Directly related to the administration of the case or other proceeding.

2. For the purposes of paragraph (b) of subsection 1, a party in a case or other proceeding within the jurisdiction of the district court may not submit to the Chief Judge a grievance that:

(a) Addresses, in whole or in part, the merits of the case or other proceeding; or

(b) Challenges, in whole or in part, the merits of any decision or ruling in the case or other proceeding that is made by:

(1) The district court; or

(2) A ~~master~~ **magistrate appointed by the court** or other person who is acting pursuant to an order of the district court or pursuant to any authority that is granted to the ~~master~~ **magistrate** or other person by a specific statute, including, without limitation, NRS 3.405, 3.475 and 3.500.

Sec. 16. NRS 3.2201 is hereby amended to read as follows:

3.2201 1. The district court has exclusive jurisdiction to accept an application for, to consider an application for, and to issue or deny the issuance of any of the following orders when the adverse party against whom the order is sought is a child who is under 18 years of age:

(a) A temporary or extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive.

(b) A temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(c) An emergency or extended order for protection against high-risk behavior pursuant to NRS 33.500 to 33.670, inclusive.

(d) A temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

(e) A temporary or extended order for protection against stalking, aggravated stalking or harassment pursuant to NRS 200.591.

2. The district court shall appoint counsel for a child who is the adverse party against whom an order listed in subsection 1 is sought upon:

(a) The issuance of any emergency or temporary order listed in subsection 1; or

(b) Notice of an adversarial hearing on an application for an order listed in subsection 1.

3. If the district court issues an order listed in subsection 1, the order must be served upon:

(a) The child who is the adverse party; and

(b) The parent or guardian of the child.

4. The juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party in an order listed in subsection 1 has committed a delinquent act by violating a condition set forth in the order.

5. If the district court issues an order listed in subsection 1 and the adverse party reaches the age of 18 years while the order is still in effect, the order

remains effective against the adverse party until the order expires or is dissolved by the district court.

6. The district court shall automatically seal all records related to the application for, consideration of and issuance of an order listed in subsection 1 as provided in NRS 62H.140 upon the dissolution or expiration of the order or when the adverse party reaches the age of 18 years, whichever is earlier, unless, at such a time, the order is still in effect, in which case the records must be automatically sealed by the district court upon the expiration or dissolution of the order.

7. A district court may appoint a ~~master~~ **magistrate** to conduct the proceedings described in this section.

Sec. 17. NRS 3.405 is hereby amended to read as follows:

3.405 1. In an action to establish paternity, the court may appoint a ~~master~~ **magistrate, who may be the juvenile magistrate appointed pursuant to NRS 62B.020, the child support magistrate appointed pursuant to NRS 425.381 or another magistrate appointed as authorized by law**, to take testimony and recommend orders.

2. The court ~~may~~ ~~shall~~ appoint a ~~master~~ **child support magistrate, as required, provided by NRS 425.381**, to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.

3. The ~~master~~ **child support magistrate** must be an attorney licensed to practice in this State. The ~~master~~ **child support magistrate:**

- (a) Shall take testimony and establish a record;
- (b) In complex cases shall issue temporary orders for support pending resolution of the case;
- (c) Shall make findings of fact, conclusions of law and recommendations for the establishment and enforcement of an order;
- (d) May accept voluntary acknowledgments of paternity or liability for support and stipulated agreements setting the amount of support;
- (e) May, subject to confirmation by the district court, enter default orders against a responsible parent who does not respond to a notice or service within the required time; and
- (f) Has any other power or duty contained in the order of reference issued by the court.

➡ If a temporary order for support is issued pursuant to paragraph (b), the ~~master~~ **child support magistrate** shall order that the support be paid to the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.

4. The findings of fact, conclusions of law and recommendations of the ~~master~~ **child support magistrate** must be furnished to each party or the party's attorney at the conclusion of the proceeding or as soon thereafter as

possible. Within 10 days after receipt of the findings of fact, conclusions of law and recommendations, either party may file with the court and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter upon notice and motion.

Sec. 18. NRS 3.475 is hereby amended to read as follows:

3.475 1. In a county whose population is 700,000 or more, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases that involve the custody or visitation of a child.

2. The program must:

(a) Require the impartial mediation of the issues of custody and visitation and authorize the impartial mediation of any other nonfinancial issue deemed appropriate by the court.

(b) Authorize the court to exclude a case from the program for good cause shown, including, but not limited to, a showing that:

(1) There is a history of child abuse or domestic violence by one of the parties;

(2) The parties are currently participating in private mediation; or

(3) One of the parties resides outside of the jurisdiction of the court.

(c) Provide standards for the training of the mediators assigned to cases, including, but not limited to:

(1) Minimum educational requirements, which must not be restricted to any particular professional or educational training;

(2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as a mediator;

(3) A minimum period of apprenticeship for persons who have not previously acted as domestic mediators;

(4) Minimum requirements for continuing education; and

(5) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.

(d) Prohibit the mediator from reporting to the court any information about the mediation other than whether the dispute was resolved.

(e) Establish a sliding schedule of fees for participation in the program based on the ability of a party to pay.

(f) Provide for the acceptance of gifts and grants offered in support of the program.

(g) Allow the court to refer the parties to a private mediator.

3. The costs of the program must be paid from the county general fund. All fees, gifts and grants collected pursuant to this section must be deposited in the county general fund.

4. This section does not prohibit a court from referring a financial or other issue to a ~~special master~~ **magistrate** or other person for assistance in resolving the dispute.

Sec. 19. NRS 3.500 is hereby amended to read as follows:

3.500 1. In a county whose population is 100,000 or more and less than 700,000, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases which involve the custody or visitation of a child. A district court in a county whose population is less than 100,000 may establish such a program in the same manner for use in that county. The district courts in two or more counties whose populations are less than 100,000 may establish such a program in the same manner for use in the counties in which the courts are located.

2. The program must:

(a) Require the impartial mediation of the issues of custody and visitation and any other nonfinancial issue deemed appropriate by the court.

(b) Allow the court to exclude a case from the program for good cause shown, including a showing of a history of child abuse or domestic violence by one of the parties, ongoing private mediation or residency of one of the parties out of the jurisdiction of the court.

(c) Provide standards for the training of the mediators assigned to cases pursuant to the rule, including but not limited to:

(1) Minimum educational requirements, which may not be restricted to any particular professional or educational training;

(2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as a mediator;

(3) A minimum period of apprenticeship for persons who have not previously acted as domestic mediators;

(4) Minimum requirements for continuing education; and

(5) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.

(d) Prohibit the mediator from reporting to the court any information about the mediation other than whether the mediation was successful or not.

(e) Establish a sliding schedule of fees for participation in the program based on the client's ability to pay.

(f) Provide for the acceptance of gifts and grants offered in support of the program.

(g) Allow the court to refer the parties to a private mediator for assistance in resolving the issues.

3. The costs of the program must be paid from the account for dispute resolution in the county general fund. All fees, gifts and grants collected pursuant to this section must be deposited in the account.

4. This section does not prohibit a court from referring a financial or other issue to a ~~special master~~ **magistrate** or other person for assistance in resolving the dispute.

Sec. 20. NRS 49.295 is hereby amended to read as follows:

49.295 1. Except as otherwise provided in subsections 2 and 3 and NRS 49.305:

(a) A married person cannot be examined as a witness for or against his or her spouse without his or her consent.

(b) No spouse can be examined, during the marriage or afterwards, without the consent of the other spouse, as to any communication made by one to the other during marriage.

2. The provisions of subsection 1 do not apply to a:

(a) Civil proceeding brought by or on behalf of one spouse against the other spouse;

(b) Proceeding to commit or otherwise place a spouse, the property of the spouse or both the spouse and the property of the spouse under the control of another because of the alleged mental or physical condition of the spouse;

(c) Proceeding brought by or on behalf of a spouse to establish his or her competence;

(d) Proceeding in the juvenile court or family court pursuant to title 5 of NRS or NRS 432B.410 to 432B.590, inclusive ~~{ }~~ , **and sections 32 to 35, inclusive, of this act;** or

(e) Criminal proceeding in which one spouse is charged with:

(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or control of either, whether the crime was committed before or during marriage.

(2) Bigamy or incest.

(3) A crime related to abandonment of a child or nonsupport of the other spouse or child.

3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the spouses were married.

Sec. 21. NRS 62A.210 is hereby amended to read as follows:

62A.210 ~~["Master of the juvenile court"]~~ **"Juvenile magistrate"** means a person who is appointed to act as a ~~{master of the} juvenile {court} magistrate~~ **appointed of the juvenile court** pursuant to NRS 62B.020.

Sec. 22. NRS 62B.020 is hereby amended to read as follows:

62B.020 1. Except as otherwise provided in this section, the juvenile court or the chief judge of the judicial district may appoint any person to act as a ~~{master of the} juvenile {court} magistrate~~ if the person is qualified by previous experience, training and demonstrated interest in the welfare of children to act as a ~~{master of the} juvenile {court} magistrate~~.

2. A probation officer shall not act as a ~~{master of the} juvenile {court} magistrate~~ unless the proceeding concerns:

(a) A minor traffic offense;

(b) An offense related to tobacco; or

(c) A child who is alleged to be a habitual truant.

3. If a person is appointed to act as a ~~{master of the} juvenile {court} magistrate~~, the person shall attend instruction at the National Council of Juvenile and Family Court Judges in Reno, Nevada, in a course designed for the training of new judges of the juvenile court on the first occasion when such instruction is offered after the person is appointed.

4. If, for any reason, a ~~{master of the}~~ juvenile ~~{court}~~ **magistrate** is unable to act, the juvenile court or the chief judge of the judicial district may appoint another qualified person to act temporarily as a ~~{master of the}~~ juvenile ~~{court}~~ **magistrate** during the period that the ~~{master}~~ **juvenile magistrate** who is regularly appointed is unable to act.

5. The compensation of a ~~{master of the}~~ juvenile ~~{court}~~ **magistrate**:

- (a) May not be taxed against the parties.
- (b) Must be paid out of appropriations made for the expenses of the district court, if the compensation is fixed by the juvenile court.

Sec. 23. NRS 62F.350 is hereby amended to read as follows:

62F.350 1. The juvenile court may not refer to a **juvenile magistrate or** master any finding, determination or other act required to be made or performed by the juvenile court pursuant to NRS 62F.320 and 62F.340.

2. As used in this section, “master” has the meaning ascribed to it in Rule 53 of the Nevada Rules of Civil Procedure.

Sec. 24. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master **or magistrate** in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.
- (e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.
- (f) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:
 - (1) Crimes that are punishable as category A felonies; or
 - (2) Domestic violence.
- (g) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:
 - (1) Crimes that are punishable as category A felonies; or
 - (2) Domestic violence.
- (h) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.
- (i) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:
 - (1) Interacts with the public; and
 - (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.
- (j) Any county manager in this State.

(k) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

- (1) Who possesses specialized training in code enforcement;
- (2) Who, as part of his or her normal job responsibilities, interacts with the public; and
- (3) Whose primary duties are the performance of tasks related to code enforcement.

(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.

(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.

(n) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 25. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master *or magistrate* in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.
- (e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.
- (f) Any peace officer or retired peace officer.
- (g) Any prosecutor.
- (h) Any state or county public defender.
- (i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Peace officer” means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.

(f) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 26. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master *or magistrate* in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.
- (e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:
 - (1) Crimes that are punishable as category A felonies; or
 - (2) Domestic violence.
- (f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:
 - (1) Crimes that are punishable as category A felonies; or
 - (2) Domestic violence.
- (g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.
- (h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:
 - (1) Interacts with the public; and
 - (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.
- (i) Any county manager in this State.
- (j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:
 - (1) Who possess specialized training in code enforcement;
 - (2) Who, as part of his or her normal job responsibilities, interacts with the public; and
 - (3) Whose primary duties are the performance of tasks related to code enforcement.
- (k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.
- (l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.
- (m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

- (a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 27. NRS 392.857 is hereby amended to read as follows:

392.857 1. If a pupil who is enrolled in a public school, including, without limitation, a university school for profoundly gifted pupils, is admitted by a court to a psychiatric hospital or facility which provides residential treatment for mental illness pursuant to NRS 432B.6076 ~~or~~ **or section 38 of this act**, the public school and, if applicable, the school district in which the pupil is enrolled, must:

(a) If the pupil is admitted to a psychiatric hospital, participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan; and

(b) If an individualized education program has been developed for the pupil, provide the individualized education program to the psychiatric hospital or facility.

2. As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 28. NRS 394.1998 is hereby amended to read as follows:

394.1998 1. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital pursuant to NRS 432B.6076 ~~or~~ **or section 38 of this act**, the private school must participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan.

2. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital pursuant to NRS 432B.6076 **or section 38 of this act** and the school district within whose geographic boundaries the private school is located has developed a services plan for the child, the school district must:

(a) Participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan; and

(b) Provide the services plan to the psychiatric hospital.

3. As used in this section, “services plan” has the meaning ascribed to it in 34 C.F.R. § 300.37.

Sec. 29. NRS 425.381 is hereby amended to read as follows:

425.381 1. A ~~master~~ **child support magistrate** must be appointed as set forth in this section ~~and NRS 3.405.~~

2. The district judges of:

(a) The Family Court of the Second Judicial District shall appoint the ~~masters~~ **child support magistrates** for that District, and shall establish the qualifications and duties of those ~~masters;~~ **child support magistrates;** and

(b) The Family Court of the Eighth Judicial District shall appoint the ~~{masters}~~ **child support magistrates** for that District, and shall establish the qualifications and duties of those ~~{masters}~~ **child support magistrates**.

3. The district judges of the remaining judicial districts shall appoint the ~~{masters}~~ **child support magistrates** for those districts, and shall establish the qualifications and duties of those ~~{masters}~~ **child support magistrates**.

4. A ~~{master}~~ **child support magistrate** serves at the pleasure of the district judges who appointed the ~~{master}~~ **child support magistrate**.

Sec. 30. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 31 to 42, inclusive, of this act.

Sec. 31. *“Qualified residential treatment program” has the meaning ascribed to it in 42 U.S.C. § 672(k)(4).*

Sec. 32. 1. *If a parent or other person responsible for the welfare of a child who is the subject of proceedings under this section, NRS 432B.410 to 432B.590, inclusive, and sections 33, 34 and 35 of this act is less than 18 years of age and is not emancipated, the court shall hold a hearing to determine whether the parent or other person is incapacitated. If the court determines , by clear and convincing evidence, that the parent or other person is incapacitated, the court shall appoint a guardian ad litem for the parent or other person.*

2. If the provisions of subsection 1 do not apply, a court may appoint a guardian ad litem for a parent or other person responsible for the welfare of a child who is the subject of proceedings under this section, NRS 432B.410 to 432B.590, inclusive, and sections 33, 34 and 35 of this act upon the motion of a party or its own motion if the court determines that the parent or other person is incapacitated. A party shall not make a motion pursuant to this subsection for the purpose of delay.

3. When determining whether the parent or other person responsible for the welfare of a child is incapacitated pursuant to subsection 1 or 2, a court shall consider:

(a) The ability of the parent or other person to:

- (1) Appreciate the allegations against him or her;*
- (2) Understand the possible outcomes of the proceedings;*
- (3) Understand the nature of the legal process;*
- (4) Disclose to his or her attorney the facts relevant to the proceedings;*
- (5) Display appropriate behavior in the courtroom; and*
- (6) Testify regarding issues relevant to the proceedings;*

(b) Any findings in another legal proceeding that the parent or other person is incapacitated or incompetent;

(c) Any mental illness, intellectual disability or developmental disability that affects the capacity of the parent or other person;

*(d) The results of any ~~psychiatric~~ **psychiatric** evaluation conducted pursuant to section 33 of this act; and*

(e) Any other factor that affects the capacity of the parent or other person or evidence concerning such capacity.

4. A court may determine that a parent or other person responsible for the welfare of a child is incapacitated pursuant to this section only if it finds by clear and convincing evidence that the parent or other person is unable to:

- (a) Understand the nature of the allegations against him or her;
- (b) Understand the nature and purpose of the proceedings; or
- (c) Aid and assist his or her attorney at any time during the proceedings with a reasonable degree of rational understanding.

5. If a court determines that a parent or other person responsible for the welfare of a child is incapacitated pursuant to this section, the court shall appoint a guardian ad litem for the parent or other person. The court may not appoint the attorney for the parent or other person as his or her guardian ad litem. When determining the person who will be appointed as the guardian ad litem, the court:

- (a) Shall consider the wishes of the parent or other person for whom the guardian ad litem will be appointed;
- (b) May consider any other relevant evidence; and
- (c) May call additional witnesses.

6. The court shall, upon the request of a parent or other person responsible for the welfare of the child for whom a guardian ad litem will be appointed pursuant to this section, conduct the initial evaluation of a person who may be appointed as the guardian ad litem outside the presence of the other parties.

7. An order appointing a guardian ad litem pursuant to this section must be based upon clear and convincing evidence and set forth:

- (a) ~~The reasons for~~ Findings of fact regarding the determination of the court that the parent or other person responsible for the welfare of a child is incapacitated; and
- (b) The authority and duties of the guardian ad litem.

8. Except as otherwise provided in this subsection, the court shall review an order appointing a guardian ad litem pursuant to this section upon the request of any party to determine whether the parent or other person responsible for the welfare of a child for whom the guardian ad litem was appointed remains incapacitated. The court ~~is not required to~~ must conduct such a review within 45 days after ~~the~~

- ~~(a) The issuance of the order; or~~
- ~~(b) The most recent previous review.~~ such a request is made.

9. If a court determines that a parent or other person responsible for the welfare of a child is incapacitated solely because of his or her age and appoints a guardian ad litem for the parent or other person, the ~~guardianship~~ appointment of the guardian ad litem must terminate on the 18th birthday of the parent or other person.

Sec. 33. 1. If a parent or other person responsible for the welfare of a child described in subsection 1 of section 32 of this act or a parent or other person responsible for the welfare of a child who is the subject of a motion

pursuant to subsection 2 of section 32 of this act requests ~~for a psychiatric~~ an evaluation and the court determines that the parent or other person might be incapacitated because he or she is not mentally competent, the court shall order the parent or other person to undergo ~~for a psychiatric~~ an evaluation by a person professionally qualified in the field of psychiatric mental health. In all other circumstances, the court may, upon the motion of a party or its own motion, order such ~~for a psychiatric~~ an evaluation if it determines that the parent or other person might be incapacitated because he or she is not mentally competent.

2. If ~~for a psychiatric~~ an evaluation is conducted pursuant to subsection 1 upon:

(a) The request of the parent or other person who is the subject of the evaluation or the motion of court, the court may, except as otherwise provided in subsection 3, pay the cost of the ~~psychiatric~~ evaluation.

(b) The motion of a party, other than the parent or other person who is the subject of the evaluation, the moving party shall pay the cost of the ~~psychiatric~~ evaluation.

3. The court shall pay the cost of ~~for a psychiatric~~ an evaluation conducted pursuant to subsection 1 if:

(a) The ~~psychiatric~~ evaluation is conducted upon the request of the parent or other person who is the subject of the evaluation or the motion of court;

(b) The ~~psychiatric~~ evaluation is not covered by a third party or the third party that provides such coverage is unable or unwilling to pay for the ~~psychiatric~~ evaluation in a timely manner; and

(c) The parent or other person who is the subject of the ~~psychiatric~~ evaluation has a household income that is less than 200 percent of the federally designated level signifying poverty.

4. If the court pays the cost of ~~for a psychiatric~~ an evaluation pursuant to subsection 3 and later determines that the parent or other person responsible for the welfare of a child who is the subject of the examination is financially able to pay all or part of the cost of the ~~psychiatric~~ evaluation, the court may require the parent or other person to make such payment to the clerk of the court.

5. Any other party to the proceeding may make an oral or written motion for the person to be evaluated by a person professionally qualified in the field of psychiatric mental health, a psychologist or other appropriate professional retained by the party. The party seeking the additional evaluation shall pay the costs related to the evaluation.

6. As used in this section:

(a) “Household” means persons of the first degree of consanguinity or affinity who live in the same dwelling.

(b) “Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433A.018.

(c) “Third party” means any insurer or organization providing health coverage or benefits in accordance with state or federal law.

Sec. 34. 1. In making decisions on behalf of a parent or other person responsible for the welfare of a child, a guardian ad litem appointed for the parent or other person responsible for the welfare of a child pursuant to section 32 of this act shall:

(a) Consider the wishes of the parent or other person and inform the court of those wishes; and

(b) Act in the best interests of the parent or other person, as determined by the guardian ad litem using his or her independent judgement.

2. Communications between a parent or other person responsible for the welfare of a child and his or her guardian ad litem are privileged and confidential to the same extent as communications between the parent and his or her attorney.

3. A guardian ad litem appointed pursuant to section 32 of this act may not take any action to relinquish parental rights, effectuate a termination of parental rights or consent to a specific adoption ~~for~~ on behalf of the person for whom the guardian ad litem is appointed.

Sec. 35. 1. Not later than 72 hours after an agency which provides child welfare services places a child who is in the custody of the agency which provides child welfare services in a qualified residential treatment program, the agency which provides child welfare services shall file written notice of the placement with the court and serve such notice upon each party to the proceedings concerning the child being conducted pursuant to this section, NRS 432B.410 to 432B.590, inclusive, and sections 32, 33 and 34 of this act.

2. Not later than 60 days after a child is placed in a qualified residential treatment program, the court shall conduct a hearing to review the status of the child and determine the appropriateness of the placement.

3. At the hearing held pursuant to subsection 2, as part of each review conducted pursuant to NRS 432B.580 and at each hearing held pursuant to 432B.590 for the duration of the placement in the qualified residential treatment program, the court shall:

(a) Review the assessment of the child ~~; [conducted by a qualified individual, as defined in 42 U.S.C. § 675a(c)(1)(D)]~~; and

(b) Determine whether to approve or disapprove the placement.

4. A court may approve placement of a child in a qualified residential treatment program only if it finds by a preponderance of the evidence that placement in the qualified residential treatment program is:

(a) The least restrictive appropriate environment for the child, including, without limitation, that:

(1) Placement in a lower level of care is not capable of meeting the needs of the child; and

(2) The qualified residential treatment program provides the most effective care and appropriate care and treatment for the child; and

(b) Consistent with the short term and long term goals of the child's treatment.

5. After the court conducts a review pursuant to this section, the court shall issue a written determination concerning whether to approve the continued placement of the child in the qualified residential treatment program which must include, without limitation, written findings on each factor listed in subsection 4.

6. If a court disapproves the continued placement of a child in a qualified residential treatment program, the court:

(a) Shall order the agency which provides child welfare service to place the child in a less restrictive appropriate placement; and

(b) May make any other order that it determines to be in the best interest of the child.

Sec. 35.3. As used in sections 35.3 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 35.5 and 35.7 of this act have the meanings ascribed to them in those sections.

Sec. 35.5. "Facility" means a psychiatric hospital or facility which provides residential treatment for mental or behavioral health care to which a child with an emotional disturbance is or will be admitted to a locked unit that prevents the child from leaving the facility.

Sec. 35.7. "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433A.018 and includes the same professionals licensed in the state in which the child is placed.

~~Sec. 36. For the purposes of [this section],~~ NRS 432B.607 to 432B.6085, inclusive, and sections ~~[37]~~ 35.3 to 42, inclusive, of this act, a determination concerning whether a child presents a substantial likelihood of serious harm to himself or herself or others must be made as provided in NRS 433A.0195.

Sec. 37. 1. An agency which provides child welfare services shall not place a child in the custody of the agency in a facility for the purpose of receiving nonemergency mental health treatment unless the agency has petitioned the court for the placement and the court has ordered the placement, or except as provided in [this section and] sections [38] 35.3 to 42, inclusive, of this act.

2. A proceeding for the admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility for nonemergency mental health treatment may be commenced by the filing of a petition with ~~the clerk of~~ the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent of the child. The petition must be accompanied:

(a) By a certificate of a physician, a psychiatrist, a psychologist ~~by a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160~~ or an advanced practice registered nurse who has the psychiatric training and

experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that the physician, ~~psychiatrist, psychologist, physician assistant, clinical social worker,~~ or advanced practice registered nurse has examined the child alleged to be a child with an emotional disturbance and has concluded that the child:

(1) Is a child with an emotional disturbance and, because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(2) ~~Is not capable of being~~ Cannot be safely and effectively treated in a less restrictive environment that is appropriate for the child; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon personal observation of the child alleged to be a child with an emotional disturbance, probable cause to believe that the child:

(I) Is a child with an emotional disturbance and, because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(II) ~~Is not capable of being~~ Cannot be safely and effectively treated in a less restrictive environment that is appropriate for the child; and

(2) The child alleged to be a child with an emotional disturbance has refused to submit to examination or treatment by a person described in paragraph (a).

3. A child who is the subject of a petition filed pursuant to this section or the parent or guardian of such a child may oppose the petition:

(a) Orally at a hearing on the petition; or

(b) ~~At any time by~~ By filing a written opposition with the court.

Sec. 38. 1. A child who is the subject of a petition pursuant to section 37 of this act may, after conferring with his or her attorney, submit to the court written consent, or provide oral consent in the record of the court, to nonemergency mental health treatment. Upon receiving such ~~written~~ consent, the court ~~may~~ shall order the admission of the child to a facility for such treatment if it finds ~~with or without a hearing,~~ that the treatment is in the best interests of the child.

2. A court that receives a petition pursuant to section 37 of this act for the court-ordered admission of a child alleged to be a child with an emotional disturbance to a facility for nonemergency mental health treatment ~~is~~

~~(a) Shall hold;~~ shall conduct a hearing on the petition ~~upon the request of a person who opposes the petition pursuant to subsection 3 of section 37 of this act.~~

~~(b) In all other cases, may hold a hearing on the petition.~~ , unless otherwise ordered by the court.

3. ~~Except as otherwise provided in subsection 1, a~~ A court may order the admission of a child with respect to whom a petition was filed pursuant to section 37 of this act to a facility only if the court finds that there is clear and convincing evidence that the child:

- (a) Is a child with an emotional disturbance;
- (b) Because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(c) ~~Is incapable of being~~ Cannot be treated in a less restrictive environment that is appropriate for the child.

4. The court shall issue a written order on a petition submitted pursuant to section 37 of this act. ~~Except where the child consents to treatment pursuant to subsection 1, the~~ The order must include, without limitation, specific findings concerning each factor prescribed by subsection 3. The order must be interlocutory and is subject to regular review pursuant to section 41 of this act.

Sec. 39. 1. A child or ~~father person~~ a parent or guardian of the child who opposes a petition for the admission of a child alleged to be a child with emotional disturbance to a facility for nonemergency mental health treatment pursuant to subsection 3 of section 37 of this act may petition the court to authorize a second examination. The court shall authorize such a second examination upon receiving such a petition. Except as otherwise ordered by the court, a second examination must be ~~conducted~~ completed not later than 45 business days after the court authorizes the examination ~~and before any evidentiary hearing is conducted.~~

2. If the court authorizes a second examination of the child, the examination must:

(a) Be conducted by an independent physician, psychiatrist, psychologist ~~physician assistant under the supervision of a psychiatrist, clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160~~ or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 who is not:

(1) The same physician, psychiatrist, psychologist ~~clinical social worker~~ or advanced practice registered nurse who completed a certificate pursuant to paragraph (a) of subsection 2 of section 37 of this act or a physician, psychologist, clinical social worker or advanced practice registered nurse who participated in the examination conducted pursuant to that paragraph; or

(2) Employed by, connected to or otherwise affiliated with:

(I) The person described in subparagraph (1) or any facility which employs that person; ~~for with which that person has entered into a contract;~~
or

(II) Any facility into which the child may be placed;

(b) Include, without limitation:

(1) An evaluation of the diagnosis of the child, the risks of harm posed by the child to himself or herself or others and whether the child is capable of being safely and effectively treated in a less restrictive appropriate environment; and

(2) Recommendations concerning the placement of the child and the level of care required by the child; and

(c) Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 40. In determining pursuant to sections 38 and 41 of this act whether to issue or renew an order for the admission of a child who is in the custody of an agency which provides child welfare services to a facility for nonemergency treatment, the court shall consider:

1. The reports of any examinations or evaluations of a child by any person professionally qualified in the field of psychiatric mental health;

2. Any information concerning the child provided by:

(a) A person professionally qualified in the field of psychiatric mental health;

(b) A representative of the agency which provides child welfare services;

(c) An adult caretaker who is knowledgeable about the child; or

(d) A guardian ad litem appointed for the child pursuant to NRS 432B.500;

3. The wishes of the child concerning care ~~for~~ and treatment ~~and training~~ and placement in a facility;

4. The best interests of the child, including, without limitation, whether the court believes the child might experience any psychological trauma from court-ordered admission;

5. Any alternative care ~~for~~ or treatment ~~for training~~ options; and

6. Any other information the court deems relevant concerning the child.

Sec. 41. 1. If the court issues an order for the admission of a child who is in the custody of an agency which provides child welfare services to a facility for nonemergency mental health treatment pursuant to section 38 of this act, the order automatically expires:

(a) At the end of 90 days if the facility does not release the child pursuant to subsection 4 ~~prior to~~ before the expiration of the order; or

(b) If the facility releases the child pursuant to subsection 4 ~~prior to~~ before the expiration of the order, on the date of the release.

2. ~~At~~ Before the expiration of an order for nonemergency medical treatment pursuant to paragraph (a) of subsection 1, the agency which provides child welfare services, the Division of Child and Family Services or any facility may petition to renew the admission of the child for additional periods not to exceed 60 days each. Each petition for renewal must set forth the specific reasons why further treatment in the facility is in the best interest of the child.

3. ~~For~~ To grant a petition filed pursuant to subsection 2, the court ~~finds that~~

~~(a) There is not~~ must find by clear and convincing evidence that the child ~~with respect to whom the petition was filed is incapable of being~~ cannot be safely and effectively treated in a less restrictive appropriate environment.

~~§~~ If the court finds that the child can be safely and effectively treated in a less restrictive appropriate environment, the court ~~is~~

~~(1) Must not renew the admission; and~~

~~(2) Shall~~ must order the discharge of the child from the facility.

~~[(b) There is clear and convincing evidence that the child with respect to whom the petition was filed is incapable of being safely and effectively treated in a less restrictive environment, the court may renew the admission.]~~

4. A facility may unconditionally release a child who is admitted to the facility for nonemergency mental health treatment pursuant to section 38 of this act without an order of the court upon the recommendation of the psychiatrist and other persons professionally qualified in the field of psychiatric mental health who are responsible for treating the child. ~~Not earlier than~~ At least 30 days before the anticipated discharge, the facility shall provide notice of the recommendation to all parties. ~~[The facility shall provide such notice to the court at or before the next scheduled hearing after the notice is provided to the parties.]~~ Such notice must include, without limitation, an explanation of the reasons that:

(a) The release is clinically appropriate; and

(b) The child ~~is capable of being~~ can be safely and effectively treated in a less restrictive appropriate environment.

Sec. 42. A facility which provides care ~~§~~ or treatment ~~for training~~ to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to section 38 of this act shall develop a written plan, in consultation with the child, for the continued care ~~§~~ or treatment ~~and training~~ of the child upon discharge from the facility. The plan must:

1. Be developed not later than 30 days after the child is admitted to the facility and be updated on an ongoing basis throughout the admission;

2. Be submitted to the court after each period of admission ordered by the court pursuant to section 38 of this act in the manner set forth in section 41 of this act; and

3. Include, without limitation:

(a) The anticipated length of treatment and the anticipated date of discharge of the child from the facility, if known;

(b) The name of any person professionally qualified in the field of psychiatric mental health who will provide care ~~§~~ or treatment ~~for training~~ to the child after the child is discharged from the facility, if known;

(c) A plan for any appropriate care ~~§~~ or treatment ~~for training~~ for the child for at least 60 days after the child is discharged from the facility; and

(d) The ~~suggested~~ recommended type of placement of the child after the child is discharged from the facility.

Sec. 43. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, **and section 31 of this act** have the meanings ascribed to them in those sections.

Sec. 44. NRS 432B.159 is hereby amended to read as follows:

432B.159 1. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking custody does not rebut the presumption, the court shall not enter an order for sole or joint custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

2. For purposes of subsection 1, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. If, after a court enters a final order concerning custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning custody, reconsider the previous order concerning custody pursuant to subsections 1 and 2.

4. A court, agency, institution or other person who places a child in protective custody shall not release a child to the custody of a person who a court has determined pursuant to this section has engaged in one or more acts of abduction against the child or any other child, unless a court determines that it is in the best interest of the child for the perpetrator of the abduction to have custody of the child.

5. As used in this section ~~[-“abduction”]~~ :

(a) **“Abduction”** means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) **“Magistrate”** has the meaning ascribed to it in NRS 169.095.

Sec. 45. NRS 432B.250 is hereby amended to read as follows:

432B.250 Any person who is required to make a report pursuant to NRS 432B.220 may not invoke any of the privileges set forth in chapter 49 of NRS:

1. For failure to make a report pursuant to NRS 432B.220;
2. In cooperating with an agency which provides child welfare services or a guardian ad litem for a child; or
3. In any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive ~~11~~, **and sections 32 to 35, inclusive, of this act.**

Sec. 46. 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 ~~for guardian ad litem~~ of a parent or **legal** 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.

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. 47. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive ~~1~~ , **and sections 32 to 35, inclusive, of this act.** Except as otherwise provided in subsection 3, if the person is indigent, the court may appoint an attorney to represent the person.

2. A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive ~~1~~ , **and sections 32 to 35, inclusive, of this act.** The court shall appoint an attorney to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive ~~1~~ , **and sections 32 to 35, inclusive, of this act.** The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

↪ as provided in the Indian Child Welfare Act.

4. Each attorney, other than an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed under the provisions of subsection 1 or 2, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime.

Sec. 48. NRS 432B.430 is hereby amended to read as follows:

432B.430 1. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is 700,000 or more:

(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, **and sections 32 to 35, inclusive, of this act**, other than a hearing held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 or a hearing held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately, must be open to the general public unless the judge or ~~master,~~ **juvenile magistrate**, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be closed to the general public because such closure is in the best interests of the child who is the subject of the proceeding. In determining whether closing all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~master,~~ **juvenile magistrate** must consider and give due weight to the desires of that child.

(b) If the judge or ~~master,~~ **juvenile magistrate** determines pursuant to paragraph (a) that all or part of a proceeding must be closed to the general public:

(1) The judge or ~~master,~~ **juvenile magistrate** must make specific findings of fact to support such a determination; and

(2) The general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~master,~~ **juvenile magistrate**, may be admitted to the proceeding.

(c) Any proceeding held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 and any proceeding held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately must be closed to the general public unless the judge or ~~master,~~ **juvenile magistrate**, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~master,~~ **juvenile magistrate** must consider and give due weight to the desires of that child. If the judge or ~~master,~~ **juvenile magistrate** determines pursuant to this paragraph that all or part of a proceeding must be open to the general public, the judge or ~~master,~~ **juvenile magistrate** must make specific findings of fact to support such a determination. Unless the judge or ~~master,~~ **juvenile magistrate** determines pursuant to this paragraph that all or part of a proceeding described in this paragraph must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~master,~~ **juvenile magistrate** may be admitted to the proceeding.

2. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is less than 700,000:

(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, **and sections 32 to 35, inclusive, of this act** must be closed to the general public unless the judge or ~~master,~~ **juvenile magistrate**, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~master,~~ **juvenile magistrate** shall consider and give due weight to the desires of that child.

(b) If the judge or ~~master,~~ **juvenile magistrate** determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the judge or ~~master,~~ **juvenile magistrate** must make specific findings of fact to support such a determination.

(c) Unless the judge or ~~master,~~ **juvenile magistrate** determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~master,~~ **juvenile magistrate**, may be admitted to the proceeding.

3. Except as otherwise provided in subsection 4 and NRS 432B.457, in a proceeding held pursuant to NRS 432B.470, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~master,~~ **juvenile magistrate**, may be admitted to the proceeding.

4. In conducting a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, **and sections 32 to 35, inclusive, of this act**, a judge or ~~master,~~ **juvenile magistrate** shall keep information confidential to the extent necessary to obtain federal funds in the maximum amount available to this state.

Sec. 49. NRS 432B.4675 is hereby amended to read as follows:

432B.4675 Upon the entry of a final order by the court establishing a guardianship pursuant to NRS 432B.4665:

1. The custody of the child by the agency which has legal custody of the child is terminated;

2. The proceedings concerning the child conducted pursuant to NRS 432B.410 to 432B.590, inclusive, **and sections 32 to 35, inclusive, of this act** terminate; and

3. Unless subsequently ordered by the court to assist the court, the following agencies and persons are excused from any responsibility to participate in the guardianship case:

(a) The agency which has legal custody of the child;

(b) Any counsel or guardian ad litem appointed by the court to assist in the proceedings conducted pursuant to NRS 432B.410 to 432B.590, inclusive ~~§4~~, **and sections 32 to 35, inclusive, of this act**; and

(c) Any person nominated or appointed as the person who is legally responsible for the psychiatric care of the child pursuant to NRS 432B.4684 or 432B.4685, respectively.

Sec. 50. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be presented at the first hearing to occur after the siblings are separated and approved by the court. The plan for visitation must be updated as necessary to reflect any change in the placement of the child or a sibling, including, without limitation, any such change that occurs after the termination of parental rights to the child or a sibling or the adoption of a sibling.

(c) Information concerning the child's education, including:

(1) A copy of any academic plan or individual graduation plan developed for the child pursuant to NRS 388.155, 388.165, 388.205 or 388.227;

(2) The grade and school in which the child is enrolled;

(3) The name of each school the child attended before enrolling in the school in which he or she is currently enrolled and the corresponding dates of attendance;

(4) Whether the child has not completed or passed any course of instruction that the child should have completed or passed by the time the

report is submitted, which has resulted in the child having a deficiency in credits;

(5) A copy of any individualized education program developed for the child;

(6) A copy of any plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

(7) A summary of any special education services received by the child;

(8) A copy of the most recent report card of the child;

(9) A statement of the number of credits earned by the child during the most recent semester, if applicable;

(10) A statement of the number of times the child has been absent from school during the current or most recent school year for which the child was enrolled in school;

(11) The scores the child received on any academic assessments or standardized examinations administered to the child;

(12) Any information provided by the educational decision maker appointed for the child pursuant to NRS 432B.462; and

(13) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. Upon the issuance of such an order, the court shall provide each sibling of the child with the case number of the proceeding for the purpose of allowing the sibling to petition the court for visitation or enforcement of the order for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in subsection 7 and subsection 5 of NRS 432B.520, notice of the hearing must be filed with the court and must be given

by first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to:

- (a) All the parties to any of the prior proceedings;
- (b) Any persons planning to adopt the child;
- (c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to this section or NRS 127.171 and his or her attorney, if any;
- (d) Any other relatives of the child or providers of foster care who are currently providing care to the child; and
- (e) The educational decision maker appointed for the child pursuant to NRS 432B.462.

7. The notice of the hearing required to be filed and given pursuant to subsection 6:

- (a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;
- (b) Must not include any confidential information described in NRS 127.140;
- (c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040; and
- (d) Need not be given to a parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall, after considering the report provided in subsection 2 and any other relevant evidence, determine based on a preponderance of the evidence:

- (a) The continuing necessity for and appropriateness of the placement;
- (b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;
- (c) Any progress which has been made in alleviating the problem which resulted in the placement of the child;
- (d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship; and
- (e) Whether the child is making adequate academic progress and receiving the educational services or supports necessary to ensure the academic success of the child.

10. ***If the child is placed in a qualified residential treatment program, the determination pursuant to paragraph (a) of subsection 9 must include, without limitation, a finding on each factor prescribed by subsection 4 of section 35 of this act.***

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

~~{11.}~~ **12.** As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 51. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in subsection 2 and NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

↪ Notice of this hearing must be filed with the court and must be given by first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

2. A parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.

3. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 a right to be heard at the hearing.

4. At the hearing, the court shall review the report submitted by the agency which provides child welfare services pursuant to subsection 2 of NRS 432B.580, any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and any other relevant evidence and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine, based on a preponderance of the evidence:

(a) Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of NRS 432B.553;

(b) Whether, and if applicable when:

(1) The child should be returned to the parents of the child or placed with other relatives;

(2) It is in the best interests of the child to:

(I) Initiate proceedings to terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption;

(II) Initiate proceedings to establish a guardianship pursuant to chapter 159A of NRS; or

(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of a child who has attained the age of 16 years in another permanent living arrangement;

(c) If the child will not be returned to the parents of the child, whether the agency with legal custody of the child fully considered placement options both within and outside of this State;

(d) If the child has attained the age of 14 years, whether the child will receive the services needed to assist the child in transitioning to independent living; and

(e) If the child has been placed outside of this State, whether the placement outside of this State continues to be appropriate for and in the best interests of the child.

5. The court shall prepare an explicit statement of the facts upon which each of its determinations is based pursuant to subsection 4. If the court determines that it is not in the best interests of the child to be returned to his or her parents, or to be placed for adoption, with a legal guardian or with a relative, the court must include compelling reasons for this determination and an explanation of those reasons in its statement of the facts.

6. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

7. The provisions of this section do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

8. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

9. This hearing may take the place of the hearing for review required by NRS 432B.580.

10. ***If a hearing pursuant to this section concerns a child who has been placed in a qualified residential treatment program, the hearing must include, without limitation, a review of that placement conducted in the manner prescribed by section 35 of this act.***

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 52. NRS 432B.595 is hereby amended to read as follows:

432B.595 1. Upon the request of a young adult who satisfies the requirements of subsection 1 of NRS 432B.594 to participate in the Program, the agency which provides child welfare services shall develop a written extended youth support services plan to assist the young adult in transitioning to self-sufficiency. Such a plan must include, without limitation:

(a) The persons or entities that will receive payments from the agency which provides child welfare services and the manner in which such payments will be allocated. The agency which provides child welfare services may make payments to more than one person or entity authorized to receive payments pursuant to subsection 2.

(b) The goals set forth in subsection 3.

2. The plan developed pursuant to subsection 1 may provide for the agency which provides child welfare services to make direct payments to:

(a) A foster home.

(b) A qualified residential treatment program.

(c) A child care institution.

(d) A person or entity, including, without limitation, a relative or fictive kin, who provides a supervised arrangement for independent living where the participant resides.

(e) A landlord, property manager or other entity that collects rental payments for housing.

(f) A participant.

(g) Any combination of the persons or entities listed in paragraphs (a) to (f), inclusive.

3. The plan developed pursuant to subsection 1 must include, without limitation, the following goals:

(a) That the young adult save enough money to pay for his or her monthly expenses for at least 3 months;

(b) If the young adult has not graduated from high school or obtained a general equivalency diploma or an equivalent document, that the young adult obtain a high school diploma or general equivalency diploma;

(c) If the young adult has graduated from high school or obtained a general equivalency diploma or an equivalent document, that the young adult:

(1) Complete a program of postsecondary or vocational education;

(2) Complete a program or activity designed to promote employment or remove obstacles to employment; or

(3) Be employed at least 80 hours per month;

(d) That the young adult secure housing;

(e) That the young adult have adequate income to meet his or her monthly expenses;

(f) That the young adult identify an adult who will be available to provide support to the young adult; and

(g) If applicable, that the young adult have established appropriate supportive services to address any mental health or developmental needs of the young adult.

4. If a young adult is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, of subsection 3, the young adult must have goals which are appropriate for the young adult based upon the needs of the young adult.

5. Based upon the needs of a participant, the agency which provides child welfare services may, at any time, after consulting with the participant, revise:

(a) The persons or entities to whom a payment is made pursuant to subsection 2.

(b) The manner in which payments are allocated between persons or entities to whom payments are made pursuant to subsection 2.

6. The plan developed pursuant to subsection 1 must be annually reviewed and mutually agreed upon by the young adult and the agency which provides child welfare services at the hearing required by NRS 432B.601.

7. The agency which provides child welfare services shall:

(a) Monitor the plan developed pursuant to subsection 1 and adjust the plan as necessary;

(b) Contact the young adult by telephone at least once each month and in person at least quarterly;

(c) Ensure that the young adult meets with a person who will provide guidance to the young adult and make the young adult aware of the services which will be available to the young adult; and

(d) Conduct a meeting with the young adult at least 30 days, but not more than 45 days, before he or she reaches the age of 21 years to determine whether the young adult requires any additional guidance.

8. As used in this section:

(a) “Child care institution” has the meaning ascribed to it in NRS 432A.0245.

(b) “Foster home” has the meaning ascribed to it in NRS 424.014.

~~[(c) “Qualified residential treatment program” has the meaning ascribed to it in 42 U.S.C. § 672.]~~

Sec. 53. NRS 432B.607 is hereby amended to read as follows:

432B.607 As used in NRS 432B.607 to 432B.6085, inclusive, *and sections ~~36~~ 35.3 to 42, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 432B.6071 to 432B.6074, inclusive, have the meanings ascribed to them in those sections.

Sec. 54. NRS 432B.6075 is hereby amended to read as follows:

432B.6075 1. ~~[A proceeding for a court ordered admission of a child alleged to be]~~ *If* a child with an emotional disturbance who is in the custody of an agency which provides child welfare services *is admitted* to a facility ~~[may be commenced by the filing of]~~ *under an emergency admission pursuant to NRS 433A.162* *and the child has not been released within 5 days after the admission, the agency which provides child welfare services*

shall file a petition to continue the emergency admission , not later than 5 days after the admission. with the clerk of the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent or guardian of the child. The petition must be accompanied ~~by~~:

~~—(a) By~~ by a certificate of a physician, a psychiatrist for licensed , a psychologist ~~stating , a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160~~ or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120:

(a) Stating that the physician, psychiatrist , for licensed psychologist ~~or physician assistant, clinical social worker~~ or advanced practice registered nurse has examined the child ~~alleged to be a child with an emotional disturbance~~ who is the subject of the petition and has concluded that the child ~~has~~ is a child with an emotional disturbance and, because of that condition, ~~is likely to harm himself or herself or others if allowed liberty; or~~

~~—(b) By a sworn written statement by the petitioner that:~~

~~—(1) The petitioner has, based upon personal observation of the child alleged to be a child with an emotional disturbance, probable cause to believe that the child has an emotional disturbance and, because of that condition, is likely to harm himself or herself or others if allowed liberty; and~~

~~—(2) The child alleged to be a child with an emotional disturbance has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.~~ the child is a person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to himself or herself or others , as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment ~~for~~ and

~~—(b) Which~~ includes, if available, the date on which the ~~physician, psychologist, physician assistant, clinical social worker or advanced practice registered nurse~~ anticipates that the child will be discharged from the emergency admission ~~for~~ to the facility; or

(b) By a sworn written statement by the petitioner that the child is:

(1) A person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to herself or himself or others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment; and

(2) Is alleged to be a child with an emotional disturbance and has refused to submit to examination or treatment by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120.

2. ~~for a~~ A child who is the subject of a petition filed pursuant to this section ~~is to continue the placement of the child after an emergency~~

admission, the petition must be filed not later than 5 days after the emergency admission or the child must be released.] *or the parent or guardian of such a child may oppose the petition:*

(a) *Orally at a hearing on the petition; or*

(b) ~~[At any time by]~~ *By filing a written opposition with the court.*

Sec. 55. NRS 432B.6076 is hereby amended to read as follows:

432B.6076 1. ~~[Except as otherwise provided in NRS 432B.6077, if]~~ *A child who is the subject of a petition submitted pursuant to NRS 432B.6075 may, after conferring with his or her attorney, submit to the court written consent, or provide oral consent in the record of the court, to continue the emergency admission. Upon receiving such [written] consent, the court may order the continuation of the emergency admission if it finds ~~it with or without a hearing,~~ that continuing the emergency admission is in the best interests of the child.*

2. ~~[Except as otherwise provided in subsection 1, a]~~ *A court that receives a petition submitted pursuant to NRS 432B.6075 to continue the emergency admission of a child alleged to be a child with an emotional disturbance to a facility ~~is~~*

~~—(a) Shall hold]~~ *shall conduct a hearing on the petition ~~[upon the request of a person who opposes the petition pursuant to subsection 2 of NRS 432B.6075; and~~*

~~—(b) In all other cases, may hold a hearing on the petition.]~~ *, unless otherwise ordered by the court.*

3. *Except as otherwise provided in subsection 1, a court may order the continuation of the emergency admission of a child with respect to whom a petition was filed pursuant to NRS 432B.6075 to a facility only if the court finds ~~it, after proceedings for the court ordered admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility, including, without limitation, an evidentiary hearing:~~*

~~—(a) That there is not clear and convincing evidence that the child with respect to whom the hearing was held exhibits observable behavior such that the child is likely to harm himself or herself or others if allowed liberty, the court shall enter its finding to that effect and the child must not be admitted to a facility.~~

~~—(b) That there is]~~ *by clear and convincing evidence that the child ~~[with respect to whom the hearing was held is in need of treatment in a facility and is likely to harm himself or herself or others if allowed liberty, the court may order the admission of the child for the most appropriate course of treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the admission, the child is unconditionally released from the facility pursuant to NRS 432B.6084.~~*

~~—2. Before issuing an order for admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated~~

the child, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the child.} :

(a) *Is a child with an emotional disturbance; and*

(b) ~~Because of that condition,}~~ *Is a person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment.*

4. The court shall issue a written order on a petition submitted pursuant to NRS 432B.6075. If the court:

(a) *Orders the continuation of the emergency admission, the order must* ~~except where the child consents to the continuation of the emergency admission pursuant to subsection 1,}~~ *include specific findings concerning each factor prescribed by subsection 3.*

(b) *Does not order the continuation of the emergency admission, the court must enter its findings to that effect and order the discharge of the child from the facility.*

Sec. 56. NRS 432B.6078 is hereby amended to read as follows:

432B.6078 1. ~~{Not later than 5 days after a child who is in the custody of an agency which provides child welfare services has been admitted to a facility pursuant to NRS 432B.6076, the agency which provides child welfare services shall inform the child of his or her legal rights and the provisions of NRS 432B.607 to 432B.6085, inclusive, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, and, if the child or the child's attorney desires, assist the child in requesting}~~ *A child or ~~other person,~~ a parent or legal guardian of the child who opposes a petition to continue an emergency admission pursuant to subsection 2 of NRS 432B.6075 may petition* the court to authorize a second examination ~~{by an evaluation team that includes a physician, psychiatrist or licensed psychologist who are not employed by, connected to or otherwise affiliated with the facility other than a physician, psychiatrist or licensed psychologist who performed an original examination which authorized the court to order the admission of the child to the facility.}~~ *of any child examined pursuant to subsection 1 of NRS 432B.6075. The court shall authorize a second examination upon receiving such a petition.* A second examination must be ~~conducted,~~ completed not later than ~~{5}~~ 6 ~~{business}~~ days after the court authorizes the examination.

2. If the court authorizes a second examination of the child, the examination must:

(a) *Be conducted by a physician, psychiatrist, psychologist* ~~by a physician assistant under the supervision of a psychiatrist, clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160,~~ *or advanced practice registered nurse who has the psychiatric training and experience*

prescribed by the State Board of Nursing pursuant to NRS 632.120 who is not:

(1) The same physician, psychiatrist, psychologist ~~clinical social worker~~ or advanced practice registered nurse who completed the certificate pursuant to subsection 1 of NRS 432B.6075 or a physician, psychologist ~~clinical social worker~~ or advanced practice registered nurse who participated in the examination conducted pursuant to that subsection; or

(2) Employed by, connected to or otherwise affiliated with the facility where the child is admitted;

(b) Include, without limitation, an evaluation ~~concerning whether the child should remain in the facility and a recommendation concerning the appropriate placement of the child which must be provided to the facility;~~ **of the diagnosis of the child, whether the child presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, and whether the emergency admission should be continued;** and

~~[(b)]~~ (c) Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 57. NRS 432B.6079 is hereby amended to read as follows:

432B.6079 In determining pursuant to NRS 432B.6076 and 432B.608 whether to issue or renew an order ~~for~~ **to continue** the **emergency** admission of a child who is in the custody of an agency which provides child welfare services to a facility, the court shall consider:

1. The reports of any examinations or evaluations of a child by any ~~psychologist, psychiatrist or other physician;~~ **person professionally qualified in the field of psychiatric mental health;**

2. Any information concerning ~~the child provided to the court by a licensed clinical social worker or other professional or any adult caretaker who is knowledgeable about the child or a guardian ad litem appointed for the child pursuant to NRS 432B.500;~~ **whether the child presents a substantial likelihood of serious harm to himself or herself or others provided by:**

(a) **A person professionally qualified in the field of psychiatric mental health;**

(b) **A representative of the agency which provides child welfare services;**

(c) **An adult caretaker who is knowledgeable about the child; or**

(d) **A guardian ad litem appointed for the child pursuant to NRS 432B.500;**

3. The wishes of the child concerning care, treatment ~~and training~~ and ~~placement in a~~ **emergency admission to the** facility;

4. The best interests of the child, including, without limitation, whether the court believes the child might experience any psychological trauma from ~~court-ordered~~ **continued emergency** admission;

5. Any alternative care ~~or~~ **or** treatment ~~for training~~ options; and

6. Any other information the court deems relevant concerning the child.

Sec. 58. NRS 432B.608 is hereby amended to read as follows:

432B.608 1. If the court issues an order ~~for~~ **to continue** the **emergency** admission to a facility of a child who is in the custody of an agency which provides child welfare services pursuant to NRS 432B.6076, the ~~admission automatically expires at the end of 90 days if not terminated previously by the facility as provided for in subsection 2 of NRS 432B.6084.~~

~~2. At the end of the court ordered period of treatment, the agency which provides child welfare services, the Division of Child and Family Services or any facility may petition to renew the admission of the child for additional periods not to exceed 60 days each.~~

~~3. For each renewal, the petition must set forth the specific reasons why further treatment in the facility would be in the best interests of the child and the court shall apply the same standards when considering a petition to renew the admission of the child as were applied for the original petition for the court-ordered admission of the child.] order must be interlocutory, and the child must be discharged from the facility if the order is not renewed within 14 days after the order is issued. [An agency which provides child welfare services may commence proceedings to renew such an order by filing a petition pursuant to NRS 432B.6075.]~~

2. A facility may **unconditionally** release a child who is admitted under an emergency admission that has been continued pursuant to NRS 432B.6076 without ~~an~~ **a prior** order of the court upon the **written** recommendation of the psychiatrist and other person professionally qualified in the field of psychiatric mental health who are responsible for treating the child. Upon receipt of such a recommendation, the facility shall provide notice of the recommendation to **the agency which provides child welfare services and the agency shall notify all parties and the court.** Such notice must include, without limitation, an explanation of the reasons that:

(a) **The release is clinically appropriate; and**

(b) **The child is capable of being safely and effectively treated in a less restrictive appropriate environment.**

Sec. 59. NRS 432B.6081 is hereby amended to read as follows:

432B.6081 A facility which provides care ~~for~~ **or** treatment ~~for training~~ to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility **under an emergency admission continued** pursuant to NRS 432B.6076 shall develop a **written** plan, in consultation with the child, for the continued care ~~for~~ **or** treatment ~~and training~~ of the child upon discharge from the facility. The plan must:

1. Be developed ~~[not later than 10 days as soon as reasonably practicable after the child is admitted court issues an order to continue]~~ **at the time of the emergency admission of a child** to the facility ~~for~~ **and revised on an ongoing basis for the duration of the emergency admission based on the clinical status of the child;**

2. Be submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608; and

3. Include, without limitation:

- (a) The anticipated date of discharge of the child from the facility;
- (b) The name of any ~~psychiatrist or psychologist~~ **person professionally qualified in the field of psychiatric mental health** who will provide care ~~to~~ **or** treatment ~~for training~~ to the child after the child is discharged from the facility, if ~~appropriate~~ **known**;
- (c) A plan for any appropriate care ~~to~~ **or** treatment ~~for training~~ for the child for at least 30 days after the child is discharged from the facility; and
- (d) The ~~suggested~~ **recommended type of** placement ~~for~~ **for** the child after the child is discharged from the facility.

Sec. 60. NRS 432B.60845 is hereby amended to read as follows:

432B.60845 A facility which provides care ~~to~~ **or** treatment ~~for training~~ to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to NRS 432B.6076 **or section 38 of this act** shall:

1. Ensure that each employee of the facility who comes into direct contact with children at the facility receives, within 90 days after employment and annually thereafter, training that has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children;

2. Ensure that each child who is placed in the facility is treated in all respects in accordance with the child's gender identity or expression; and

3. Follow the protocols prescribed in the regulations adopted pursuant to NRS 432B.172 when placing the child within the facility.

Sec. 61. NRS 432B.60847 is hereby amended to read as follows:

432B.60847 1. A psychiatric hospital to which a child who is in the custody of an agency which provides child welfare services is admitted pursuant to NRS 432B.6076 **or section 38 of this act** shall, in consultation with the public or private school in which the child was enrolled when he or she was admitted to the psychiatric hospital, any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the psychiatric hospital, the agency which provides child welfare services and any person responsible for the education of the child, develop a plan for the continued education of the child while the child remains enrolled in the public or private school or the school district yet is admitted to the psychiatric hospital. The plan must be:

(a) Provided to the child, the agency which provides child welfare services, the child's caseworker, if applicable, any person responsible for the education of the child, the school and, if applicable, the school district; and

(b) Submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608 ~~to~~ **or section 38 of this act in the manner set forth in section 41 of this act.**

2. A plan for the continued education of a child developed pursuant to subsection 1 must include, without limitation:

(a) The number of hours of instruction each week that must be provided to the child while the child is admitted to the psychiatric hospital;

(b) Provisions for the transfer of instructional materials to the psychiatric hospital from the school in which the child was enrolled when he or she was admitted to the psychiatric hospital;

(c) Procedures for monitoring the implementation of the plan and the appropriateness of the instruction being provided to the child;

(d) If an individualized education program or services plan has been developed for the child and provided to the psychiatric hospital pursuant to NRS 392.857 or 394.1998, provisions to ensure that the psychiatric hospital maintains compliance with the individualized education program or services plan, as applicable; and

(e) A plan for continuing the education of the child after he or she is discharged from the psychiatric hospital, including, without limitation, a plan for transitioning the child into a school or any other educational setting in which the child will receive instruction after discharge.

3. Before admission of a child who is in the custody of an agency which provides child welfare services to a facility which provides residential treatment for mental illness, the public or private school or any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the facility must:

(a) For a child who is a pupil with a disability, convene an individualized education program meeting to consider the appropriateness of a residential placement under federal law as it relates to the child's education needs;

(b) Convene a meeting of representatives of the public or private school in which the child was enrolled, the school district in which the child was enrolled, the agency which provides child welfare services, any person responsible for the education of the child and any other organization that provides support to the child, as appropriate, to consider, pursuant to the statewide framework for integrated student supports established pursuant to NRS 388.885, the appropriateness of a residential placement;

(c) Monitor the child's progress while the child is admitted to the facility; and

(d) Participate in discharge planning for transitioning the child into a school or any other educational setting in which the child will receive instruction after discharge. The Department of Education shall adopt regulations necessary to carry out the provisions of this paragraph.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Person responsible for the education of the child" includes, without limitation, the parent or guardian of the child and any educational decision maker appointed for the child pursuant to NRS 432B.462.

(c) “Private school” has the meaning ascribed to it in NRS 394.103.

(d) “Public school” includes, without limitation, a university school for profoundly gifted pupils.

(e) “Services plan” has the meaning ascribed to it in 34 C.F.R. § 300.37.

Sec. 62. NRS 432B.6085 is hereby amended to read as follows:

432B.6085 1. Nothing in this chapter purports to deprive any person of any legal rights without due process of law.

2. Unless the context clearly indicates otherwise, the provisions of NRS 432B.607 to 432B.6085, inclusive, **and sections ~~426~~ 35.3 to 42, inclusive, of this act**, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, apply to all children who are in the custody of an agency which provides child welfare services.

Sec. 63. NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person in a mental health crisis is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless:

(a) A person described in NRS 433A.160 places the person on a mental health crisis hold; and

(b) The requirements prescribed by NRS 433A.162 have been met.

2. Except as otherwise provided in subsection 3 ~~1~~ **and NRS 432B.6075**, a person whose status is changed pursuant to subsection 1 must not be detained in excess of 72 hours, including weekends and holidays, after the person is placed on a mental health crisis hold pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 64. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. A person alleged to be a person in a mental health crisis who is placed on a mental health crisis hold pursuant to NRS 433A.160 may, subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital for assessment, evaluation, intervention and treatment, regardless of whether any parent or legal guardian of the person has consented to the mental health crisis hold.

2. Except as otherwise provided in subsection 3 ~~1~~ **and NRS 432B.6075**, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the person is placed on a mental health crisis hold pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-

ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 65. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075 ~~§~~ **and section 37 of this act**, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility with the clerk of the district court of the county where the person who is to be treated resides or the county where a mental health facility that is willing to admit the person is located. The petition may be filed by any physician, physician assistant, psychologist, social worker or registered nurse or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that he or she has examined the person alleged to be a person in a mental health crisis and has concluded that the person is a person in a mental health crisis; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person in a mental health crisis, probable cause to believe that the person is a person in a mental health crisis and the person alleged to be a person in a mental health crisis has refused to submit to examination or treatment by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(2) The person alleged to be a person in a mental health crisis has been placed on a mental health crisis hold pursuant to NRS 433A.160 and the physician, physician assistant or advanced practice registered nurse who examined the person alleged to be a person with a mental health crisis pursuant to NRS 433A.165 determined that the person has a medical condition, other than a psychiatric condition, which requires immediate treatment.

2. Except as otherwise provided in NRS 432B.6075 ~~§~~ **and section 37 of this act**, if the person to be treated is an unemancipated minor and the petitioner is a person other than a parent or guardian of the minor, a petition submitted pursuant to subsection 1 must, in addition to the certificate or statement

required by that subsection, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 66. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and ~~432B.6077,~~ **section 38 of this act**, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held is a person in a mental health crisis, the court must enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility. If the person has been detained in a public or private mental health facility or hospital under a mental health crisis hold pursuant to NRS 433A.160, including, without limitation, where the person has been admitted under an emergency admission pursuant to NRS 433A.162, the court must issue a written order requiring the facility or hospital to release the person not later than 24 hours after the court issues the order, unless the person applies for admission as a voluntary consumer pursuant to NRS 433A.140.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held is a person in a mental health crisis, the court may order the involuntary admission of the person to a public or private mental health facility. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. Except as otherwise provided in NRS 432B.608 ~~and~~ **and section 41 of this act**, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility after a determination by the physician primarily responsible for treating the patient, a psychiatrist or an advanced practice registered nurse as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608 ~~and~~ **and section 41 of this act**, at the end of the involuntary court-ordered admission, the Division or any mental health facility that is not operated by the Division may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility.

3. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including assisted outpatient treatment, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

4. If the court issues an order involuntarily admitting a person to a public or private mental health facility pursuant to this section, the court must, notwithstanding the provisions of NRS 433A.715, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to:

(a) The Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System; and

(b) Each law enforcement agency of this State with which the court has entered into an agreement for such transmission, along with a statement indicating that the record is being transmitted for inclusion in each of this State's appropriate databases of information relating to crimes.

5. After issuing an order pursuant to this section, a court shall not transfer the case to another court.

6. A public or private mental health facility to which a person is involuntarily admitted pursuant to this section shall notify the court and the counsel for the person if the person is transferred to another facility.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 67. NRS 433A.390 is hereby amended to read as follows:

433A.390 1. When a consumer, involuntarily admitted to a mental health facility or required to receive assisted outpatient treatment by court order, is released at the end of the period specified pursuant to NRS 433A.310 or 433A.343, as applicable, written notice must be given to the court that issued the order not later than 3 judicial days after the release of the consumer. The consumer may be released without requiring further orders of the court. If the consumer has a legal guardian, the facility or the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the facility or treatment or, if the consumer will be released in less than 3 days, as soon as practicable.

2. The legal guardian of a consumer involuntarily admitted to a mental health facility, if applicable, has discretion to determine where the consumer will be released pursuant to subsection 1, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility must discharge the consumer according to its proposed discharge plan.

3. ~~{A}~~ ***Except as otherwise provided in NRS 432B.608 and section 41 of this act,*** a consumer who is involuntarily admitted to a mental health facility may be unconditionally released before the period specified in NRS 433A.310 when the physician primarily responsible for treating the patient, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and

experience prescribed by the State Board of Nursing pursuant to NRS 632.120 determines that the consumer is no longer a person in a mental health crisis. If the consumer has a legal guardian, the facility shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the facility or, if the consumer will be released in less than 3 days, as soon as practicable. The legal guardian, if applicable, has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

4. A consumer who is required to receive assisted outpatient treatment may be unconditionally released before the period specified in NRS 433A.343 when the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment for the consumer determines that:

(a) The consumer no longer requires assisted outpatient treatment to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis;

(b) The consumer is willing and likely to voluntarily participate in outpatient treatment that enables the person to live safely in the community without the supervision of the court; or

(c) After the order for assisted outpatient treatment has been effective for at least 30 days, the assisted outpatient treatment is not meeting the needs of the consumer.

5. If a consumer who will be released from assisted outpatient treatment pursuant to subsection 4 has a legal guardian, the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment to the consumer shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the treatment or, if the consumer will be released in less than 3 days, as soon as practicable.

6. Notification of a guardian pursuant to subsection 1, 3 or 5 must be provided:

(a) In person or by telephone; or

(b) If the mental health facility or the person professionally qualified in the field of psychiatric mental health, as applicable, is not able to contact the guardian in person or by telephone, by facsimile, electronic mail or certified mail.

7. A mental health facility or a person professionally qualified in the field of psychiatric mental health responsible for providing treatment to a consumer shall provide written notice to the court that issued the order not later than 3 judicial days after unconditionally releasing a consumer pursuant to subsection 3 or 4.

Sec. 68. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master *or magistrate* in this State.
- (d) Any clerk of the court, court administrator or court executive officer in this State.
- (e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:
 - (1) Crimes that are punishable as category A felonies; or
 - (2) Domestic violence.
- (f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:
 - (1) Crimes that are punishable as category A felonies; or
 - (2) Domestic violence.
- (g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.
- (h) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:
 - (1) Interacts with the public; and
 - (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.
- (i) Any county manager in this State.
- (j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:
 - (1) Who possesses specialized training in code enforcement;
 - (2) Who, as part of his or her normal job responsibilities, interacts with the public; and
 - (3) Whose primary duties are the performance of tasks related to code enforcement.
- (k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.
- (l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.
- (m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.
- (n) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

- (a) That he or she is a person described in subsection 1; and
- (b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

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

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 69. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,
➡ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

- (a) The reason for the suspension of the license;
- (b) The information set forth in subsections 3, 5 and 6; and
- (c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 or 484A.7047.

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

- (a) A notice from any of the following:

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section.

(2) A traffic commissioner, referee, hearing master, **magistrate appointed by the court**, municipal judge, justice of the peace or district judge, as applicable, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 70. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the diagnoses, evaluations and examinations described in NRS **432B.6078**, 433A.162, 433A.240, 433A.335, 433A.390, 433A.430, 484C.300, 484C.320, 484C.330, 484C.340 and 484C.350 ~~and~~ **and section 39 of this act**, the certifications described in NRS **432B.6075**, 433A.170, 433A.195 and 433A.200 **and section 37 of this act** and the sworn statements or declarations described in NRS 433A.210 and 433A.335.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

↪ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term “in the process of obtaining accreditation.”

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 71. ~~[NRS 641B.160 is hereby amended to read as follows:~~

~~641B.160 1. The Board shall adopt:~~

~~(a) Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter;~~

~~(b) Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS ~~432B.6075~~, 433A.162, 433A.170, 433A.195 and 433A.200 [.] and section 37 of this act, make a sworn statement or declaration described in NRS 433A.210 and 433A.335 and perform an evaluation described in NRS ~~432B.6078~~ or 433A.335 [.] or section 39 of this act;~~

~~(c) Regulations prescribing uniform standards concerning the locations at which interns provide services;~~

~~(d) Regulations authorizing the remote supervision, including, without limitation, electronic supervision, of interns working at remote sites and prescribing standards concerning such remote supervision; and~~

~~(e) Regulations prescribing the manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.~~

~~2. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable. (Deleted by amendment.)~~

Sec. 71.5. The changes made by sections 17 and 29 of this act must not be construed to require the Division of Welfare and Supportive Services of the Department of Health and Human Services to modify any of the forms generated by the computer systems of the Division for the purpose of changing the term “master” to the term “magistrate.” The term “master,” as used in any such forms, shall be deemed to refer to a child support magistrate as set forth in sections 17 and 29 of this act.

Sec. 72. 1. The provisions of sections ~~[9, 10, 11,]~~ 32, 33 and 34 of this act apply to any proceedings to which those provisions would otherwise apply which are instituted before, on or after October 1, 2023.

2. The provisions of section 35 of this act apply to any child in the custody of an agency which provides child welfare services who is placed in a qualified residential treatment program before, on or after October 1, 2023.

3. The provisions of section 36 and 75 of this act apply to any child in the custody of an agency which provides child welfare services who has been admitted to a facility where the admission is effective on or after October 1, 2023.

4. The provisions of sections 37 to 42, inclusive, of this act apply to any child in the custody of an agency which provides child welfare services:

(a) Who has been admitted to a facility; and

(b) Whose status is not that of an emergency consumer on or after October 1, 2023, regardless of the date on which he or she was admitted.

5. The amendatory provisions of sections 54 to 59, inclusive, of this act apply to any child in the custody of an agency which provides child welfare services:

(a) Who has been admitted to a facility; and

(b) Whose status is that of an emergency consumer on or after October 1, 2023, regardless of the date on which he or she was admitted.

6. As used in this section:

(a) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

(b) “Facility” has the meaning ascribed to it in NRS 432B.6072.

(c) “Qualified residential treatment program” has the meaning ascribed to it in section 31 of this act.

Sec. 73. 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. 74. The Legislative Counsel shall, in preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately:

1. The term “juvenile magistrate” for the term “master” or “master of the juvenile court” as previously used in title 5 and chapter 432B of NRS; and
2. The term “child support magistrate” for the term “master” as previously used in chapter 425 of NRS.

Sec. 75. NRS 432B.6077, 432B.6083 and 432B.6084 are hereby repealed.

Sec. 76. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 51, inclusive, and 53 to 75, 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.

3. Section 52 of this act becomes effective on January 1, 2024.

TEXT OF REPEALED SECTIONS

432B.6077 Petition required before child may be placed in facility other than under emergency admission; psychological examination of child required under certain circumstances; placement in less restrictive environment; any person may oppose petition.

1. An agency which provides child welfare services shall not place a child who is in the custody of the agency in a facility, other than under an emergency admission, unless the agency has petitioned the court for the court-ordered admission of the child to a facility pursuant to NRS 432B.6075.

2. If a petition for the court-ordered admission of a child filed pursuant to NRS 432B.6075 is accompanied by the information described in paragraph (b) of subsection 1 of NRS 432B.6075, the court shall order a psychological evaluation of the child.

3. If a court which receives a petition filed pursuant to NRS 432B.6075 for the court-ordered admission to a facility of a child who is in the custody of an agency which provides child welfare services determines pursuant to subsection 2 of NRS 432B.6076 that the child could be treated effectively in a less restrictive appropriate environment than a facility, the court must order the placement of the child in a less restrictive appropriate environment. In making such a determination, the court may consider any information provided to the court, including, without limitation:

(a) Any information provided pursuant to subsection 4;

(b) Any suggestions of psychologists, psychiatrists or other physicians who have evaluated the child concerning the appropriate environment for the child; and

(c) Any suggestions of licensed clinical social workers or other professionals or any adult caretakers who have interacted with the child and have information concerning the appropriate environment for the child.

4. If a petition for the court-ordered admission of a child who is in the custody of an agency which provides child welfare services is filed pursuant to NRS 432B.6075:

(a) Any person, including, without limitation, the child, may oppose the petition for the court-ordered admission of the child by filing a written opposition with the court or stating the opposition in court; and

(b) The agency which provides child welfare services must present information to the court concerning whether:

(1) A facility is the appropriate environment to provide treatment to the child; or

(2) A less restrictive appropriate environment would serve the needs of the child.

432B.6083 Conditional release: Authorized circumstances; duration; no liability of State; notice to court and attorney of agency; order to return to facility; judicial review of order to return to facility.

1. Except as otherwise provided in subsection 3, any child who is admitted to a facility by a court pursuant to NRS 432B.6076 may be conditionally released from the facility when, in the judgment of the medical director of the facility, the conditional release is in the best interest of the child and will not be detrimental to the public welfare. The medical director of the facility or the designee of the medical director shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of treatment specified pursuant to NRS 432B.608.

2. When a child is conditionally released pursuant to subsection 1, the State or a county, or any of its agents or employees, is not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the child.

3. A child who was admitted by a court because the child was likely to harm others if allowed to remain at liberty may be conditionally released only if, at the time of the release, written notice is given to the court which admitted the child and to the attorney of the agency which provides child welfare services that initiated the proceedings for admission.

4. Except as otherwise provided in subsection 6, the administrative officer of a facility or the designee of the administrative officer shall order a child who is conditionally released from that facility pursuant to this section to return to the facility if a psychiatrist and a member of that child's treatment team who is professionally qualified in the field of psychiatric mental health determine that the conditional release is no longer appropriate because that child presents a clear and present danger of harm to himself or herself or others. Except as otherwise provided in this subsection, the administrative officer or the designee of the administrative officer shall, at least 3 days before the issuance of the order to return, give written notice of the order to the court that admitted

the child to the facility. If an emergency exists in which the child presents an imminent threat of danger of harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the child who was ordered to return to the facility at its next regularly scheduled hearing for the review of petitions for court-ordered admissions, but in no event later than 5 judicial days after the child is returned to the facility. The administrative officer or the designee of the administrative officer shall give written notice to the agency which provides child welfare services, to the child who was ordered to return to the facility and to the child's attorney of the time, date and place of the hearing and of the facts necessitating that child's return to the facility.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

432B.6084 Release without further order of court; early release.

1. When a child who is admitted to a facility by a court pursuant to NRS 432B.6076 is released at the end of the court-ordered period of treatment specified pursuant to NRS 432B.608, written notice must be given to the admitting court at least 10 days before the release of the child. The child may then be released without requiring further orders of the court.

2. A child who is admitted to a facility by a court pursuant to NRS 432B.6076 may be unconditionally released before the court-ordered period of treatment specified in NRS 432B.608 when:

(a) An evaluation team, including, without limitation, an evaluation team that conducts an examination pursuant to NRS 432B.6078, or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the child has recovered from any emotional disturbance or has improved to such an extent that the child is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the facility authorizes the release and gives written notice to the admitting court at least 10 days before the release of the child.

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. 150.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 140.

AN ACT relating to education; **revising provisions prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against certain students who are Native American;** revising provisions requiring the Board of Regents ~~for the University of Nevada~~ to grant certain waivers of fees for certain students who are Native American; **making an appropriation to the Nevada System of Higher Education;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to grant a waiver of registration fees, laboratory fees and other mandatory fees assessed each semester for a Native American student who demonstrates that the student: (1) is a member of a federally recognized Indian tribe or nation, all or part of which is located in this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of the tribe or nation, regardless of membership status; (2) is eligible for enrollment in a school within the Nevada System of Higher Education; (3) has been a resident of this State for at least 1 year; (4) has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester, or the equivalent of a 2.0 grade point average if a different scale is used; and (5) has completed the Free Application for Federal Student Aid. (NRS 396.5449) ~~[This bill requires the Board of Regents to grant the waiver to a student who, in addition to meeting the other eligibility requirements for the waiver, has been a resident of this State, resided on qualified tribal land of an Indian tribe or nation, or a combination thereof, for not less than 1 year.]~~

Section 1.3 of this bill removes the requirement to be a resident of this State for at least 1 year to be eligible for the waiver.

Existing law requires the waiver to be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program. (NRS 396.5449) Existing law provides that a pupil enrolled in high school may earn college credit for a dual credit course taken while in high school and apply the credit received for such a course to the total number of credits required for graduation from his or her high school. (NRS 389.160) ~~[This bill]~~ **Section 1.3: (1) revises the requirement for the waiver to be granted to a student who enrolls in any program offered by a school within the System by excluding a course or program in a field other than health, social work, science, technology, engineering, art or mathematics in support of which an appropriation has not been made by the Legislature; and (2)** requires the waiver to be granted to an eligible student who enrolls in a dual credit course offered by a school within the System.

Existing law requires the amount of the waiver to be limited based on the federal education benefits to which a student is entitled during a semester. (NRS 396.5449) Section 1.3 removes this requirement and instead requires the amount of the waiver to equal the full amount of the

registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

Existing law prohibits the Board of Regents from assessing tuition charges against certain students. (NRS 396.540, 396.5449) Section 1 of this bill makes a conforming change to reflect the prohibition against the Board of Regents assessing tuition charges against students who have been granted the waiver. Section 1.7 of this bill makes an appropriation to the System to defray the cost of granting the waiver.

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

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) “Bona fide resident” shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification “bona fide” is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) “Matriculation” has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) “Tuition charge” means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the

student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged;

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart;

(l) All students who are:

(1) Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or

(2) Spouses or dependents using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;

(m) All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive; ~~and~~

(n) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System ~~and~~; and

(o) All students who have been granted a waiver pursuant to NRS 396.5449.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and

foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

~~[Section 1.]~~ **Sec. 1.3.** NRS 396.5449 is hereby amended to read as follows:

396.5449 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is Native American and demonstrates that the student:

(a) Is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of this State, regardless of membership status;

(b) Is eligible for enrollment in a school within the System ~~[.]~~, **including, without limitation, enrollment in a dual credit course through a program for dual credit;**

(c) ~~[Has been]~~
~~—(1) Been—~~ Is a **bona fide** resident of this State ;
~~—(2) Resided on qualified tribal land, whether located within or outside the boundaries of this State; or~~
~~—(3) Any combination thereof,~~
~~↪ for not less than 1 year.;]~~

(d) Has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used; and

(e) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 ~~[.]~~ **unless the student is or will be enrolled exclusively in one or more dual credit courses through a program for dual credit.**

2. The amount of the waiver must be equal to ~~[.]~~
~~—(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or~~
~~—(b) If the student is not entitled to receive any federal educational benefits for a semester,]~~ the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any **course or** program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program, ~~[or]~~ a professional program ~~[.]~~ or a dual credit course through a program for dual credit ~~[.]~~, **except a course or program in a field other than health, social work, science, technology, engineering, arts or mathematics in support of which an appropriation has not been made by the Legislature.**

4. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, the person shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may request documentation confirming that the student is a member or descendant of a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State.

6. *As used in this section:*

(a) *“Program for dual credit” means a program through which a pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, may enroll in a dual credit course offered by a school within the System.*

(b) *“Qualified tribal land” means any real property:*

(1) *For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and*

(2) *Over which a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, exercises governmental power.*

Sec. 1.7. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education to defray the cost of granting waivers pursuant to NRS 396.5449 the following sums:

For the Fiscal Year 2023-2024 \$450,000

For the Fiscal Year 2024-2025 \$450,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years 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 20, 2024, and September 19, 2025, respectively, 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 20, 2024, and September 19, 2025, respectively.

Sec. 2. This act becomes effective on July 1, 2023.

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. 153.

Bill read second time.

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

Amendment No. 437.

AN ACT relating to naprapathy; ~~requiring naprapaths to comply with certain requirements;~~ establishing the Naprapathic Practice Advisory Board; providing for the regulation of the practice of naprapathy by the State Board of ~~Osteopathic Medicine; prohibiting the unlicensed practice of naprapathy except in certain circumstances;~~ **Health and the Division of Public and Behavioral Health of the Department of Health and Human Services;** prescribing the requirements for the issuance and renewal of a license to practice naprapathy; ~~providing for the collection of certain information;~~ prescribing certain requirements governing the practice of naprapathy; authorizing the ~~State Board of Osteopathic Medicine~~ **Division** to take certain actions to investigate and impose discipline against a naprapath; prescribing certain duties and authority of a naprapath; **prohibiting the unlicensed practice of naprapathy except in certain circumstances;** establishing a privilege for certain confidential communications; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of the practice of ~~osteopathic medicine and osteopathic physician assistants~~ **music therapy, dietetics, medical laboratory personnel, radiation therapy and radiologic imaging** by the State Board of ~~Osteopathic Medicine. (Chapter 633)~~ **Health. (Chapters 640D, 640E, 652 and 653 of NRS) Sections 1.03-1.8** of this bill similarly require the Board **and the Division of Public and Behavioral Health of the Department of Health and Human Services** to regulate the practice of naprapathy. ~~Section 1.19~~ **Section 1.19** of this bill exempts naprapaths employed by the Federal Government **and other licensed providers of health care** from such regulation. ~~Section 1.18~~ **Section 1.18** of this bill defines the term "naprapathy" to mean the use of certain techniques to diagnose and treat various injuries and connective tissue disorders. ~~Sections 1.06 and 1.15~~ **Sections 1.06-1.15** of this bill define other relevant terms. ~~Section 2.4 of this bill makes a conforming change to indicate the proper placement of sections 10-12 in the Nevada Revised Statutes.~~ **Sections 5, 30, 63.5, 64.5, 65.5, and 66.5-68** of this bill exempt naprapaths ~~from provisions governing homeopathic physicians, dieticians and cosmetologists, respectively. Naprapaths would also be exempt~~ from provisions governing certain other professions. ~~(NRS 630.047, 637B.080, 640A.070, 640B.145, 640C.100, 644A.150)~~

Section 1.2 of this bill creates and prescribes the membership of the Naprapathic Practice Advisory Board. ~~Section 1.2~~ **Section 1.2** also prescribes the terms of the members of the Advisory Board and certain procedures governing the appointment and compensation of the members. ~~Section 1.23~~ **Section 1.23** of this bill prescribes certain requirements relating to the operations of the Advisory Board. ~~Section 1.26~~ **Section 1.26** of this bill requires the State Board of ~~Osteopathic~~

~~Medicine,]~~ **Health**, with the advice of the Advisory Board, to adopt regulations governing the licensure of naprapaths, the practice of naprapathy and the approval of programs of education in naprapathy. ~~Section [44]~~ **1.23** requires the Advisory Board to advise the State Board of ~~[Osteopathic Medicine]~~ **Health** on the adoption of those regulations.

~~Section [63]~~ **1.8** of this bill makes it a ~~[felony]~~ **misdemeanor** for an unlicensed person to engage in or hold himself or herself out to engage in the practice of naprapathy. ~~[Sections 16 and 63]~~ **Section 1.29** of this bill ~~[create]~~ **creates** certain exceptions to that criminal penalty. **Sections 2-4, 6, 7, 35 and 64** of this bill clarify that providers of wellness services and certain providers of health care who are not also licensed as naprapaths are prohibited from engaging in the practice of naprapathy. **Section 66** of this bill provides that structural integration, as conducted by massage therapists, does not include the practice of naprapathy.

~~Section [17]~~ **1.32** of this bill prescribes the qualifications to obtain a license to practice naprapathy, which include passing a test in the practice of naprapathy prepared, caused to be prepared or designated by the State Board of ~~[Osteopathic Medicine,]~~ **Health**. ~~Section [20]~~ **1.46** of this bill requires the Board to prepare, cause to be prepared or designate such a test. ~~Sections [18]~~ **1.35 and [19] **1.38** of this bill prescribe the qualifications and procedure to obtain a license by endorsement to practice naprapathy. ~~Section [23]~~ **1.32** of this bill exempts applicants for licensure by endorsement from the standard licensure procedures used by the Board. **Section 1.4 of this bill requires an applicant for a license as a naprapath, including a license by endorsement, to submit his or her fingerprints for the purpose of a criminal background check.** ~~Section [24]~~ **1.49** of this bill prescribes the expiration date and procedure to renew a license to practice naprapathy. ~~[Section 38 of this bill prescribes procedures governing: (1) placing such a license on inactive status; and (2) returning such a license to active status from inactive status or after retiring. Section 39 of this bill prescribes the maximum fees that the Board is authorized to charge to issue or renew a license to practice naprapathy.]~~**

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) Sections 1.43 and 1.6 of this bill enact such procedures as applicable to an applicant for a license as a naprapath in order to comply with federal law. Sections 87.5 and 91 of this bill remove a requirement that an application for a license as a naprapath include the social security number of the applicant on the date that those federal requirements are repealed, while leaving in place the other requirements of sections 1.43 and 1.6 until 2 years after that date. Section 1.85 of this bill makes a conforming change for applicants for licensure who do not have a social security number.

~~Section [22]~~ **1.52** of this bill requires each licensed naprapath to conspicuously display his or her license and diploma from a program of

education in naprapathy at each place where the licensee engages in the practice of naprapathy.

Existing law establishes a program whereby providers of health care are authorized to ask patients if they are veterans for the purpose of connecting patients who are veterans with the Department of Veterans Services. (NRS 417.123-417.128) Sections 1.54, 82 and 82.3 of this bill authorize naprapaths to participate in that program as providers of health care. Section ~~1.23~~ 1.55 of this bill requires a naprapath who determines that the diagnosis or treatment of a patient is beyond the scope of practice or the skill, training and competence of the naprapath to refer the patient to an appropriate provider of health care.

~~{Sections 25-32, 34 and 36-62 of this bill make various changes so that naprapaths are regulated similarly to other professions licensed by the Board. Specifically, sections 25-28 and 40} Section 1.58 of this bill {prescribe} prescribes grounds for discipline against a naprapath. {Section 41 of this bill authorizes the Board to inspect the premises where a licensed naprapath practices naprapathy to determine whether a violation of provisions of law governing osteopathic medicine or naprapathy has occurred. Sections 42 and 43 of this bill require the insurer of a naprapath or a naprapath to report to the Board certain information relating to malpractice litigation or sanctions against the naprapath. Section 44 of this bill requires the Board to conduct an investigation upon receiving such a report of: (1) a judgment rendered or award made against a naprapath regarding an action or claim for malpractice; or (2) the settlement of such a claim or action. Sections 46, 47, 49-52, 54, 55 and 57 of this bill prescribe procedures governing disciplinary action against a naprapath, and section 56 of this bill prescribes the disciplinary action that the Board is authorized to impose. Sections 53 and 61} Section 1.65 of this bill requires the Division to hold a hearing upon receiving a report from the Attorney General that a naprapath has committed industrial insurance fraud. Sections 1.7 and 77.5 of this bill provide that certain documents relating to an investigation of a naprapath are confidential. Section 1.7 also provides that certain documents relating to disciplinary proceedings against a naprapath are public records. Section 1.75 of this bill {authorize} authorizes the Board **or Division** to apply to a court to ~~1. (1)~~ **enjoin** certain misconduct by a naprapath or the unlicensed practice of naprapathy. ~~1. (2)~~ **limit the practice of a naprapath; or (3) suspend the license of a naprapath.** Section 58 of this bill prescribes the procedure to remove the suspension of or limitation on a license to practice naprapathy or reinstate a revoked license to practice naprapathy.~~ **Sections 77.8 and 79.2-79.8 of this bill make conforming changes to indicate the proper placement of sections 1.03-1.8 in the Nevada Revised Statutes.**

Existing law defines the term “provider of health care” as a person who practices any of certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements

and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section ~~44~~ 1.95** of this bill includes naprapaths in the definition of “provider of health care,” thereby subjecting naprapaths to those same requirements. **Section 8** of this bill requires a naprapath to report misconduct by a person licensed or certified by the State Board of Nursing to the Executive Director of that board.

Existing law establishes a privilege for confidential communications between a patient and a physician, dentist or chiropractor or person participating in the diagnosis or treatment of the patient under the direction of such a provider. (NRS 49.215-49.245) **Section 72** of this bill extends that same privilege to apply to confidential communications between a patient and a naprapath or a person under the direction of a naprapath.

Existing law provides that: (1) assault is generally a misdemeanor, with certain exceptions; and (2) assault upon a provider of health care is a gross misdemeanor ~~or felony, depending on the circumstances.~~ (NRS 200.471) **Section 75** of this bill includes a naprapath within the definition of “provider of health care” for that purpose, thereby making assault upon a naprapath a gross misdemeanor ~~or felony, depending on the circumstances.~~ **Sections 76 and 82.5** of this bill require a naprapath to report the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the abuse or neglect of a child in the same manner as other providers of health care. A naprapath would also be required to report the ~~abuse, neglect or~~ commercial sexual exploitation of a child. (NRS ~~432B.220,~~ 432C.110)

Existing law makes it a felony to perform a health care procedure for which certain licenses are required without such a license. (NRS 200.800-200.840) Sections 76.6 and 76.9 of this bill similarly make it a felony to perform a procedure for which a license as a naprapath is required without such a license. Sections 1.9, 65, 69-71, ~~73, 74 and 77-87~~ 73-74.5, 76, 76.3, 77, 78, 79, 80-82 and 83-87 of this bill make revisions to treat naprapaths in the same manner as other similar providers of health care in other certain respects.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.03 to 1.8, inclusive, of this act.

Sec. 1.03. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 1.06 to 1.18, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 1.06. “Advisory Board” means the Naprapathic Practice Advisory Board created by section 1.2 of this act.

Sec. 1.09. “Board” means the State Board of Health.

Sec. 1.12. “Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 1.15. “Naprath” means a person who is a graduate of a program of education in naprath approved by the Division or who, by general education, practical training and experience determined to be satisfactory by the Division, is qualified to practice naprath and who has been issued a license by the Division.

Sec. 1.18. 1. “Naprath” means the diagnosis and treatment of contractures, muscle spasms, inflammation, scars, adhesions, lesions, laxity, hypotonicity, rigidity, structural imbalances, bruises, contusions, muscular atrophy, partial separation of connective tissue fibers and other connective tissue disorders through the use of techniques, including, without limitation:

- (a) Reviewing case history;
- (b) The manipulation of connective tissue for examination and treatment;
- (c) Therapeutic and rehabilitative exercise;
- (d) Postural and nutritional counseling; and
- (e) The application of heat, cold, light, water, radiant energy, electricity, sound, air and assistive devices for the purpose of preventing, correcting or alleviating a physical disability.

2. The term:

(a) Includes, without limitation:

(1) Advising or supervising the practice of naprath by another person who is licensed or otherwise authorized by this chapter to practice naprath; and

(2) Teaching the practice of naprath to any person.

(b) Does not include:

(1) Surgery, pharmacology or invasive diagnostic testing;

(2) Physical therapy, as defined in NRS 640.022, or the practice of physical therapy, as defined in NRS 640.024;

(3) Chiropractic, as defined in NRS 634.013, or any manipulation that constitutes chiropractic adjustment, as defined in NRS 634.014;

(4) Massage therapy, as defined in NRS 640C.060, or structural integration, as defined in NRS 640C.085; or

(5) Any procedure that breaks the skin, including, without limitation, the use of needles or syringes.

Sec. 1.19. This chapter does not apply to:

1. A naprath 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. 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.

Sec. 1.2. 1. The Naprathic Practice Advisory Board is hereby created.

2. The Governor shall appoint to the Advisory Board:

(a) Three members who are licensed as naprapaths in this State or any other state; and

(b) Two members who are representatives of the public.

3. Each member of the Advisory Board:

(a) Must be a resident of this State; and

(b) May not serve more than two consecutive terms.

4. After the initial terms, the members of the Advisory Board must be appointed to terms of 4 years. A member:

(a) Serves until a replacement is appointed; and

(b) May not serve more than two full terms.

5. A vacancy on the Advisory Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

6. The Governor may remove a member of the Advisory Board for incompetence, neglect of duty, moral turpitude or malfeasance in office.

7. The members of the Advisory Board are not entitled to receive a salary. While engaged in the business of the Advisory Board, each member of the Advisory Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the State Board of Health. The rate must not exceed the rate provided for officers and employees of this State generally.

Sec. 1.23. 1. The Advisory Board shall:

(a) Elect from its members a Chair and any other officers determined necessary by the members of the Advisory Board at the first meeting of each year;

(b) Meet at least two times each year at the call of the Chair of the Advisory Board, or upon the written request of at least three members of the Advisory Board; and

(c) Advise the Board on the adoption of regulations pursuant to this chapter.

2. A majority of the members of the Advisory Board constitutes a quorum for the transaction of the business of the Advisory Board.

Sec. 1.26. The Board, with the advice of the Advisory Board, shall adopt regulations:

1. Governing the licensure of naprapaths and the practice of naprapathy, including, without limitation:

(a) The minimum hours of clinical experience and other minimum qualifications for licensure as a naprapath, in addition to the qualifications prescribed by section 1.32 of this act;

(b) Rules of professional conduct for naprapaths;

(c) The requirements to register as a teacher, advisor or supervisor pursuant to subsection 2 of section 1.29 of this act, including, without limitation, the fee for such registration;

(d) The requirements for continuing education for the renewal of a license as a naprapath; and

(e) Requirements governing advertising or the use of promotional materials by a naprapath; and

2. Prescribing requirements for the approval of programs of education in naprapathy by the Division, including, without limitation, regulations governing the curriculum for such programs.

Sec. 1.29. 1. A person who is enrolled in a program of education in naprapathy that is approved by the Division pursuant to the regulations adopted pursuant to subsection 2 of section 1.26 of this act and who is not licensed to practice naprapathy may engage in the practice of naprapathy while under the supervision of a licensed naprapath.

2. A person who is not licensed to practice naprapathy may practice naprapathy in this State for not more than 1 month in a calendar year as part of his or her duties as a teacher, advisor or supervisor in a program of education in naprapathy or a program of continuing education for naprapaths if the person registers with the Division as a teacher, advisor or supervisor.

3. A person who has graduated from a program of education in naprapathy that is approved by the Division pursuant to the regulations adopted pursuant to subsection 2 of section 1.26 of this act may hold himself or herself out as a doctor of naprapathy and use the letters "D.N." following his or her name, regardless of whether he or she is licensed pursuant to this chapter. Such a person who is not licensed pursuant to this chapter shall not identify himself or herself as a naprapath or otherwise hold himself or herself out as licensed or qualified to engage in the practice of naprapathy in this State.

Sec. 1.32. Except as otherwise provided in sections 1.35 and 1.38 of this act, an applicant for a license to practice naprapathy must:

1. Be at least 21 years of age;
2. Have a bachelor's degree;
3. Have graduated from a program of education in naprapathy approved by the Division pursuant to the regulations adopted pursuant to subsection 2 of section 1.26 of this act;
4. Pass the test prepared or designated by the Board pursuant to section 1.46 of this act;
5. Submit to the Division an application fee of \$500; and
6. Possess any other qualifications required by the Board pursuant to section 1.26 of this act.

Sec. 1.35. 1. The Division may issue a license by endorsement to practice naprapathy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice naprapathy 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 Division with his or her application:

- (a) Proof satisfactory to the Division that the applicant:
 - (1) Satisfies the requirements of subsection 1;

(2) 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 of the United States in which the applicant currently holds or has held a license to practice naprapathy; 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 Division to forward the fingerprints in the manner provided in section 1.4 of this act;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) An application fee of \$500; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice naprapathy pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement to practice naprapathy to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section, whichever occurs later.

Sec. 1.38. 1. The Division may issue a license by endorsement to practice naprapathy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice naprapathy 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 Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory of the United States in which the applicant holds a license to practice naprapathy; 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 Division to forward the fingerprints in the manner provided in section 1.4 of this act;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) An application fee of \$500; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice naprapathy pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement to practice naprapathy to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Division to complete the application; or

(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section, whichever occurs later.

4. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Division may grant a provisional license authorizing an applicant to practice naprapathy in accordance with regulations adopted by the Board, with the advice of the Advisory Board.

5 As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 1.4. In addition to any other requirements set forth in this chapter, each applicant for a license, including, without limitation, an expedited license pursuant to section 1.35 or 1.38 of this act, must submit to the Division a complete set of fingerprints and written permission authorizing the Division 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.

Sec. 1.43. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license as a naprapath shall:

(a) Include the social security number of the applicant in the application submitted to the Division.

(b) Submit to the Division 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 Division 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 Division.

3. A license may not be issued or renewed by the Division 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 Division 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. 1.46. The Board shall:

1. Prepare or cause to be prepared a test on the practice of naprapathy which must be passed by an applicant for a license pursuant to section 1.32 of this act; or

2. Designate a national examination for that purpose.

Sec. 1.49. Each license to practice naprapathy issued pursuant to this chapter expires on January 1 of each year and may be renewed if, before the license expires, the licensee submits to the Division:

1. An application on a form prescribed by the Division;

2. Proof of completion of the requirements for continuing education prescribed by the Board pursuant to section 1.26 of this act; and

3. A renewal fee of \$500.

Sec. 1.52. Each person licensed to practice naprapathy shall display his or her license and a copy of his or her diploma from a program of education in naprapathy conspicuously at each place where the person engages in the practice of naprapathy.

Sec. 1.54. 1. A naprapath may:

(a) Ask each new patient who is 18 years of age or older if he or she is a veteran and document the response in the medical record of the patient; and

(b) Provide the contact information for the Department of Veterans Services to any such patient who indicates that he or she is a veteran.

2. The Division may ask each applicant for the renewal of a license as a naprapath if the applicant performs the actions described in subsection 1. If such a question is asked, the Division must allow the applicant to refuse to answer.

3. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.125.

Sec. 1.55. 1. If a naprapath determines that the diagnosis or treatment of a patient is beyond the scope of practice or the skill, training and competence of the naprapath, the naprapath shall refer the patient to an appropriate provider of health care.

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

Sec. 1.58. 1. A naprapath is subject to disciplinary action if the naprapath:

(a) Violates any provision of this chapter or any regulation adopted pursuant thereto;

(b) Makes any misrepresentation in obtaining a license;

(c) Has been convicted of a felony relating to the practice of naprapathy;

(d) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(e) Fails to meet the minimum standards prescribed by the Board; or

(f) Commits any other act or omission designated by regulation of the Board, with the advice of the Advisory Board, as grounds for disciplinary action.

2. The Board, with the advice of the Advisory Board, shall adopt regulations governing the procedure for imposing disciplinary action pursuant to this section and the disciplinary actions that may be imposed. Such disciplinary actions may include, without limitation:

(a) The denial, suspension, revocation or refusal to renew a license;

(b) The imposition of limitations on the practice of the naprapath; and

(c) An administrative fine not to exceed \$5,000 for each violation.

Sec. 1.6. 1. If the Division 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 issued pursuant to this chapter, the Division shall deem the license or certificate 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 Division receives a letter issued to the holder of the license or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or certificate was suspended stating that the person whose license or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 1.65. 1. If the Division receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held pursuant to regulations adopted by the Board, with the advice of the Advisory Board, to consider the contents of the report.

2. The Board, with the advice of the Advisory Board, shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 1.7. 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, 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.

2. The complaint or other document filed by the Division to initiate disciplinary action and all documents and information considered by the Division when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 1.75. 1. If the Board or the Division determines that a person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, the Board or Division may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation.

2. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prohibit the criminal prosecution and punishment of the person who commits the violation.

Sec. 1.8. 1. Except as authorized by section 1.29 of this act, person who is not licensed as a naprapath pursuant to this chapter, or a person whose license as a naprapath has expired or has been suspended or revoked by the Division, shall not:

(a) Provide naprapathy services;

(b) Use in connection with his or her name the words or letters "D.N.," "naprapath," "licensed naprapath," "Doctor of Naprapathy" or any other letters, words or insignia indicating or implying that he or she is licensed to practice naprapathy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed or qualified to engage in the practice of naprapathy; or

(c) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "Naprapathy" or "Naprapath" or any other term that indicates or implies that he or she is licensed or qualified to practice naprapathy.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 1.85. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 641D.330, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155 ~~to~~ **and section 1.43 of this act**, an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

- (a) Tax purposes;
- (b) Licensing purposes; and
- (c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 1.9. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641D, inclusive, **and sections 1.03 to 1.8, inclusive, of this act**, 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Joint Interim Standing Committee on Health and Human Services in even-numbered years.

~~Section 1.~~ **Sec. 1.95.** NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) 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) A dispensing optician;
- (g) An optometrist;
- (h) A speech-language pathologist;
- (i) An audiologist;
- (j) A practitioner of respiratory care;
- (k) A licensed physical therapist;
- (l) An occupational therapist;
- (m) A podiatric physician;
- (n) A licensed psychologist;
- (o) A licensed marriage and family therapist;
- (p) A licensed clinical professional counselor;
- (q) A music therapist;
- (r) A chiropractic physician;
- (s) An athletic trainer;
- (t) A perfusionist;
- (u) A doctor of Oriental medicine in any form;
- (v) A medical laboratory director or technician;
- (w) A pharmacist;
- (x) A licensed dietitian;
- (y) 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) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
- (aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;
- (bb) A behavior analyst, assistant behavior analyst or registered behavior technician; ~~for~~
- (cc) ***A naprapath; or***
- (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. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

- (a) Performs surgery or any other procedure which punctures the skin of any person;

- (b) Sets a fracture of any bone of any person;
- (c) Prescribes or administers X-ray radiation to any person;
- (d) Prescribes or administers a prescription drug or device or a controlled substance to any person;
- (e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;
- (f) Makes a diagnosis of a medical disease of any person;
- (g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;
- (h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;
- (i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;
- (j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS, **the practice of naprapathy in violation of ~~chapter 633 of NRS~~ sections 1.03 to 1.8, inclusive, of this act** or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;
- (k) Performs massage therapy as that term is defined in NRS 640C.060, reflexology as that term is defined in NRS 640C.080 or structural integration as that term is defined in NRS 640C.085;
- (l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS; or
- (m) Engages in the practice of applied behavior analysis in violation of chapter 641D of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

- (a) The person's name, business address and telephone number;
- (b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;
- (c) The nature of the wellness services to be provided;
- (d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and
- (e) A statement in substantially the following form:

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health

care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➡ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

- (a) Are unable to read;
- (b) Are blind or visually impaired;
- (c) Have communication impairments; or
- (d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, “wellness services” means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

- (a) Anthroposophy.

- (b) Aromatherapy.
- (c) Traditional cultural healing practices.
- (d) Detoxification practices and therapies.
- (e) Energetic healing.
- (f) Folk practices.
- (g) Gerson therapy and colostrum therapy.
- (h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.
- (i) Herbology and herbalism.
- (j) Reiki.
- (k) Mind-body healing practices.
- (l) Nondiagnostic iridology.
- (m) Noninvasive instrumentalities.
- (n) Holistic kinesiology.

Sec. 3. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to NRS 630.2751 or 630.2752.
5. The tests or examinations of applicants required by the Board.
6. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, ***naprapaths***, chiropractic physicians, podiatric physicians and optometrists under chapters 631, ~~633, 634~~ **sections 1.03 to 1.8, inclusive, of this act**, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.
7. The duration, renewal and termination of licenses, including licenses by endorsement. 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 requirements for the renewal of licenses.
8. The grounds and procedures respecting disciplinary actions against physician assistants.
9. The supervision of medical services of a physician assistant by a supervising physician.
10. A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States.

Sec. 4. NRS 630.279 is hereby amended to read as follows:

630.279 The Board shall adopt regulations regarding the licensure of practitioners of respiratory care, including, without limitation:

1. Educational and other qualifications of applicants;
2. Required academic programs which applicants must successfully complete;
3. Procedures for applying for and issuing licenses;
4. Tests or examinations of applicants by the Board;
5. The types of medical services that a practitioner of respiratory care may perform, except that a practitioner of respiratory care may not perform those specific functions and duties delegated or otherwise restricted by specific statute to persons licensed as dentists, chiropractic physicians, ***naprapaths***, podiatric physicians, optometrists, physicians, osteopathic physicians or hearing aid specialists pursuant to this chapter or chapter 631, 633, 634, 635, 636 or 637B of NRS, as appropriate, or persons who hold a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS;
6. The duration, renewal and termination of licenses; and
7. The grounds and procedures for disciplinary actions against practitioners of respiratory care.

Sec. 5. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

- (a) The practice of dentistry, chiropractic, ***naprapathy***, Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.
- (b) A medical officer of the Armed Forces or a medical officer 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.
- (c) Licensed or certified nurses in the discharge of their duties as nurses.
- (d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

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 of a person in case of emergency.
- (b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 6. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a homeopathic assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of certificates.
4. The tests or examinations of applicants by the Board.
5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, ***naprapaths***, chiropractic physicians, podiatric physicians, optometrists or hearing aid specialists under chapter 631, ~~632.1~~ **sections 1.03 to 1.8, inclusive, of this act**, 634, 635, 636 or 637B, respectively, of NRS or persons licensed to engage in radiation therapy or radiologic imaging pursuant to chapter 653 of NRS.
6. The duration, renewal and termination of certificates.
7. The grounds respecting disciplinary actions against homeopathic assistants.
8. The supervision of a homeopathic assistant by a supervising homeopathic physician.
9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 7. NRS 632.235 is hereby amended to read as follows:

632.235 A registered nurse may perform such acts, under emergency or other special conditions prescribed by regulations adopted by the Board, which include special training, as are recognized by the medical and nursing professions as proper to be performed by a registered nurse under those conditions, even though the acts might otherwise be considered diagnosis and prescription, but nothing in this chapter authorizes registered nurses to perform those functions and duties specifically delegated by law to persons licensed as dentists, podiatric physicians, optometrists , ***naprapaths*** or chiropractic physicians.

Sec. 8. 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, ***naprapath***, 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, 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. 9. ~~{Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 23, inclusive, of this act.}~~ (Deleted by amendment.)

Sec. 10. ~~“Advisory Board” means the Naprapathic Practice Advisory Board created by section 13 of this act.~~ (Deleted by amendment.)

Sec. 11. ~~“Naprapath” means a person who is a graduate of a program of education in naprapathy approved by the Board or who, by general education, practical training and experience determined to be satisfactory by the Board, is qualified to practice naprapathy and who has been issued a license by the Board.~~ (Deleted by amendment.)

Sec. 12. ~~{1. “Naprapathy” means the diagnosis and treatment of contractures, muscle spasms, inflammation, scars, adhesions, lesions, laxity, hypotonicity, rigidity, structural imbalances, bruises, contusions, muscular atrophy, partial separation of connective tissue fibers and other connective tissue disorders through the use of techniques including, without limitation:~~

~~—(a) Reviewing case history;~~

~~—(b) The manipulation of connective tissue for examination and treatment;~~

~~—(c) Therapeutic and rehabilitative exercise;~~

~~—(d) Postural and nutritional counseling; and~~

~~—(e) The application of heat, cold, light, water, radiant energy, electricity, sound, air and assistive devices for the purpose of preventing, correcting or alleviating a physical disability.~~

~~2. The term:~~

~~—(a) Includes, without limitation:~~

~~—(1) Advising or supervising the practice of naprapathy by another person who is licensed or otherwise authorized by this chapter to practice naprapathy; and~~

~~—(2) Teaching the practice of naprapathy to any person.~~

~~—(b) Does not include:~~

~~—(1) Surgery, pharmacology or invasive diagnostic testing;~~

~~—(2) Physical therapy, as defined in NRS 640.022, or the practice of physical therapy, as defined in NRS 640.024; or~~

~~—(3) Chiropractic, as defined in NRS 634.013.~~ (Deleted by amendment.)

Sec. 13. ~~{1. The Naprapathic Practice Advisory Board is hereby created.~~

~~2. The Governor shall appoint to the Advisory Board:~~

~~—(a) Three members who are licensed as naprapaths in this State or any other state; and~~

~~—(b) Two members who are representatives of the public.~~

~~3. Each member of the Advisory Board:~~

~~—(a) Must be a resident of this State; and~~

~~—(b) May not serve more than two consecutive terms.~~

~~4. After the initial terms, the members of the Advisory Board must be appointed to terms of 4 years. A member:~~

~~—(a) Serves until a replacement is appointed; and~~

~~—(b) May not serve more than two full terms.~~

~~5. A vacancy on the Advisory Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.~~

~~6. The Governor may remove a member of the Advisory Board for incompetence, neglect of duty, moral turpitude or malfeasance in office.~~

~~7. The members of the Advisory Board are not entitled to receive a salary. While engaged in the business of the Advisory Board, each member of the Advisory Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the State Board of Osteopathic Medicine. The rate must not exceed the rate provided for officers and employees of this State generally. (Deleted by amendment.)~~

Sec. 14. ~~{1. The Advisory Board shall:~~

~~—(a) Elect from its members a Chair and any other officers determined necessary by the members of the Advisory Board at the first meeting of each year;~~

~~—(b) Meet at least two times each year at the call of the Chair of the Advisory Board, or upon the written request of at least three members of the Advisory Board; and~~

~~—(c) Advise the State Board of Osteopathic Medicine on the adoption of regulations pursuant to section 15 of this act.~~

~~2. A majority of the members of the Advisory Board constitutes a quorum for the transaction of the business of the Advisory Board. (Deleted by amendment.)~~

Sec. 15. ~~{The State Board of Osteopathic Medicine, with the advice of the Advisory Board, shall adopt regulations:~~

~~1. Governing the licensure of naprapaths and the practice of naprapathy, including, without limitation:~~

~~—(a) The minimum hours of clinical experience and other minimum qualifications for licensure as a naprapath, in addition to the qualifications prescribed by section 17 of this act;~~

~~—(b) Rules of professional conduct for naprapaths;~~

~~—(c) The requirements to register as a teacher, advisor or supervisor pursuant to subsection 2 of section 16 of this act, including, without limitation, the fee for such registration;~~

~~—(d) The requirements for continuing education for the renewal of a license as a naprapath; and~~

~~—(e) Requirements governing advertising or the use of promotional materials by a naprapath; and~~

~~2. Prescribing requirements for the approval of programs of education in naprapathy, including, without limitation, regulations governing the curriculum for such programs. (Deleted by amendment.)~~

Sec. 16. ~~{1. A person who is enrolled in a program of education in naprapathy that is approved by the Board pursuant to the regulations adopted pursuant to subsection 2 of section 15 of this act and who is not licensed to practice naprapathy may engage in the practice of naprapathy while under the supervision of a licensed naprapath.~~

~~—2. A person who is not licensed to practice naprapathy may practice naprapathy in this State for not more than 1 month in a calendar year as part of his or her duties as a teacher, advisor or supervisor in a program of education in naprapathy or a program of continuing education for naprapaths if the person registers with the Board as a teacher, advisor or supervisor.~~

~~—3. A person who has graduated from a program of education in naprapathy that is approved by the Board pursuant to the regulations adopted pursuant to subsection 2 of section 15 of this act may hold himself or herself out as a doctor of naprapathy and use the letters “D.N.” following his or her name, regardless of whether he or she is licensed pursuant to this chapter. Such a person who is not licensed pursuant to this chapter shall not identify himself or herself as a naprapath or otherwise hold himself or herself out as licensed or qualified to engage in the practice of naprapathy in this State.} (Deleted by amendment.)~~

Sec. 17. ~~{Except as otherwise provided in sections 18 and 19 of this act, an applicant for a license to practice naprapathy must:~~

~~—1. Be at least 21 years of age;~~

~~—2. Have a bachelor's degree;~~

~~—3. Have graduated from a program of education in naprapathy approved by the Board pursuant to the regulations adopted pursuant to subsection 2 of section 15 of this act;~~

~~—4. Pass the test prepared or designated by the Board pursuant to section 20 of this act; and~~

~~—5. Possess any other qualifications required by the Board pursuant to section 15 of this act.} (Deleted by amendment.)~~

Sec. 18. ~~{1. The Board may issue a license by endorsement to practice naprapathy 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 and unrestricted license to practice naprapathy 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 not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a license to practice naprapathy; 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 in the manner provided in NRS 633.309;~~

~~—(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~—(d) The application and initial license fee specified in this chapter; and~~

~~—(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 naprapathy 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 naprapathy to the applicant not later than:~~

~~—(a) Forty-five days after receiving the application; or~~

~~—(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section, whichever occurs later.~~

~~—4. A license by endorsement to practice naprapathy 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.~~ (Deleted by amendment.)

Sec. 19. ~~[1. The Board may issue a license by endorsement to practice naprapathy 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 naprapathy 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 and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory of the United States in which the applicant holds a license to practice naprapathy; 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 in the manner provided in NRS 633.309;~~

~~—(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~—(d) The application and initial license fee specified in this chapter; and~~

~~—(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 naprapathy 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 naprapathy to the applicant not later than:~~

~~—(a) Forty five days after receiving all the additional information required by the Board to complete the application; or~~

~~—(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section, whichever occurs later.~~

~~4. A license by endorsement to practice as naprapathy 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 naprapathy 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. 20. ~~{The Board shall:~~

~~1. Prepare or cause to be prepared a test in the practice of naprapathy which must be passed by an applicant for a license pursuant to section 17 of this act; or~~

~~2. Designate a national examination for that purpose.~~ (Deleted by amendment.)

Sec. 21. ~~{Each license to practice naprapathy issued pursuant to this chapter expires on January 1 of each year and may be renewed if, before the license expires, the licensee submits to the Board:~~

~~1. An application on a form prescribed by the Board;~~

~~2. Proof of completion of the requirements for continuing education prescribed by the Board pursuant to section 15 of this act; and~~

~~3. Except as otherwise provided in subsection 14 of NRS 633.471, the fee for the renewal of the license prescribed by the Board pursuant to NRS 633.501.~~ (Deleted by amendment.)

Sec. 22. ~~{Each person licensed to practice naprapathy shall display his or her license and a copy of his or her diploma from a program of education in naprapathy conspicuously at each place where the person engages in the practice of naprapathy.~~ (Deleted by amendment.)

Sec. 23. ~~[1. If a naprapath determines that the diagnosis or treatment of a patient is beyond the scope of practice or the skill, training and competence of the naprapath, the naprapath shall refer the patient to an appropriate provider of health care.~~

~~2. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.] (Deleted by amendment.)~~

Sec. 24. ~~[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 10, 11 and 12 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 25. ~~[NRS 633.041 is hereby amended to read as follows:
633.041 “Gross malpractice” means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:
1. [Performing surgery upon or otherwise ministering] Providing medical or naprapathic services to a patient while the osteopathic physician, naprapath or physician assistant is under the influence of alcohol or any controlled substance;
2. Gross negligence;
3. Knowing or willful disregard of established medical or naprapathic procedures; or
4. Knowing or willful and consistent use of medical or naprapathic procedures, services or treatment considered by osteopathic physicians or naprapaths in the community to be inappropriate or unnecessary in the cases where used.] (Deleted by amendment.)~~

Sec. 26. ~~[NRS 633.071 is hereby amended to read as follows:
633.071 “Malpractice” means failure on the part of an osteopathic physician, naprapath or physician assistant to exercise the degree of care, diligence and skill ordinarily exercised by osteopathic physicians, naprapaths or physician assistants in good standing in the community in which he or she practices.] (Deleted by amendment.)~~

Sec. 27. ~~[NRS 633.111 is hereby amended to read as follows:
633.111 “Professional incompetence” means lack of ability safely and skillfully to practice osteopathic medicine, [or] to practice one or more of its specified branches, to practice naprapathy or to practice as a physician assistant arising from:
1. Lack of knowledge or training;
2. Impaired physical or mental capability of the osteopathic physician [;], naprapath or physician assistant;
3. Indulgence in the use of alcohol or any controlled substance; or
4. Any other sole or contributing cause.] (Deleted by amendment.)~~

Sec. 28. ~~[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, to practice naprapathy or to practice as a physician assistant, or in applying for the renewal of a license to practice osteopathic medicine, to practice naprapathy or to practice as a physician 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 or naprapath 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, in the practice of naprapathy or in practice as a physician assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine, to practice naprapathy or to practice as a physician assistant.~~

~~—(e) Advertising the practice of osteopathic medicine or the practice of naprapathy 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 or naprapathic 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.~~

- ~~—(e) 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 or to practice **naprapathy** issued pursuant to this chapter to practice osteopathic medicine or to practice **naprapathy**, as applicable, 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 or to practice **naprapathy** 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.} (Deleted by amendment.)~~

~~Sec. 29. [NRS 633.151 is hereby amended to read as follows:
633.151 The purpose of licensing osteopathic physicians, **naprapaths** and physician 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.] (Deleted by amendment.)~~

~~Sec. 30. NRS 633.171 is hereby amended to read as follows:~~

~~633.171 1. This chapter does not apply to:~~

~~(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, **naprapathy**, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.~~

~~(b) A medical officer of the Armed Forces or a medical officer 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.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) 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.

(f) A physician assistant ~~for naprapath~~ 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 law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 31. [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, **naprapaths** and physician 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.] (Deleted by amendment.)~~

Sec. 32. [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, every **naprath** and every physician 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.~~ **(Deleted by amendment.)**

Sec. 33. ~~[NRS 633.305 is hereby amended to read as follows:~~

~~633.305 Except as otherwise provided in NRS 633.399, 633.400, 633.4335 and 633.4336 [.] and sections 18 and 19 of this act:~~

~~1. Every applicant for a license shall:~~

~~(a) File an application with the Board in the manner prescribed by regulations of the Board;~~

~~(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and~~

~~(c) Pay in advance to the Board the application and initial license fee specified in NRS 633.501.~~

~~2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.~~

~~3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.~~

~~4. The Board may reject an application if the Board has cause to believe that any credential or information submitted by the applicant is false, misleading, deceptive or fraudulent.~~ **(Deleted by amendment.)**

Sec. 34. ~~[NRS 633.3617 is hereby amended to read as follows:~~

~~633.3617 1. The Board may place any condition, limitation or restriction on any license issued pursuant to this chapter if the Board determines that such action is necessary to protect the public health, safety or welfare.~~

~~2. The Board shall not report any condition, limitation or restriction placed on a license pursuant to this section to the National Practitioner Data Bank unless the licensee fails to comply with the condition, limitation or restriction placed on the license. The Board may, upon request, report any such~~

~~information to an agency of another state which regulates the practice of osteopathic medicine or **naprapathy** in that State.~~

~~3. The Board may modify any condition, limitation or restriction placed on a license pursuant to this section if the Board determines that the modification is necessary to protect the public health, safety or welfare.~~

~~4. Any condition, limitation or restriction placed on a license pursuant to this section is not a disciplinary action pursuant to NRS 633.651.~~ **(Deleted by amendment.)**

Sec. 35. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The procedures deemed necessary by the Board for applications for and the issuance of initial licenses by endorsement pursuant to NRS 633.4335 and 633.4336.
5. The tests or examinations of applicants by the Board.
6. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as **naprapaths**, dentists, chiropractic physicians, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under **this chapter or sections 1.03 to 1.8. inclusive, of this act or** chapters 631, 634, 634A, 635, 636 and 637B, respectively, of NRS.
7. The grounds and procedures respecting disciplinary actions against physician assistants.
8. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 36. ~~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 **naprapath** or physician 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

~~—(c) 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, a license to engage in the practice of naprapathy or a license to practice as a physician assistant. Subject to subsection 13, upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine, a license to engage in the practice of naprapathy or a license to practice as a physician 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 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. (Deleted by amendment.)~~

Sec. 37. ~~[NRS 633.472 is hereby amended to read as follows:~~

~~633.472 1. An osteopathic physician, **naprapath** or physician assistant may:~~

~~(a) Ask each new patient who is 18 years of age or older if he or she is a veteran and document the response in the medical record of the patient; and~~

~~(b) Provide the contact information for the Department of Veterans Services to any such patient who indicates that he or she is a veteran.~~

~~2. The Board may ask each applicant for the renewal of a license as an osteopathic physician, **naprapath** or physician assistant if the applicant performs the actions described in subsection 1. If such a question is asked, the Board must allow the applicant to refuse to answer.~~

~~3. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.125. (Deleted by amendment.)~~

Sec. 38. ~~[NRS 633.491 is hereby amended to read as follows:~~

~~633.491 1. A licensee who retires from practice is not required annually to renew his or her license after filing with the Board an affidavit stating the date on which he or she retired from practice and any other evidence that the Board may require to verify the retirement.~~

~~2. An osteopathic physician, **naprapath** or physician assistant who retires from practice and who desires to return to practice may apply to renew his or her license by paying all back annual license renewal fees or annual registration fees from the date of retirement and submitting verified evidence satisfactory to the Board that the licensee has attended continuing education courses or programs approved by the Board which total:~~

~~(a) Twenty-five hours if the licensee has been retired 1 year or less;~~

~~(b) Fifty hours within 12 months of the date of the application if the licensee has been retired for more than 1 year.~~

~~3. A licensee who wishes to have a license placed on inactive status must provide the Board with an affidavit stating the date on which the licensee will cease the practice of osteopathic medicine, **cease to practice as a naprapath** or cease to practice as a physician assistant, **as applicable**, in Nevada and any other evidence that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:~~

~~(a) The affidavit required pursuant to this subsection; and~~

~~(b) Payment of the inactive license fee prescribed by NRS 633.501.~~

~~4. An osteopathic physician, **naprapath** or physician assistant whose license has been placed on inactive status:~~

~~(a) Is not required to annually renew the license.~~

~~(b) Except as otherwise provided in subsection 6, shall annually pay the inactive license fee prescribed by NRS 633.501.~~

~~—(c) Shall not practice osteopathic medicine, **practice naprapathy** or practice as a physician assistant in this State.~~

~~—5. A physician assistant whose license has been placed on inactive status shall not practice as a physician assistant. The Board shall consider a physician assistant whose license has been placed on inactive status and who practices as a physician assistant to be practicing without a license. Such practice constitutes grounds for disciplinary action against the physician assistant in accordance with the regulations adopted by the Board pursuant to NRS 633.434.~~

~~—6. The Board shall exempt a physician assistant whose license has been placed on inactive status from paying the inactive license fee prescribed by NRS 633.501.~~

~~—7. An osteopathic physician, **naprapath** or physician assistant whose license is on inactive status and who wishes to renew his or her license to practice osteopathic medicine, **license to practice naprapathy** or license to practice as a physician assistant must:~~

~~—(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:~~

~~—(1) The year preceding the date of the application for renewal of the license; and~~

~~—(2) Each year after the date the license was placed on inactive status.~~

~~—(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would constitute grounds for disciplinary action pursuant to this chapter.~~

~~—(c) Comply with all other requirements for renewal.] **(Deleted by amendment.)**~~

Sec. 39. ~~[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) **Application and initial license fee for a naprapath 500**~~

~~—(n) Annual license renewal fee for a naprapath—500~~

~~—(o) Inactive license fee—200~~

~~—2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) , [or] (i) or (m) 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 [.] or section 19 of this act, the Board shall collect not more than one half of the fee set forth in subsection 1 for the initial issuance of the license.] (Deleted by amendment.)~~

~~Sec. 40. [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, **the practice of naprapathy** or practice as a physician 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, **to engage in the practice of naprapathy** or to practice as a physician 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.~~ **(Deleted by amendment.)**

Sec. 41. ~~[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, **naprapathy** or as a physician 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, **naprapathy** or as a physician 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.~~ **(Deleted by amendment.)**

Sec. 42. ~~[NRS 633.526 is hereby amended to read as follows:~~

~~—633.526 1. The insurer of an osteopathic physician, **naprapath** or physician assistant licensed under this chapter shall report to the Board:~~

~~—(a) Any action for malpractice against the osteopathic physician, **naprapath** or physician assistant not later than 45 days after the osteopathic physician, **naprapath** or physician assistant receives service of a summons and complaint for the action;~~

~~—(b) Any claim for malpractice against the osteopathic physician, **naprapath** or physician 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. **(Deleted by amendment.)**~~

Sec. 43. ~~[NRS 633.527 is hereby amended to read as follows:~~

~~633.527 1. An osteopathic physician, **naprapath** or physician assistant shall report to the Board:~~

~~—(a) Any action for malpractice against the osteopathic physician, **naprapath** or physician assistant not later than 45 days after the osteopathic physician, **naprapath** or physician assistant receives service of a summons and complaint for the action;~~

~~—(b) Any claim for malpractice against the osteopathic physician, **naprapath** or physician 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, **naprapath** or physician 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, **naprapath** or physician assistant has violated any provision of this section, the Board may impose a fine of not more than \$5,000 against the osteopathic physician, **naprapath** or physician assistant for each violation, in addition to any other fines or penalties permitted by law.~~

~~—3. All reports made by an osteopathic physician, **naprapath** or physician assistant pursuant to this section are public records. **(Deleted by amendment.)**~~

Sec. 44. ~~[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, **naprapath** or physician assistant regarding an action or claim for malpractice or that such an action or claim against the osteopathic physician, **naprapath** or physician assistant has been resolved by settlement, the Board shall conduct an~~

investigation to determine whether to discipline the osteopathic physician, ~~naprapath~~ or physician 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. (Deleted by amendment.)

Sec. 45. ~~{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, ~~naprapath~~ or physician assistant regarding an action or claim for malpractice, or that such an action or claim against the osteopathic physician, ~~naprapath~~ or physician assistant has been resolved by settlement, the Board or committee may order the osteopathic physician, ~~naprapath~~ or physician 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, ~~practice naprapathy~~ or to practice as a physician 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, ~~naprapath~~ or physician 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, ~~practice naprapathy~~ or to practice as a physician 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, ~~naprapath~~ or physician assistant on behalf of the Board pursuant to this section are not privileged communications. (Deleted by amendment.)~~

Sec. 46. ~~{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, ~~naprapath~~ or physician 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. (Deleted by amendment.)~~

Sec. 47. ~~{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, ~~naprapath~~ or physician 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 or **naprapathic** school or medical facility that becomes aware that a person practicing osteopathic medicine, **practicing naprapathy** or practicing as a physician 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 or **naprapathic** society, shall file a written report with the Board of any change in the privileges of an osteopathic physician, **naprapath** or physician assistant to practice while the osteopathic physician, **naprapath** or physician assistant is under investigation, and the outcome of any disciplinary action taken by the facility or society against the osteopathic physician, **naprapath** or physician assistant concerning the care of a patient or the competency of the osteopathic physician, **naprapath** or physician 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 or **naprapathic** society, shall report to the Board within 5 days after a change in the privileges of an osteopathic physician, **naprapath** or physician assistant that is based on:~~

~~(a) An investigation of the mental, medical or psychological competency of the osteopathic physician, **naprapath** or physician assistant; or~~

~~(b) A suspected or alleged substance use disorder in any form by the osteopathic physician, **naprapath** or physician 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, **naprapath** or physician 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.}] (Deleted by amendment.)~~

Sec. 48. ~~[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, **naprapathy** or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.}] (Deleted by amendment.)~~

Sec. 49. ~~[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, **naprapath** or physician assistant has raised a reasonable question as to his or her competence to practice osteopathic medicine, **to practice naprapathy** or to practice as a physician assistant, as applicable, with reasonable skill and safety to patients, the Board or the member designated by the Board may require the osteopathic physician, **naprapath** or physician assistant to submit to a mental or physical examination conducted by physicians designated by the Board. If the osteopathic physician, **naprapath** or physician 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, **naprapath** or physician 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, **naprapath** or physician assistant.~~

~~2. For the purposes of this section:
(a) An osteopathic physician, **naprapath** or physician assistant who is licensed under this chapter and who accepts the privilege of practicing osteopathic medicine, **practicing naprapathy** or practicing as a physician 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, **naprapath** or physician 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, **naprapath** or physician assistant.}] (Deleted by amendment.)~~

Sec. 50. ~~[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, **naprapath** or physician assistant has raised a reasonable question as to his or~~

her competence to practice osteopathic medicine, ~~to practice **naprapathy** or to practice as a physician assistant, as applicable, with reasonable skill and safety to patients, the Board may require the osteopathic physician, **naprapath** or physician assistant to submit to an examination for the purposes of determining his or her competence to practice osteopathic medicine, to practice **naprapathy** or to practice as a physician assistant, as applicable, with reasonable skill and safety to patients.~~ **(Deleted by amendment.)**

Sec. 51. ~~[NRS 633.581 is hereby amended to read as follows:~~

~~633.581 1. If an investigation by the Board of an osteopathic physician, **naprapath** or physician assistant reasonably determines that the health, safety or welfare of the public or any patient served by the osteopathic physician, **naprapath** or physician 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, **naprapath** or physician assistant pursuant to subsection 1 and the Board requires the licensee to submit to a mental or physical examination or a medical ~~or **naprapathic**~~ competency examination, the examination must be conducted and the results must be obtained not later than 30 days after the order is issued.~~ **(Deleted by amendment.)**

Sec. 52. ~~[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, **naprapath** or physician 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.~~ **(Deleted by amendment.)**

Sec. 53. ~~[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, ~~naprapath~~ or physician assistant which is harmful to the public or to limit the practice of the osteopathic physician, ~~naprapath~~ or physician assistant or suspend his or her license to practice osteopathic medicine, ~~practice naprapathy~~ or to practice as a physician 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.} (Deleted by amendment.)~~

Sec. 54. ~~[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, ~~naprapath~~ or physician 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, ~~naprapath~~ or physician 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, ~~naprapath~~ or physician 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.} (Deleted by amendment.)~~

Sec. 55. ~~[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 or ~~naprapathic~~ 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, ~~practice naprapathy~~ or to practice as a physician assistant is conclusive evidence of its occurrence.} (Deleted by amendment.)~~

Sec. 56. ~~[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 [.] or limit the practice of **naprapathy by the person, as applicable.**~~

~~(d) Suspend the license of the person to practice osteopathic medicine, to practice **naprapathy** or to practice as a physician assistant for a specified period or until further order of the Board;~~

~~(e) Revoke the license of the person to practice osteopathic medicine, to practice **naprapathy** or to practice as a physician 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.] **(Deleted by amendment.)**~~

Sec. 57. ~~[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, **the practice of naprapathy** or the practice of a physician 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.] **(Deleted by amendment.)**~~

Sec. 58. ~~[NRS 633.681 is hereby amended to read as follows:~~

~~633.681 1. Any person:~~

~~(a) Whose practice of osteopathic medicine, **practice of naprapathy** or practice as a physician assistant has been limited; or~~

~~—(b) Whose license to practice osteopathic medicine, **to practice naprapathy** or to practice as a physician 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. **(Deleted by amendment.)**~~

Sec. 59. ~~[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, **naprapath** or physician 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, **naprapath** or physician 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, **to practice naprapathy** or to practice as a physician assistant, or by an osteopathic physician, **naprapath** or physician 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, **naprapath** or physician 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, **naprapath** or physician 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.】~~ **(Deleted by amendment.)**

Sec. 60. ~~【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, ***naprapath*** or physician 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, ***naprapath*** or physician assistant.~~

~~2. Any appropriate criminal prosecution by the Attorney General or a district attorney based upon the same or other facts.】~~ **(Deleted by amendment.)**

Sec. 61. ~~【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, ***practicing naprapathy*** or practicing as a physician assistant without a valid license to practice osteopathic medicine, ***practice naprapathy*** or to practice as a physician assistant; 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.】~~ **(Deleted by amendment.)**

Sec. 62. ~~【NRS 633.721 is hereby amended to read as follows:~~

~~633.721 In a criminal complaint charging any person with practicing osteopathic medicine, ***practicing naprapathy*** or practicing as a physician 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.]~~
(Deleted by amendment.)

Sec. 63. [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 [.] or section 16 of this act, practice:~~

~~— (1) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;~~

~~— (2) **Naprapathy** without a valid license to practice **naprapathy** under this chapter;~~

~~— (3) As a physician assistant without a valid license under this chapter; or~~

~~— [(3)] (4) 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, **practice naprapathy** or practice as a physician 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 **naprapath** or physician assistant or use any other term indicating or implying that he or she is a **naprapath** or physician assistant, unless the person has been licensed **as such** by the Board as provided in this chapter; or~~

~~— (g) Supervise a person as a physician 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).— (Deleted by amendment.)~~

Sec. 63.5. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, **and sections 1.03 to 1.8, inclusive, of this act**, 640 to 641D, inclusive, or 653 of NRS,

↪ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 64. NRS 640.190 is hereby amended to read as follows:

640.190 This chapter does not authorize a physical therapist, whether licensed or not, to practice medicine, osteopathic medicine, ***naprapathy***, homeopathic medicine, chiropractic or any other form or method of healing.

Sec. 64.5. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, **and sections 1.03 to 1.8, inclusive, of this act**, 640, 640B to 641B, inclusive, or 641D of NRS, who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 65. NRS 640B.085 is hereby amended to read as follows:

640B.085 “Physician” means:

1. A physician licensed pursuant to chapter 630 of NRS;

2. An osteopathic physician licensed pursuant to chapter 633 of NRS;

3. A homeopathic physician licensed pursuant to chapter 630A of NRS;

4. A chiropractic physician licensed pursuant to chapter 634 of NRS; ~~for~~

5. ~~A naprapath licensed pursuant to chapter 633 of NRS;~~ **sections 1.03 to 1.8, inclusive, of this act; or**

6. A podiatric physician licensed pursuant to chapter 635 of NRS.

Sec. 65.5. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, **and sections 1.03 to 1.8, inclusive, of this act,** or chapter 640, 640A or 641D of NRS, when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 66. NRS 640C.085 is hereby amended to read as follows:

640C.085 1. “Structural integration” means the application of a system of manual therapy, movement education and embodiment education that is intended to improve the functional relationship of the parts of the human body to each other within the influences of gravity.

2. The term does not include:

(a) The practice of physical therapy, as defined in NRS 640.024; ~~for~~

(b) The practice of chiropractic, as defined in NRS 634.013, including, without limitation, chiropractic adjustment or manipulation, as defined in NRS 634.014 and 634.0173, respectively ~~for~~; **or**

(c) The practice of naprapathy, as defined in section ~~42~~ 1.18 of this act.

Sec. 66.5. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS **or sections 1.03 to 1.8, inclusive, of this act,** if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an advanced esthetician, esthetician, esthetician’s apprentice, hair designer, hair designer’s apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist’s apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an advanced esthetician, esthetician, esthetician’s apprentice, hair designer, hair designer’s apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist’s apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist’s apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs

within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.

(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.

(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 67. NRS 640E.090 is hereby amended to read as follows:

640E.090 1. The provisions of this chapter do not apply to:

(a) Any person who is licensed or registered in this State as a physician pursuant to chapter 630, 630A or 633 of NRS, dentist, nurse, dispensing optician, optometrist, occupational therapist, practitioner of respiratory care, physical therapist, podiatric physician, psychologist, marriage and family therapist, chiropractic physician, ***naprapath***, athletic trainer, massage therapist, reflexologist, structural integration practitioner, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician or pharmacist who:

(1) Practices within the scope of that license or registration;

(2) Does not represent that he or she is a licensed dietitian or registered dietitian; and

(3) Provides nutrition information incidental to the practice for which he or she is licensed or registered.

(b) A student enrolled in an educational program accredited by the Accreditation Council for Education in Nutrition and Dietetics, or its successor organization, if the student engages in the practice of dietetics under the

supervision of a licensed dietitian or registered dietitian as part of that educational program.

(c) A registered dietitian employed by the Armed Forces of the United States, the United States Department of Veterans Affairs or any division or department of the Federal Government in the discharge of his or her official duties, including, without limitation, the practice of dietetics or providing nutrition services.

(d) A person who furnishes nutrition information, provides recommendations or advice concerning nutrition, or markets food, food materials or dietary supplements and provides nutrition information, recommendations or advice related to that marketing, if the person does not represent that he or she is a licensed dietitian or registered dietitian. While performing acts described in this paragraph, a person shall be deemed not to be engaged in the practice of dietetics or the providing of nutrition services.

(e) A person who provides services relating to weight loss or weight control through a program reviewed by and in consultation with a licensed dietitian or physician or a dietitian licensed or registered in another state which has equivalent licensure requirements as this State, as long as the person does not change the services or program without the approval of the person with whom he or she is consulting.

2. As used in this section, “nutrition information” means information relating to the principles of nutrition and the effect of nutrition on the human body, including, without limitation:

- (a) Food preparation;
- (b) Food included in a normal daily diet;
- (c) Essential nutrients required by the human body and recommended amounts of essential nutrients, based on nationally established standards;
- (d) The effect of nutrients on the human body and the effect of deficiencies in or excess amounts of nutrients in the human body; and
- (e) Specific foods or supplements that are sources of essential nutrients.

Sec. 68. NRS 644A.150 is hereby amended to read as follows:

644A.150 1. The following persons are exempt from the provisions of this chapter:

(a) Except for those provisions relating to advanced estheticians, all persons authorized by the laws of this State to practice medicine, dentistry, osteopathic medicine, chiropractic, *naprapathy* or podiatry.

(b) Commissioned medical officers of the United States Army, Navy, or Marine Hospital Service when engaged in the actual performance of their official duties, and attendants attached to those services.

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

- (1) Cleansing or singeing the hair of any person.
- (2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or

electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a service relating to the practice of cosmetology except cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his or her employee does not advertise cosmetological services or the practice of makeup artistry and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the Department of Corrections or the Caliente Youth Center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644A.740.

(b) Notwithstanding the provisions of NRS 644A.735, shall maintain a staff of at least one licensed instructor.

3. Any health care professional, as defined in NRS 453C.030, is exempt from the provisions of this chapter relating to advanced estheticians.

Sec. 69. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first \$50,000 recovered;

(b) Thirty-three and one-third percent of the next \$50,000 recovered;

(c) Twenty-five percent of the next \$500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds \$600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, “recovered” means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) “Professional negligence” means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) “Provider of health care” means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, ***naprapath***, 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 and its employees.

Sec. 69.5. NRS 41.138 is hereby amended to read as follows:

41.138 1. In any civil action concerning any unwelcome or nonconsensual sexual conduct, including, without limitation, sexual harassment, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

2. As used in this section:

(a) “Person in a position of authority” means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, psychologist, ***naprapath***, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.

(b) “Sexual harassment” has the meaning ascribed to it in NRS 176A.280.

Sec. 70. 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, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, ***naprapath***, 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. 71. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker’s compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to

secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

- (a) Recover any amount against the plaintiff; or
- (b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds \$50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) “Future damages” includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) “Periodic payments” means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) “Professional negligence” means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) “Provider of health care” means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, **naprapath**, 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 and its employees.

Sec. 72. NRS 49.215 is hereby amended to read as follows:

49.215 As used in NRS 49.215 to 49.245, inclusive:

1. A communication is “confidential” if it is not intended to be disclosed to third persons other than:

(a) Those present to further the interest of the patient in the consultation, examination or interview;

(b) Persons reasonably necessary for the transmission of the communication; or

(c) Persons who are participating in the diagnosis and treatment under the direction of the doctor, including members of the patient’s family.

2. “Doctor” means a person licensed to practice medicine, dentistry or osteopathic medicine, ~~for~~ chiropractic **or naprapathy** in any state or nation, or a person who is reasonably believed by the patient to be so licensed, and in addition includes a person employed by a public or private agency as a psychiatric social worker, or someone under his or her guidance, direction or control, while engaged in the examination, diagnosis or treatment of a patient for a mental condition.

3. “Patient” means a person who consults or is examined or interviewed by a doctor for purposes of diagnosis or treatment.

Sec. 73. NRS 52.320 is hereby amended to read as follows:

52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:

1. “Custodian of medical records” means a chiropractic physician, **naprapath**, physician, registered physical therapist or licensed nurse who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who

has care, custody and control of medical records for such a person or institution.

2. “Medical records” includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

Sec. 74. NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional entity may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional entity may own real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional entity may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:

(1) Engaged in the practice of architecture as provided in chapter 623 of NRS;

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of residential design as provided in chapter 623 of NRS;

(4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and

(5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, homeopathy, osteopathy, **naprapathy**, chiropractic and psychology, or any combination thereof, and may be composed of persons engaged in the practice of:

(1) Medicine as provided in chapter 630 of NRS;

(2) Homeopathic medicine as provided in chapter 630A of NRS;

(3) Osteopathic medicine as provided in chapter 633 of NRS;

(4) **Naprapathy as provided in ~~chapter 633 of NRS,~~ sections 1.03 to 1.8, inclusive, of this act;**

(5) Chiropractic as provided in chapter 634 of NRS; and

~~[(5)]~~ (6) Psychology and licensed to provide services pursuant to chapter 641 of NRS.

↪ Such a professional entity may market and manage additional professional entities which are organized to render a professional service relating to medicine, homeopathy, osteopathy, **naprapathy**, chiropractic and psychology.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) Any psychologist who is licensed to practice in this State;

(2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing;

(4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS; and

(5) Any clinical professional counselor who is licensed by this State pursuant to chapter 641A of NRS.

➔ Such a professional entity may market and manage additional professional entities which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional entity may render a professional service only through its officers, managers and employees who are licensed or otherwise authorized by law to render the professional service.

Sec. 74.5. NRS 89.055 is hereby amended to read as follows:

89.055 1. An owner of a professional entity organized pursuant to paragraph (b) of subsection 2 of NRS 89.050 shall not:

(a) Create a policy or contract, written or otherwise, to restrict or prohibit the good faith communication between a patient and a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS, **or sections 1.03 to 1.8, inclusive, of this act** concerning the patient's medical records, health care, risks or benefits of such health care or treatment options.

(b) Influence or interfere with the professional judgment of a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS, **or sections 1.03 to 1.8, inclusive, of this act**, including, without limitation, the professional judgment of such a person concerning:

- (1) The care of a patient;
- (2) The custodian of the medical records of a patient;
- (3) Employment decisions, including hiring or terminating an employee;

or

- (4) Coding or billing procedures.

(c) Terminate a contract or refuse to renew a contract with a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS **or sections 1.03 to 1.8, inclusive, of this act** because the person:

- (1) Advocates on behalf of a patient in private or public;
- (2) Assists a patient in seeking reconsideration of a denial of coverage of health care services; or

- (3) Reports a violation of law to an appropriate authority.

(d) Require a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS **or sections 1.03 to 1.8, inclusive, of this act** to:

- (1) Provide professional services to a specified number of patients within a particular amount of time; or
- (2) Work a certain number of hours in a specified period of time.

(e) Require a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS **or sections 1.03 to 1.8, inclusive, of this act** to obtain the approval

or review of a contract by a third party, including, without limitation, a provider of insurance.

2. A person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS **or sections 1.03 to 1.8, inclusive, of this act** who renders a professional service through a professional entity organized pursuant to paragraph (b) of subsection 2 of NRS 89.050 shall not:

(a) Render such a professional service if the service exceeds the scope of his or her licensed authority pursuant to chapter 630, 630A, 633, 634 or 641 of NRS ~~641~~ **or sections 1.03 to 1.8, inclusive, of this act**; and

(b) Through the use of an agreement, directive, financial incentive or any other arrangement, influence or interfere with the professional judgment of another person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS **or sections 1.03 to 1.8, inclusive, of this act** who renders a professional service through the same professional entity.

Sec. 75. 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 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 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 naprapath**, 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. 76. 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, **naprapath**, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, 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. 76.3. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
- (b) Pursuant to NRS 200.50982; or
- (c) To persons or agencies enumerated in subsection 3,

↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was

responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, **and sections 1.03 to 1.8, inclusive, of this act**, 641D, 653 or 654 of NRS, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 76.6. NRS 200.810 is hereby amended to read as follows:

200.810 “Health care procedure” means any medical procedure, other than a surgical procedure, that requires a license to perform pursuant to chapters 630 to 637, inclusive, **and sections 1.03 to 1.8, inclusive, of this act**, 639, 640 or 653 of NRS.

Sec. 76.9. NRS 200.820 is hereby amended to read as follows:

200.820 “Surgical procedure” means any invasive medical procedure where a break in the skin is created and there is contact with the mucosa or any minimally invasive medical procedure where a break in the skin is created or which involves manipulation of the internal body cavity beyond a natural or artificial body orifice which requires a license to perform pursuant to chapters 630 to 637, inclusive, **and sections 1.03 to 1.8, inclusive, of this act**, 639, 640 or 653 of NRS.

Sec. 77. NRS 202.2491 is hereby amended to read as follows:

202.2491 1. Except as otherwise provided in subsections 5 and 6 and NRS 202.24915, the smoking of tobacco in any form is prohibited if done in any:

- (a) Public elevator.
 - (b) Public building.
 - (c) Public waiting room, lobby or hallway of any:
 - (1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or
 - (2) Office of any chiropractic physician, **naprapath**, dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist or doctor of Oriental medicine.
 - (d) Hotel or motel when so designated by the operator thereof.
 - (e) Public area of a store principally devoted to the sale of food for human consumption off the premises.
 - (f) Child care facility.
 - (g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.
 - (h) School bus.
 - (i) Video arcade.
2. The person in control of an area listed in paragraph (c), (d), (e) or (g) of subsection 1:
- (a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).
 - (b) May designate separate rooms or portions of the area which may be used for smoking, except for a room or portion of the area of a store described in paragraph (e) of subsection 1 if the room or portion of the area:
 - (1) Is leased to or operated by a person licensed pursuant to NRS 463.160; and
 - (2) Does not otherwise qualify for an exemption set forth in NRS 202.24915.
3. The person in control of a public building:
- (a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).
 - (b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.
- ➡ A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.
4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.
5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.
6. The smoking of tobacco is not prohibited in:
- (a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. As used in this section:

(a) “Child care facility” means an establishment operated and maintained to furnish care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children. The term does not include the home of a natural person who provides child care.

(b) “Licensed gaming establishment” has the meaning ascribed to it in NRS 463.0169.

(c) “Public building” means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System.

(2) The State of Nevada and used for any public purpose, other than that used by the Department of Corrections to house or provide other services to offenders.

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

➔ If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied.

(d) “School bus” has the meaning ascribed to it in NRS 483.160.

(e) “Video arcade” means a facility legally accessible to persons under 18 years of age which is intended primarily for the use of pinball and video machines for amusement and which contains a minimum of 10 such machines.

Sec. 77.5. NRS 239.010 is hereby amended to read as follows:

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

239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191,

641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600 ~~1.7~~ **and section 1.7 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. 77.8. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 1.03 to 1.8, inclusive,** 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. Except as otherwise provided in NRS 284.4086, to the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 78. NRS 287.020 is hereby amended to read as follows:

287.020 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 adopt and carry into effect a system of medical or hospital service, or a combination thereof, through nonprofit membership corporations defraying the cost of medical service or hospital care, or both, open to participation by all licentiates of the particular class, whether doctors of medicine, doctors of osteopathy , **doctors of naprapathy** or doctors of chiropractic, offering services through such a nonprofit membership corporation, for the benefit of such of their officers and employees, and the dependents of such officers and employees, as may elect to accept membership in such nonprofit corporation and who have authorized the governing body to make deductions from their compensation for the payment of membership dues.

2. A part, not to exceed 50 percent, of the cost of such membership dues may be defrayed by such governing body by contribution. The money for such contributions must be budgeted for in accordance with the laws governing such county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

3. The power conferred in this section, with respect to the rendition of medical or hospital service, or a combination thereof, is coextensive with the power conferred in NRS 287.010 with respect to insurance companies.

4. If a school district offers coverage for medical service or hospital care, or both, 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 coverage. If the amount of the deductions from compensation required to pay for the coverage exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

Sec. 79. NRS 288.140 is hereby amended to read as follows:

288.140 1. It is the right of every local government employee, subject to the limitations provided in subsections 3 and 4, to join any employee organization of the employee's choice or to refrain from joining any employee organization. A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.

2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself or herself with respect to any condition of his or her employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

3. A police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers.

4. The following persons may not be a member of an employee organization:

(a) A supervisory employee described in paragraph (b) of subsection 1 of NRS 288.138, including but not limited to appointed officials and department heads who are primarily responsible for formulating and administering management, policy and programs.

(b) A doctor or physician who is employed by a local government employer.

(c) Except as otherwise provided in this paragraph, an attorney who is employed by a local government employer and who is assigned to a civil law division, department or agency. The provisions of this paragraph do not apply with respect to an attorney for the duration of a collective bargaining agreement to which the attorney is a party as of July 1, 2011.

5. As used in this section, “doctor or physician” means a doctor, physician, homeopathic physician, osteopathic physician, ***naprapath***, chiropractic physician, practitioner of Oriental medicine, podiatric physician or practitioner of optometry, as those terms are defined or used, respectively, in NRS 630.014, 630A.050, 633.091, ***section ~~444~~ 1.15 of this act***, chapter 634 of NRS, chapter 634A of NRS, chapter 635 of NRS or chapter 636 of NRS.

Sec. 79.2. NRS 353.005 is hereby amended to read as follows:

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act***, 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 79.4. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, “agency” does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 1.03 to 1.8, inclusive, of this act,** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 79.6. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 1.03 to 1.8, inclusive, of this act,** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 79.8. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.
2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:
 - (a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 1.03 to 1.8, inclusive, of this act.** 648, 654 and 656 of NRS.
 - (b) The Nevada System of Higher Education.
 - (c) The Public Employees' Retirement System.
 - (d) The Housing Division of the Department of Business and Industry.
 - (e) The Colorado River Commission of Nevada.
3. Provide a copy of the approved annual work plan to the Legislative Auditor.
4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:
 - (a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and
 - (b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.
5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.
6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.
7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:
 - (a) The adequacy of the internal accounting and administrative controls of the agency; and
 - (b) The efficiency and effectiveness of the management of the agency.
8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.
9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.
10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

Sec. 80. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to

whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

- (a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;
- (b) The medical device is covered by Medicaid or Medicare; and
- (c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) “Medicaid” means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) “Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) “Provider of health care” means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, *naprapath*, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 81. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

- (a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;
- (b) The medical device is covered by Medicaid or Medicare; and
- (c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) “Medicaid” means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) “Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) “Provider of health care” means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, ***naprapath***, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 82. NRS 417.124 is hereby amended to read as follows:

417.124 “Provider of health care” means a physician, physician assistant, advanced practice registered nurse, osteopathic physician, ***naprapath***, chiropractic physician, psychologist, marriage and family therapist, clinical professional counselor, clinical social worker, alcohol and drug abuse counselor, clinical alcohol and drug abuse counselor or problem gambling counselor.

Sec. 82.3. NRS 417.126 is hereby amended to read as follows:

417.126 1. The Director shall develop and post on an Internet website maintained by the Department a questionnaire to be given to veterans who contact the Department using information provided by providers of health care pursuant to NRS 630.2675, 632.2385, 633.472, 634.1305, 641.229, 641A.295, 641B.350 and 641C.600. ~~It~~ **and section 1.54 of this act.** The questionnaire must be designed to obtain information concerning:

(a) The veteran’s experience in the military, including, without limitation, the branch of the military in which the veteran served, the veteran’s job while in the military, any battle, conflict or war in which the veteran served and the locations where the veteran was stationed;

(b) Any service-connected disabilities and diseases, including, without limitation, diseases presumed to be service-connected pursuant to 38 C.F.R. §§ 3.303 to 3.344, inclusive, from which the veteran may suffer; and

(c) Whether the veteran is enrolled with and receiving benefits from the United States Department of Veterans Affairs.

2. On or before January 31 of each year, the Director shall submit the information obtained pursuant to this section to the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 82.5. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; 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 child has been abused or neglected.

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 or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare 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, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS ~~1.1~~, **or sections 1.03 to 1.8, inclusive, of this act.**

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any 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.

(n) A peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

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 a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) “Private school” has the meaning ascribed to it in NRS 394.103.

(b) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 83. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 “Practitioner” means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, *naprapath*, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 83.5. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, “licensing board” means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of NRS, ~~or~~ sections 1.03 to 1.8, inclusive, of this act.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 84. NRS 604C.300 is hereby amended to read as follows:

604C.300 1. A consumer litigation funding company shall not:

(a) Pay or offer to pay a commission, referral fee or other form of consideration to an attorney, law firm, medical provider, chiropractic physician, **naprapath** or physical therapist, or any employee of such a person, for referring a consumer to the company.

(b) Accept a commission, referral fee or other form of consideration from an attorney, law firm, medical provider, chiropractic physician, **naprapath** or physical therapist, or any employee of such a person.

(c) Intentionally advertise materially false or misleading information regarding the products or services of the consumer litigation funding company.

(d) Refer a consumer to engage a specific attorney, law firm, medical provider, chiropractic physician, **naprapath** or physical therapist, or any employee of such a person. A company may refer a consumer in search of legal representation to a lawyer referral service operated, sponsored or approved by the State Bar of Nevada or a local bar association.

(e) Except as otherwise provided in subsection 2, knowingly provide consumer litigation funding to a consumer who has previously assigned or sold a portion of the right of the consumer to proceeds from his or her legal claim to another company without first making payment to or purchasing the entire funded amount and charges of that company, unless a lesser amount is otherwise agreed to in writing by the consumer litigation funding companies.

(f) Receive any right to, or make, any decisions with respect to the conduct, settlement or resolution of the legal claim of a consumer.

(g) Knowingly pay or offer to pay for court costs, filing fees or attorney's fees during or after the resolution of the legal claim of a consumer using money from a consumer litigation funding transaction.

2. Two or more consumer litigation funding companies may agree to contemporaneously provide consumer litigation funding to a consumer if the consumer and the attorney of the consumer agree to the arrangement in writing.

3. An attorney or law firm retained by the consumer in connection with his or her legal claim shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

4. An attorney who has referred the consumer to his or her retained attorney or law firm shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

5. A consumer litigation funding company shall not use any form of consumer litigation funding contract in this State unless the contract has been filed with the Commissioner in accordance with procedures for filing prescribed by the Commissioner.

Sec. 84.3. NRS 608.0116 is hereby amended to read as follows:

608.0116 “Professional” means pertaining to:

1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, **and sections 1.03 to 1.8, inclusive, of this act,** 645G and 656A of NRS.

2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.

Sec. 84.6. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

- (I) Cities and towns;
- (II) School districts; and
- (III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS **or sections 1.03 to 1.8, inclusive, of this act,** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity;

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

- (1) Private vehicles;
- (2) Commercial vehicles;
- (3) Liability insurance; and
- (4) Insurance for property damage; and
- (d) Workers' compensation insurance.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

- (a) Premiums directly written;
- (b) Premiums directly earned;
- (c) Number of policies issued;
- (d) Net investment income, using appropriate estimates when necessary;
- (e) Losses paid;
- (f) Losses incurred;
- (g) Loss reserves, including:
 - (1) Losses unpaid on reported claims; and
 - (2) Losses unpaid on incurred but not reported claims;
- (h) Number of claims, including:
 - (1) Claims paid; and
 - (2) Claims that have arisen but are unpaid;
- (i) Expenses for adjustment of losses, including allocated and unallocated losses;
- (j) Net underwriting gain or loss;
- (k) Net operation gain or loss, including net investment income; and
- (l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

- (a) Recoverable federal income tax;
- (b) Net unrealized capital gain or loss; and
- (c) All other expenses not included in subsection 2.

Sec. 85. NRS 685B.120 is hereby amended to read as follows:

685B.120 1. Any person who provides coverage in this State for the cost of:

- (a) Medical care;
- (b) Surgery;
- (c) Chiropractic;
- (d) Physical therapy;
- (e) Speech-language pathology;
- (f) Audiology;
- (g) Professional care of mental health;
- (h) Dental care;
- (i) Hospital care;
- (j) Ophthalmic care; ~~for~~
- (k) ***Naprapathy; or***

(l) Ambulance services,

↪ whether the coverage provides for direct payment, reimbursement or any other method of payment, is subject to regulation by the Division and to the provisions of this Code unless the person shows that while providing such coverage the person is subject to regulation by the Federal Government.

2. A nonprofit corporation that provides prepaid ambulance services is not subject to regulation by the Division or to the provisions of this Code if the corporation presents evidence satisfactory to the Commissioner that the corporation is subject to regulation by a political subdivision of this State pursuant to an exclusive franchise which limits the number of times any such prepaid services may be used to a defined number that are medically necessary.

Sec. 86. NRS 686A.2825 is hereby amended to read as follows:

686A.2825 “Practitioner” means:

1. A physician, dentist, nurse, dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractic physician, ***naprapath***, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist, person who holds a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS or other provider of health services who is authorized to engage in his or her occupation by the laws of this state or another state; and

2. An attorney admitted to practice law in this state or any other state.

Sec. 86.3. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS **and sections 1.03 to 1.8, inclusive, of this act,** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 86.6. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS and sections 1.03 to 1.8, inclusive, of this act, or who holds a license or limited license issued pursuant to chapter 653 of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS and sections 1.03 to 1.8, inclusive, of this act, or who holds a license or limited license issued pursuant to chapter 653 of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the practitioner's name, the name of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 86.9. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS and sections 1.03 to 1.8, inclusive, of this act, or who holds a license or limited license issued pursuant to chapter 653 of NRS, the insurer shall:

(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.

(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.

(c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.

(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.

(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60

days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 87. NRS 695F.040 is hereby amended to read as follows:

695F.040 “Limited health service” means:

1. Chiropractic, ***naprapathic***, dental, hospital, medical, optometric, pharmaceutical, podiatric or surgical care;

2. Treatment relating to mental health or an alcohol or substance use disorder; or

3. Such other care or treatment as may be determined by the Commissioner to be a limited health service.

Sec. 87.5. Section 1.43 of this act is hereby amended to read as follows:

Sec. 1.43. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license as a naprapath shall ~~+~~

~~(a) Include the social security number of the applicant in the application submitted to the Division.~~

~~(b) Submit~~ ***submit*** to the Division 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 Division 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 Division.

3. A license may not be issued or renewed by the Division 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 Division 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. 88. As soon as practicable on or after July 1, 2023, the Governor shall appoint to the Naprapathic Practice Advisory Board created by section ~~123~~ **1.2** of this act:

1. One member described in paragraph (a) of subsection 2 of section ~~123~~ **1.2** of this act and one member described in paragraph (b) of that subsection to initial terms that expire on July 1, 2025; and

2. Two members described in paragraph (a) of subsection 2 of section ~~123~~ **1.2** of this act and one member described in paragraph (b) of that subsection to initial terms that expire on July 1, 2027.

Sec. 89. 1. Notwithstanding the amendatory provisions of this act, any person who is engaged in the practice of naprapathy on or before January 1, 2024, may continue to engage in the practice of naprapathy without obtaining a license pursuant to section ~~127, 129~~ **1.32, 1.35** or ~~129~~ **1.38** of this act, as applicable, until July 1, 2024.

2. As used in this section, “naprapathy” has the meaning ascribed to it in section ~~122~~ **1.18** of this act.

Sec. 90. 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. 91. 1. This section becomes effective upon passage and approval.

2. Sections ~~123, 144~~ **1.2, 1.23** and 88 of this act become effective on July 1, 2023.

3. Sections 1 to ~~122~~ **1.19**, inclusive, ~~145~~ **1.26** to 87, inclusive, 89 and 90 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.

4. Section 87.5 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

5. Section 1.85 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend,

or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

6. Sections 1.43, 1.6 and 87.5 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

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. 155.

Bill read second time.

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

Amendment No. 268.

ASSEMBLYMEN PETERS; ~~AND~~ GONZÁLEZ, NGUYEN, ORENTLICHER AND THOMAS

~~AN ACT relating to health care; {establishing the Task Force on Precision Medicine and Biomarker Testing; prescribing the membership and duties of the Task Force; establishing March as Precision Medicine and Biomarker Testing Awareness Month;} requiring policies of health insurance to include coverage of biomarker testing in certain circumstances; establishing certain conditions relating to such required coverage; {making an appropriation; providing for a study of certain matters relating to precision medicine and biomarker testing;} and providing other matters properly relating thereto.~~

Legislative Counsel's Digest:

~~{Existing law establishes certain programs to improve public health in this State. (NRS 439.4921-439.5297) Section 12 of this bill defines the term "biomarker testing" to mean the analysis of the tissue, blood or other specimen of a patient for the presentation of a biomarker, which is further defined as an objectively measured characteristic that indicates certain biological processes.~~

~~Section 12 also: (1) establishes the month of March as Precision Medicine and Biomarker Testing Awareness Month in this State; and (2) requires the Governor to annually issue a proclamation calling upon certain entities to raise awareness of biomarker testing during the month of March.~~

~~Section 8 of this bill establishes the Task Force on Precision Medicine and Biomarker Testing within the Department of Health and Human Services and prescribes the membership of the Task Force. Sections 2-7 of this bill define certain terms relating to the Task Force. Sections 8 and 9 of this bill prescribe certain requirements governing the operation of the Task Force. Section 9 also authorizes the Task Force to establish subcommittees and solicit expert testimony. Section 10 of this bill requires the Task Force to: (1) examine certain issues relating to the awareness, accessibility and use of biomarker testing; and (2) annually report its findings to the Director of the Department, the Commissioner of Insurance and the Legislature. Section 31 of this bill terminates the Task Force on February 1, 2027.]~~

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2717-422.27248, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194-689C.195, 689C.425, 695A.184-695A.1875, 695B.1901-695B.1949, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) Sections 13-15, 17, 19, 20, 22-25 and 27 of this bill require certain public and private health plans, including Medicaid and health plans for state and local government employees, to provide coverage for **medically necessary** biomarker testing for the diagnosis, treatment, **appropriate** management and **ongoing** monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. **Sections 13-15, 17, 19, 20, 22-25 and 27** require such health plans to: (1) provide the required coverage in a manner that limits disruptions in care and the need for multiple specimens; and (2) establish a process for requesting an exception to a policy excluding coverage for biomarker testing or appealing a denial of coverage for biomarker testing. **Sections 13-17, 19, 20, 22-25 and 27** additionally require such health plans to respond to any request for preauthorization for biomarker testing within: (1) 24 hours for urgent requests; or (2) 72 hours for all other requests. **Sections 13-17, 19, 20, 22-25 and 27 clarify that an insurer is not required to cover biomarker testing for screening purposes or in certain circumstances.** Sections 11, 18 and 21 of this bill make conforming changes to indicate the proper placement of **sections 15, 17 and 20**, respectively, in the Nevada Revised Statutes. **Section 26** 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 24** of this bill. The Commissioner would also be authorized to take such action against other private health insurers who fail to comply with the requirements of **section 17, 19, 20, 22, 23 or 27** of this bill. (NRS 680A.200)

~~{Section 29 of this bill requires the Department to contract with a college or university or another qualified entity that conducts research in the field of public health and is located in this State to study the awareness of and access to precision medicine and biomarker testing in this State. Section 29 requires the entity with which the Department enters into a contract to: (1) present its findings to the Joint Interim Standing Committee on Health and Human Services; and (2) submit a final report of the study to the Governor, the Director of the Department, the Commissioner of Insurance and the Legislature. Section 28 of this bill appropriates money to the Department to pay the costs of the study.}~~

~~{WHEREAS, Precision medicine, also known as personalized health care or individualized medicine, is an evolving field in which providers of health care use the analysis of a specimen from a patient, known as biomarker testing, to determine which medical treatments will work best for the patient; and~~

~~—WHEREAS, By combining the data from biomarker testing with the medical history, circumstances and values of a patient, a provider of health care is capable of directing a patient to a targeted treatment, benefitting both the patient and the health care system; and~~

~~—WHEREAS, Precision medicine holds great promise in ensuring the delivery of the proper treatment to the proper patient at the proper time and avoiding treatment that is physically or financially harmful to the patient; and~~

~~—WHEREAS, A significant number of treatments currently in preclinical development rely on the data from biomarker testing; and~~

~~—WHEREAS, Biomedical science and the understanding of the characteristics of disease are evolving rapidly; and~~

~~—WHEREAS, Providers of health care are increasingly using biomarker testing and other technologies to help identify gene mutations or aberrations and protein expressions specific to individual patients; and~~

~~—WHEREAS, Health outcomes are frequently improved through the use of precision medicine; and~~

~~—WHEREAS, The National Academy of Medicine considers biomarker testing to be key to unlocking the promise of precision medicine; and~~

~~—WHEREAS, Biomarker testing is available for an increasing range of conditions and diseases, but access of patients to biomarker testing is not keeping pace with the rate of innovation in the field; and~~

~~—WHEREAS, A lack of awareness about biomarker testing among providers of health care and patients, a lack of common terminology in the field of biomarker~~

~~testing and deficient coverage policies by public and private payers are preventing the effective adoption and integration of biomarker testing into precision medicine, particularly for historically marginalized communities and in nonacademic health care settings; and~~

~~WHEREAS, It is beneficial to promote appropriate awareness and education about the ways that biomarker testing may be used to support the diagnosis, treatment and monitoring of patients in a personalized way; now, therefore,]~~

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 10, inclusive, of this act.

Sec. 2. ~~[As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.]~~
(Deleted by amendment.)

Sec. 3. ~~[“Biomarker testing” has the meaning ascribed to it in section 12 of this act.]~~
(Deleted by amendment.)

Sec. 4. ~~[“Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:~~

~~—1.—Informed by a systemic review of evidence and an assessment of the costs and benefits of alternative options for care; and~~

~~—2.—Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.]~~
(Deleted by amendment.)

Sec. 5. ~~[“Precision medicine” means the use of biomarker testing to determine the best medical treatment for a patient.]~~
(Deleted by amendment.)

Sec. 6. ~~[“Provider of health care” has the meaning ascribed to it in NRS 620.031.]~~
(Deleted by amendment.)

Sec. 7. ~~[“Task Force” means the Task Force on Precision Medicine and Biomarker Testing created by section 8 of this act.]~~
(Deleted by amendment.)

Sec. 8. ~~[1. The Task Force on Precision Medicine and Biomarker Testing is hereby created within the Department.~~

~~—2.—The Task Force consists of:~~

~~—(a) The following four voting members appointed by the Governor:~~

~~—(1) One representative of a medical school in this State that is conducting research on biomarker testing or precision medicine;~~

~~—(2) One researcher in the field of molecular diagnostics or biomarker testing;~~

~~—(3) One physician who specializes in the field of molecular pathology; and~~

~~—(4) One provider of health care who uses biomarker testing to diagnose, treat or monitor patients;~~

~~—(b) The following three voting members appointed by the Speaker of the Assembly;~~

~~—(1) One researcher in the field of health technology who specializes in precision medicine;~~

~~—(2) One representative of an organization that advocates for patients; and~~

~~—(3) One representative of a reference laboratory, manufacturer of biomarker tests or other company involved in diagnostics;~~

~~—(c) The following three voting members appointed by the Senate Majority Leader:~~

~~—(1) One representative of an insurer, as defined in NRS 679B.540, or a health benefit plan, as defined in NRS 687B.470, for employees which provides coverage for biomarker testing;~~

~~—(2) One representative of an organization or society that publishes nationally recognized clinical practice guidelines on biomarker testing or precision medicine; and~~

~~—(3) One representative of a community impacted by health inequalities related to biomarker testing or precision medicine; and~~

~~—(d) The Director or his or her designee as an ex officio, nonvoting member.~~

~~—3. Members of the Task Force serve at the pleasure of the appointing authority. A vacancy in the membership of the Task Force must be filled in the same manner as the original appointment.~~

~~—4. The members of the Task Force serve without compensation, except that each member is entitled, while engaged in the business of the Task Force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~—5. Each member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to make up the time the officer or employee is absent from work to carry out duties as a member of the Task Force or use annual leave or compensatory time for the absence.~~

~~—6. The Department may accept gifts, grants or donations from any source to support the activities of the Task Force. (Deleted by amendment.)~~

Sec. 9. ~~1. The Speaker of the Assembly and the Majority Leader of the Senate, acting jointly, shall appoint the Chair of the Task Force from among the voting members of the Task Force. If the position of Chair becomes vacant, the Speaker of the Assembly and the Majority Leader of the Senate, acting jointly, shall appoint a Chair from among the voting members of the Task Force.~~

~~2. The members of the Task Force shall meet at least once each quarter at the call of the Chair. The Task Force shall prescribe regulations for its own management and government.~~

~~3. A majority of the voting members of the Task Force constitutes a quorum, and a quorum may exercise all the powers conferred on the Task Force.~~

~~4. The Task Force may establish subcommittees and solicit expert testimony as necessary to fulfill its duties.~~ (Deleted by amendment.)

Sec. 10. ~~{1. The Task Force shall:~~

~~(a) Review reports and studies on:~~

~~(1) The current status of precision medicine and biomarker testing;~~

~~(2) The evolution of science relating to precision medicine and biomarker testing;~~

~~(3) The experience of patients in accessing and receiving precision medicine and biomarker testing; and~~

~~(4) The experience of providers of health care in accessing and providing precision medicine and biomarker testing.~~

~~(b) Examine barriers to the use of biomarker testing with a focus on diagnosis, treatment decisions and the post-treatment monitoring of disease. Such barriers may include, without limitation:~~

~~(1) Lack of awareness of biomarker testing;~~

~~(2) The use of inconsistent terminology when discussing biomarker testing;~~

~~(3) A lack of reimbursement or low rates of reimbursement from third parties for biomarker testing;~~

~~(4) A lack of coverage of biomarker testing or restrictive medical management techniques imposed by third parties; and~~

~~(5) Low levels of understanding of the uses of biomarker testing in measuring indicators of normal biological processes, pathogenic processes or pharmacologic responses to a specific therapeutic intervention.~~

~~(c) Study the role of nationally recognized clinical practice guidelines in the making of decisions by providers of health care and third parties relating to biomarker testing, focusing on situations where evidence-based biomarker testing is available but nationally recognized clinical practice guidelines have not been developed.~~

~~(d) Identify opportunities to expand awareness, education, understanding and usefulness of precision medicine and biomarker testing to improve care and reduce spending on health care.~~

~~(e) On or before January 31 of each year:~~

~~(1) Compile a report of the findings and recommendations of the Task Force, which must include, without limitation, findings and recommendations to:~~

~~(i) Improve awareness, education and insurance coverage of precision medicine and biomarker testing; and~~

~~(II) Optimize the use of precision medicine and biomarker testing in this State; and~~

~~(2) Submit the report to the Director, the Commissioner of Insurance and the Director of the Legislative Counsel Bureau for transmittal to:~~

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

~~(II) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services.~~

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

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Third party" means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law. (Deleted by amendment.)~~

Sec. 11. 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 15 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. 12. ~~[Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The month of March of each year is designated as "Precision Medicine and Biomarker Testing Awareness Month" in the State of Nevada.~~

~~2. The Governor shall issue annually a proclamation encouraging the observance of "Precision Medicine and Biomarker Testing Awareness Month." The proclamation must, without limitation, call upon the news media, state and local officers, medical facilities, providers of health care and other public and private entities to bring public attention to the manner in which biomarker testing is useful to diagnose, treat and monitor patients in a personalized way.~~

~~3. As used in this section:~~

~~(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation, a gene mutation or the expression of a protein.~~

~~(b) "Biomarker testing" means the analysis of the tissue, blood or other specimen of a patient for the presentation of a biomarker and includes,~~

~~without limitation, single analyte tests, multi-plex panel tests and whole genome sequencing.~~ **(Deleted by amendment.)**

Sec. 13. 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 19 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. 14. 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 27 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. 15. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The~~ Subject to the limitations prescribed by subsection 4, the Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~(c)~~ (d) Nationally recognized clinical practice guidelines or consensus statements.

2. The Director shall:

(a) Ensure that the coverage required by subsection 1 is provided in a manner that limits disruptions in care and the need for multiple specimens.

(b) Include in the State Plan for Medicaid a clear and readily accessible process for a recipient of Medicaid or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the Department.

3. If the State Plan for Medicaid requires a recipient of Medicaid to obtain prior authorization for a biomarker test described in subsection 1, the State Plan must require a response to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require the State Plan for Medicaid to include coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(d) Where a more cost-effective test is equally capable of meeting the medical needs of the recipient of Medicaid.

5. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

~~[(b)]~~ (b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~[(c)]~~ (c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~[(d)]~~ (d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~costs~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689C.1675, 695A.1856, 695B.1912, 695B.1913, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) ~~Respond~~ ***Unless a shorter time period is prescribed by a specific statute, including, without limitation, sections 17, 19, 20, 22, 23, 24 and 27 of this act, respond*** to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 17. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Any~~ ***Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:***

(a) *The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;*

(b) *The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;*

~~(c)~~ *A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or*

~~(c)~~ *(d) Nationally recognized clinical practice guidelines or consensus statements.*

2. An insurer shall:

(a) *Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.*

(b) *Establish a clear and readily accessible process for an insured or provider of health care to:*

(1) *Request an exception to a policy excluding coverage for biomarker testing; or*

(2) Appeal a denial of coverage for biomarker testing; and
(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

- (a) Within 24 hours after receiving an urgent request; or
- (b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

- (a) For screening purposes;
- (b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;
- (c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer;
- (d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or
- (e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

~~5.1~~ 6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

- (1) An interaction between a gene and a drug that is being used by or considered for use by the patient;
- (2) A mutation or characteristic of a gene; and
- (3) The expression of a protein.

~~(b) “Biomarker testing” has the meaning ascribed to it in section 12 of this act.~~
(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~(c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:~~
(c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

- (1) Made for the purpose of optimizing the outcomes of clinical care;
- (2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;
- (3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~For~~ (d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~costs~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “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.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 18. 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 ~~17~~, **and section 17 of this act.**

Sec. 19. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Any~~ **Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of group health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:**

(a) *The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;*

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~[(c)]~~ *(d) Nationally recognized clinical practice guidelines or consensus statements.*

2. An insurer shall:

(a) *Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.*

(b) *Establish a clear and readily accessible process for an insured or provider of health care to:*

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. *If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:*

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. *The provisions of this section do not require an insurer to provide coverage of biomarker testing:*

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

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 October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.*

~~5.1~~ 6. *As used in this section:*

(a) *“Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic*

process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) “Biomarker testing” ~~has the meaning ascribed to it in section 12 of this act,~~ means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~[(b)]~~ (c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~[(c)]~~ (d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~costs,~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “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.

(q) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1A~~ Subject to the limitations prescribed by subsection 4, a carrier that issues a health benefit plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~(c)~~ (d) Nationally recognized clinical practice guidelines or consensus statements.

2. A carrier shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the carrier.

3. If a carrier requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the carrier shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a carrier to provide coverage of biomarker testing;

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that is not in the applicable network plan of the carrier;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

~~5.1~~ 6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

~~(b) “Biomarker testing” has the meaning ascribed to it in section 12 of this act.~~ means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~(b)~~ (c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~(c)~~ (d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) *Informed by a systemic review of evidence and an assessment of the ~~costs~~ risks and benefits of alternative options for care; and*

(2) *Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.*

(f) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 21. 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 20 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. 22. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1A~~ Subject to the limitations prescribed by subsection 4, a society that issues a benefit contract shall include in the contract coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) *The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;*

(b) *The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;*

(c) *A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or*

~~(c)~~ (d) *Nationally recognized clinical practice guidelines or consensus statements.*

2. A society shall:

(a) *Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.*

(b) *Establish a clear and readily accessible process for an insured or provider of health care to:*

(1) *Request an exception to a policy excluding coverage for biomarker testing; or*

(2) *Appeal a denial of coverage for biomarker testing; and*

(c) *Make the process described in paragraph (b) available on an Internet website maintained by the society.*

3. *If a society requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the society shall respond to a request for such prior authorization:*

(a) *Within 24 hours after receiving an urgent request; or*

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a society to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the society;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the benefit contract or renewal which is in conflict with the provisions of this section is void.

~~{5.}~~ 6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A gene mutation or characteristic; and

(3) The expression of a protein.

~~{6.}~~ (b) “Biomarker testing” has the meaning ascribed to it in section 12 of this act. means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~{(b)}~~ (c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~{(c)}~~ (d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~costs~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “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.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 23. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1A~~ Subject to the limitations prescribed by subsection 4, a hospital or medical service corporation that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~(e)~~ (d) Nationally recognized clinical practice guidelines or consensus statements.

2. A hospital or medical service corporation shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the hospital or medical service corporation.

3. If a hospital or medical service corporation requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the hospital or medical service corporation shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a hospital or medical service corporation to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the hospital or medical service corporation;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

~~5.1~~ 6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

~~(b) “Biomarker testing” has the meaning ascribed to it in section 12 of this act.~~
(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~[(b)]~~ (c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

- (1) Made for the purpose of optimizing the outcomes of clinical care;
- (2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;
- (3) Based on scientific evidence; and
- (4) Made using a transparent methodology and reporting procedure.

~~[(c)]~~ (d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

- (1) Provided in accordance with generally accepted standards of medical practice;
- (2) Clinically appropriate with regard to type, frequency, extent, location and duration;
- (3) Not primarily provided for the convenience of the patient or provider of health care;
- (4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and
- (5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

- (1) Informed by a systemic review of evidence and an assessment of the ~~costs~~ risks and benefits of alternative options for care; and
- (2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “Network plan” means a policy of health insurance offered by a hospital or medical service 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 service corporation. The term does not include an arrangement for the financing of premiums.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 24. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[(A)]~~ Subject to the limitations prescribed by subsection 4, a health maintenance organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) *The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;*

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~[(c)]~~ *(d) Nationally recognized clinical practice guidelines or consensus statements.*

2. *A health maintenance organization shall:*

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an enrollee or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the health maintenance organization.

3. *If a health maintenance organization requires an enrollee to obtain prior authorization for a biomarker test described in subsection 1, the health maintenance organization shall respond to a request for such prior authorization:*

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. *The provisions of this section do not require a health maintenance organization to provide coverage of biomarker testing:*

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the health maintenance organization;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the enrollee.

5. *A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.*

~~5.1~~ 6. *As used in this section:*

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

~~(b)~~ “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~(b)~~ (c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~(c)~~ (d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~costs~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “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.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 25. 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 24 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. 26. 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 24 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. 27. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1A~~ Subject to the limitations prescribed by subsection 4, a managed care organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~(c)~~ (d) Nationally recognized clinical practice guidelines or consensus statements.

2. A managed care organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the managed care organization.

3. If a managed care organization requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the managed care organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. ~~Evidence of coverage.~~ The provisions of this section do not require a managed care organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the managed care organization;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

~~5.1~~ 6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

~~(b) “Biomarker testing” has the meaning ascribed to it in section 12 of this act.~~ (b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~(c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:~~ (c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~(d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:~~ (d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~costs~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “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.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

~~Sec. 28. [1.—There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$500,000 for the purpose of entering into a contract with a college or university or another qualified entity that conducts research in the field of public health for the purposes described in section 29 of this act.~~

~~—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.]~~

(Deleted by amendment.)

~~Sec. 29. [1.—The Department of Health and Human Services shall use a competitive bidding process conducted in accordance with the provisions of chapter 333 of NRS to enter into a contract with a college or university or another qualified entity that conducts research in the field of public health and is located in this State to study the awareness of and access to precision medicine and biomarker testing in this State. The study must include, without limitation:~~

~~—(a) The collection of information on the policies of third parties concerning coverage of precision medicine and biomarker testing, including, without limitation, evidentiary standards of clinical utility used by third parties. Information must be collected for, at a minimum, Medicaid, the Public Employees’ Benefits Program, the three largest plans regulated under chapter 689A of NRS and the three largest plans regulated under chapter 689C of NRS.~~

~~—(b) Statewide surveys to determine levels of understanding among providers of health care about the availability and usefulness of biomarker testing to diagnose diseases and direct therapies.~~

~~—(c) The compilation of published guidelines relating to precision medicine and biomarker testing that are commonly used by providers of health care and third parties in this State.~~

~~—(d) Recommendations to promote equity in access to precision medicine and biomarker testing for use in making clinical decisions.~~

~~—(e) Recommendations on policy changes to:~~

~~—(1) Improve awareness of and access to precision medicine and biomarker testing; and~~

~~—(2) Increase the use of data science in health care.~~

~~2. The entity with which the Department enters into a contract pursuant to subsection 1 shall:~~

~~—(a) On or before August 1, 2024, present the findings from the study conducted pursuant to subsection 1 and any recommendations for legislation resulting from that study at a meeting of the Joint Interim Standing Committee on Health and Human Services.~~

~~—(b) On or before December 31, 2024, submit a final report of the study conducted pursuant to subsection 1 and any recommendations resulting from that study to the Governor, the Director of the Department of Health and Human Services, the Commissioner of Insurance and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Regular Session of the Legislature.~~

~~3. The Department of Health and Human Services shall provide any support or assistance necessary for the entity with which the Department enters into a contract pursuant to subsection 1 to perform the duties described in subsections 1 and 2.~~

~~4. As used in this section:~~

~~—(a) “Biomarker testing” has the meaning ascribed to it in section 12 of this act.~~

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

~~—(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.~~

~~—(d) “Third party” has the meaning ascribed to it in section 10 of this act.]~~

(Deleted by amendment.)

Sec. 30. 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. 31. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, 12, 28 and 29 of this act become effective on July 1, 2023.

3. Sections 11, 13 to 27, inclusive, and 30 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.

~~14. Sections 2 to 10, inclusive, of this act expire by limitation on February 1, 2027.~~

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. 160.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 259.

AN ACT relating to criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; authorizing the Records, Communications and Compliance Division of the Department of Public Safety and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, necessary for the automatic sealing of criminal records; requiring the Administrative Office of the Courts to submit annual reports to the Legislature and adopt certain other rules; creating the Advisory Task Force on Automatic Record Sealing and establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Administrative Office of the Courts and the Legislature; expanding the circumstances in which there is a rebuttable presumption that criminal records should be sealed; revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; authorizing the Central Repository for Nevada Records of Criminal History and its employees to inquire into and inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain procedures pursuant to which a person is authorized to petition a court for the sealing of criminal records relating to: (1) convictions for certain offenses; (2) charges against a person that were dismissed or declined for prosecution or for which the person was acquitted; (3) a conviction which has been set aside; and (4) a conviction for an offense that has been decriminalized. Existing law: (1) establishes certain requirements concerning the amount of time that must elapse after a person was convicted or charged before the records relating to the conviction or charge are eligible to be sealed through the filing of such a petition; and (2) sets forth the circumstances under which a court is authorized or required to grant the petition. (NRS 179.245, 179.255, 179.271)

Section ~~14~~ 1.3 of this bill requires the Records, Communications and Compliance Division of the Department of Public Safety, not later than

January 1, 2026, to develop and implement a process to identify each: (1) conviction of a person and each charge against a person that becomes an eligible conviction and eligible charge; and (2) agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge. **Section ~~44~~ 1.3** defines “eligible conviction” and “eligible charge” to mean, in general, certain convictions or charges if the records relating to the conviction or charge are eligible to be sealed pursuant to the provisions of existing law governing the sealing of records. After the development and implementation of the process of identifying eligible convictions and eligible charges, **section ~~44~~ 1.3** requires the Division to, each month: (1) identify and compile a list of each conviction or charge that has become an eligible conviction or eligible charge in the immediately preceding month and each person or governmental entity identified as having possession of records relating to those eligible convictions and eligible charges; and (2) transmit the list to ~~each court having jurisdiction to order sealed~~ **the Administrative Office of the Courts to recommend the sealing of** the records relating to a listed eligible conviction or eligible charge.

Section 1.3 requires the Administrative Office of the Courts, not later than January 1, 2026, to develop and implement a process to review and approve such a list received from the Division and to transmit to every court having jurisdiction each conviction of a person or charge against a person that has become an eligible conviction or eligible charge. Section 1.3 also requires the Administrative Office of the Courts, upon receiving such a list from the Division, to confirm each eligible conviction and eligible charge and notify every court having jurisdiction over the sealing of each eligible conviction or eligible charge. Section ~~44~~ 1.3 requires a court that receives such a ~~list~~ notification from the Administrative Office of the Courts to ~~order sealed all~~ then provide notice to the appropriate prosecuting attorney or agency and authorizes the prosecuting attorney or agency to object to the sealing of the records relating to each listed eligible conviction or eligible charge. ~~for which the court has jurisdiction to order the sealing of records.~~ Section 1.3 further establishes the circumstances in which the court may order the records to be sealed. Section 5 of this bill requires the order to be sent to the persons and governmental entities named in the order, who are then required to seal records relating to the eligible conviction or eligible charge. Section 1.3 also: (1) authorizes the Division and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of section 1.3; and (2) requires the Administrative Office of the Courts to submit certain annual reports to the Legislature beginning on January 31, 2027.

Existing law provides, in general, that there is a rebuttable presumption that certain records of a person should be sealed if the person petitions the court for the sealing of such records and satisfies all statutory

requirements. (NRS 179.2445) Section 3.5 of this bill provides that there is also a rebuttable presumption that certain records of a person should be sealed if a court receives a list of confirmed eligible convictions or charges from the Administrative Office of the Courts pursuant to section 1.3 and the records relate to such confirmed eligible convictions or charges. Sections 3.7 and 3.9 of this bill make conforming changes to reflect the change in section 3.5.

Existing law provides that if a court seals certain records of a person, certain civil rights of the person are restored. Existing law requires the person to be given documentation demonstrating that fact. If the documentation is lost, damaged or destroyed, the person is authorized to request that a court issue an order to restore his or her civil rights. (NRS 179.285) **Section 6 of this bill makes a technical, nonsubstantive change to existing law by reorganizing the language in existing law. Section ~~6~~ 6.5 of this bill ~~also~~ provides for the restoration of civil rights if the records of a person are sealed pursuant to section ~~4~~ 1.3. However, under section ~~6~~ 6.5, the person is not required to be given documentation demonstrating that fact. Instead, section ~~6~~ 6.5 authorizes a person who was not given documentation of the restoration of his or her civil rights to request that a court issue an order in the same manner as a person whose documentation is lost, damaged or destroyed.**

Section 7 of this bill authorizes a person who is the subject of records that are sealed pursuant to section ~~4~~ 1.3 to petition a court to allow for the inspection of the records. Section 8 of this bill authorizes certain other governmental entities to inspect such records under certain circumstances. Section 7.5 of this bill authorizes the Central Repository for Nevada Records of Criminal History and its employees to inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm. (NRS 202.360)

If a person is arrested and the charges against the person are dismissed or declined for prosecution or the person is acquitted of the charges, existing law authorizes the person to petition a court for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. (NRS 179.255) **Section 4 of this bill authorizes a person against whom multiple charges were brought, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, to petition for the sealing of those portions of the records relating to the arrest of the person and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.**

Section 2 of this bill provides that it is the public policy of this State to enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Section 1.7 of this bill creates the Advisory Task Force on Automatic Record Sealing and establishes requirements concerning the membership

of the Task Force. Section 1.7 establishes the general duties of the Task Force, including reviewing the current petition-based process for the sealing of records and identifying the ways in which the process can be streamlined to simplify the process for petitioners. Section 1.7 also requires the Task Force to prepare and submit a report to the Administrative Office of the Courts and the Legislature: (1) on or before July 1, 2024, that sets forth the initial activities and findings of the Task Force; and (2) on or before July 1, 2025, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records of criminal history. Section 8.3 of this bill requires the Administrative Office of the Courts, before January 1, 2025, to adopt rules to streamline the process for filing a petition for the sealing of records, as recommended by the Task Force.

Sections ~~1.2 and 1.3~~ 2-3.3 of this bill make conforming changes to indicate the proper placement of ~~section 1.1~~ sections 1.3 and 1.7 in the Nevada Revised Statutes.

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

Section 1. Chapter 179 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. 1. Not later than January 1, 2026, the Division shall develop and implement a process to identify, based on data maintained in the records of the Division, each:

*(a) Conviction of a person that becomes an eligible conviction;
(b) Charge against a person that becomes an eligible charge; and
(c) Agency of criminal justice or public or private company, agency, officer and other custodian of records that may reasonably be identified as having possession of records relating to a conviction or charge that becomes an eligible conviction or eligible charge.*

2. After the development and implementation of the process described in subsection 1, the Division shall, each month:

*(a) Identify each:
(1) Conviction of a person or charge against a person that has become an eligible conviction or eligible charge in the immediately preceding month; and*

(2) Agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge identified pursuant to subparagraph (1);

(b) Compile a list of each eligible conviction, eligible charge and person or governmental entity identified pursuant to paragraph (a); and

(c) Transmit the list compiled pursuant to paragraph (b) to ~~each court having jurisdiction pursuant to NRS 179.245, 179.255 or 179.271~~ the

Administrative Office of the Courts to ~~order~~ recommend the sealing of records relating to an eligible conviction or eligible charge identified on the list.

3. ~~{A court that receives}~~ Not later than January 1, 2026, the Administrative Office of the Courts shall develop and implement a process to review and approve the list received from the Division pursuant to paragraph (c) of subsection 2 and transmit to every court having jurisdiction each:

(a) Conviction of a person that has become an eligible conviction; and

(b) Charge against a person that has become an eligible charge.

4. Upon receiving a list transmitted by the Division pursuant to paragraph (c) of subsection 2, the Administrative Office of the Courts shall ~~order sealed all~~ confirm each eligible conviction and eligible charge and, not later than 30 business days after receiving the list from the Division, notify every court having jurisdiction over the sealing of records relating to each confirmed eligible conviction ~~for~~ and eligible charge ~~over which the court has jurisdiction pursuant to NRS 179.245, 179.255 or 179.271~~ to order the sealing of such records. ~~{The}~~

5. A court that receives notification from the Administrative Office of the Courts pursuant to subsection 4 shall, ~~issue the order without a hearing and~~ not later than 15 calendar days after ~~{the receipt of the list}~~ receiving such notification, provide notice to the appropriate prosecuting attorney or agency. The prosecuting attorney or agency may object to the sealing of such records not later than 30 calendar days after receiving notice from the court.

6. If, not later than 30 calendar days after receiving notice from the court pursuant to subsection 5, a prosecuting attorney or agency:

(a) Stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records.

(b) Does not stipulate to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records without a hearing. Each person or governmental entity identified on the list as having possession of records relating to an eligible conviction or eligible charge to which the order applies must be named in the order.

~~{4.}~~ (c) Objects to the sealing of the records, the court may conduct a hearing on the matter. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and order the sealing of the records.

7. The Division and the Administrative Office of the Courts shall take such actions as are necessary to ensure public awareness of the provisions of this section. Such actions may include, without limitation, the posting of appropriate information on an Internet website maintained by the Division or the Administrative Office of the Courts or the conducting of a public awareness campaign.

~~5.7~~ 8. The Division and the Administrative Office of the Courts may adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of this section.

~~6.7~~ , including, without limitation, rules or regulations concerning:

(a) Contracting with any vendors to update any necessary technology; and

(b) Applying for any grants available to carry out the provisions of this section.

9. The provisions of this section do not prohibit a person from petitioning the court for the sealing of any eligible records in accordance with any other applicable provision of law.

10. If a person believes that his or her records have been sealed, the person may make a written request to the appropriate court to confirm that his or her records have been sealed and review such records.

11. On or before January 31, 2027, and each year thereafter, the Administrative Office of the Courts shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to Legislature that sets forth, to the extent possible, the number of records that were identified to be eligible for sealing and the number of records that were ordered to be sealed during the previous calendar year.

12. As used in this section:

(a) “Division” means the Records, Communications and Compliance Division of the Department of Public Safety.

(b) “Eligible charge” means any charge against a person if the records relating to the charge are eligible to be sealed pursuant to subsection 1 of NRS 179.255.

(c) “Eligible conviction” means any conviction of a person if the records relating to the conviction are eligible to be sealed pursuant to

~~—(1) Subsection 1 paragraph (c) or (g) of subsection 1 of NRS 179.245, subsection 2 of NRS 179.255 or NRS 179.271; and~~

~~—(2) Subsection 1 of NRS 179.245,~~ for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351, and the person has not been, in the time period prescribed in that subsection, the applicable provision, charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations.

Sec. 1.7. 1. The Advisory Task Force on Automatic Record Sealing is hereby created. The Task Force consists of:

(a) Fifteen members appointed by the Department of Public Safety in accordance with subsection 2, consisting of:

(1) One member who is a representative of the Administrative Office of the Courts;

(2) One member who is a representative of the Nevada Supreme Court;

(3) One member who is a representative of a district court;

- (4) One member who is a representative of a justice court;
 - (5) One member who is a representative of an outlying justice court;
 - (6) One member who is a representative of a municipal court;
 - (7) One member who is a representative of a district attorney's office;
 - (8) One member who is a representative of the Office of the Attorney General;
 - (9) One member who is a representative of the Office of the Clark County Public Defender or the Office of the Washoe County Public Defender or who is an attorney in private practice and experienced in defending criminal actions;
 - (10) One member who is a representative of a law enforcement agency;
 - (11) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety;
 - (12) One member who is a representative of the Department of Corrections; and
 - (13) Three members who are representatives from nonprofit organizations focused on issues relating to criminal justice;
 - (b) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and
 - (c) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.
2. The Department of Public Safety shall solicit applications for appointment to the Task Force pursuant to paragraph (a) of subsection 1. When appointing members to the Task Force pursuant to paragraph (a) of subsection 1, the Department shall ensure that all regions of this State are represented.
3. At the first meeting of the Task Force, the members shall elect a Chair and Vice Chair by a majority vote.
4. The Department of Public Safety shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.
5. The members of the Task Force serve without compensation or per diem allowance. If sufficient money is available, a member of the Task Force may, upon written request, receive reimbursement for travel expenses provided for state officers and employees generally while engaged in the business of the Task Force.
6. The Task Force shall:
- (a) Review the current petition-based process for the sealing of records and identify the ways in which the process can be streamlined to simplify the process for petitioners;
 - (b) Conduct research on methods to implement the provisions of section 1.3 of this act, including, without limitation, necessary technology and system upgrades within the criminal justice system of this State;

(c) Identify and assess any technology and system gaps, necessary infrastructure and policy constraints to support the implementation of the automatic sealing of records; and

(d) Recommend approaches to improve the ability of this State to expand future provisions concerning the automatic sealing of records, including, without limitation, the feasibility of retroactively sealing eligible charges and convictions.

7. The Task Force may:

(a) Enter into a contract with a consultant or vendor to perform the research necessary for the Task Force to carry out its duties; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to assist the Task Force in carrying out its duties.

8. The Task Force shall:

(a) On or before July 1, 2024, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the initial activities and findings of the Task Force, including, without limitation, the ways in which the petition-based process for the sealing of records can be streamlined; and

(b) On or before July 1, 2025, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records.

Sec. 2. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to ~~favor~~:

1. **Favor** the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive ~~1~~, and section ~~1.7~~ of this act ~~1.7~~; and

2. **Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.**

Sec. 2.3. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~section~~ sections 1.3 and 1.7 of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.7. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~{sections}~~ section 1.3 ~~{and 1.7}~~ of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, ***and section ~~44~~ 1.7 of this act***, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.1. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~{section}~~ ***sections 1.3 and 1.7*** of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~{sections}~~ ***section 1.3*** ~~{and 1.7}~~ of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.5. NRS 179.2445 is hereby amended to read as follows:

179.2445 1. Except as otherwise provided in subsection 2, upon the ~~{filing}~~ :

(a) Filing of a petition for the sealing of records pursuant to NRS 179.245, 179.247, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

(b) Receipt by a court of the list of confirmed eligible convictions or eligible charges from the Administrative Office of the Courts pursuant to section 1.3 of this act, there is a rebuttable presumption that the records relating to the confirmed eligible convictions or eligible charges should be sealed.

2. The presumption set forth in ***paragraph (a) of*** subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.850 and applies to the court for the sealing of records relating to the conviction.

Sec. 3.7. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who

prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in paragraph (a) of subsection 1 of NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in paragraph (a) of subsection 1 of NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

- (a) A crime against a child;
- (b) A sexual offense;
- (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
- (d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (e) A violation of NRS 484C.430;
- (f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
- (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS

484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. As used in this section:

(a) “Crime against a child” has the meaning ascribed to it in NRS 179D.0357.

(b) “Sexual offense” means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 3.9. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the 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.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of:

(a) A violation of NRS 201.353 or 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) A crime under the laws of this State, other than a crime of violence; or

(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow the prosecuting attorney who prosecuted the petitioner for the crime and any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in **paragraph (a) of subsection 1 of** NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case. If the prosecuting agency does not stipulate to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case or does not file a written objection within 30 days after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in **paragraph (a) of subsection 1 of** NRS 179.2445, the court shall vacate the judgment, apply the presumption and seal all documents, papers and exhibits related to the case.

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

(a) Vacate the judgment and dismiss the accusatory pleading; and

(b) Order sealed all documents, papers and exhibits in the petitioner'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.

8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

9. If the court enters an order pursuant to subsection 8, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 7, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

Sec. 4. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

- (1) Any time after the applicable statute of limitations has run;
- (2) Any time 8 years after the arrest; or
- (3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➔ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. ***If a person has been arrested for alleged criminal conduct and multiple charges were brought against the person, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, a petition filed pursuant to this subsection may request the sealing of those portions of the records relating to the arrest and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.***

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting agency that prosecuted or declined to prosecute the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in **paragraph (a) of subsection 1 of** NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in **paragraph (a) of subsection 1 of** NRS 179.2445, the court shall apply the presumption and seal the records.

7. If the court finds:

(a) That there has been an acquittal and there is no evidence that further action will be brought against the person, the court shall order sealed all records of the arrest and of the proceedings leading to the acquittal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada; or

(b) That prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of

criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 5. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~or section 1.3 of this act,~~ a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and
2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 6. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 : ~~for section 1 of this act;~~

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

- (1) The right to vote;
- (2) The right to hold office; and
- (3) The right to serve on a jury.

2. Upon the sealing of the person's records, ~~except if the person's records were sealed pursuant to section 1 of this act,~~ a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. ~~[A] If a person [who]~~ has had his or her records sealed in this State or any other state and ~~[whose]~~ **was not given** official documentation of the restoration of civil rights **or if that documentation** is lost, damaged or destroyed, **the person** may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 6.5. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365, ~~179.285~~ **or section 1.3 of this act:**

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

- (1) The right to vote;
- (2) The right to hold office; and
- (3) The right to serve on a jury.

2. Upon the sealing of the person's records, **except if the person's records were sealed pursuant to section 1.3 of this act,** a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. If a person has had his or her records sealed in this State or any other state and was not given official documentation of the restoration of civil rights or if that documentation is lost, damaged or destroyed, the person may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the

civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 7. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 **or section ~~44~~ 1.3 of this act** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 **or section ~~44~~ 1.3 of this act** in determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.

Sec. 7.5. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to ~~sexual~~ :

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, **or section ~~1.3~~ of this act**, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, **or section ~~##~~ 1.3 of this act**, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 **or section ~~##~~ 1.3 of this act** if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 **or section ~~##~~ 1.3 of this act** that constitute information relating to:

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 **or section ~~##~~ 1.3 of this act** and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 **or section ~~##~~ 1.3 of this act** if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8.3. 1. Before January 1, 2025, the Administrative Office of the Courts shall adopt rules to streamline the process for filing a petition for the sealing of records of criminal history, as recommended by the

Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, rules regarding:

(a) A standard order for the sealing of records of criminal history to be used by all courts having jurisdiction over the sealing of records of criminal history;

(b) The authority for a petitioner to file a request for the sealing of records of criminal history with one court; and

(c) Any other changes that will expedite or simplify the process for petitioners to seal records of criminal history.

2. As used in this section, “record of criminal history” has the meaning ascribed to it in NRS 179A.070.

Sec. 8.7. 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.

Sec. 9. 1. This section ~~becomes~~ and sections 1, 2, 3, 4, 6, 7.5, 8.3 and 8.7 become effective upon passage and approval.

2. ~~Sections 1 to 8, inclusive,~~ Section 1.3 of this act ~~become~~ becomes effective:

(a) Upon passage and approval for the purpose of :

(1) The Division developing and implementing the process required pursuant to subsection 1 of that section;

(2) The Administrative Office of the Courts developing and implementing the process required pursuant to subsection 3 of that section; and

(3) The Division and the Administrative Office of the Courts adopting any **rules or** regulations, **as applicable**, and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, ~~2024,~~ **2026**, for all other purposes.

3. Section 1.7 of this act becomes effective upon passage and approval and expires by limitation on June 30, 2026.

4. Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become effective on January 1, 2026.

5. Sections 2.3 and 3.1 of this act become effective on January 1, 2026, and expire by limitation on June 30, 2026.

6. Sections 2.7 and 3.3 of this act become effective on July 1, 2026.

7. As used in this section, “Division” means the Records, Communications and Compliance Division of the Department of Public Safety.

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. 168.

Bill read second time.

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

Amendment No. 269.

SUMMARY—Revises provisions ~~governing the Maternal Mortality Review Committee in the Department of Health and Human Services,~~ **relating to fetal and infant mortality.** (BDR 40-64)

AN ACT relating to ~~maternal health; revising the duties of the Maternal Mortality Review Committee in the Department of Health and Human Services;~~ **health care; establishing the Fetal and Infant Mortality Review Program; requiring the Program to review and make recommendations concerning the deaths of fetuses and infants; requiring the Program to coordinate with certain persons and entities involved in the review of the deaths of children to avoid duplication of efforts;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Maternal Mortality Review Committee within the Department of Health and Human Services and requires the Committee to perform certain duties relating to studying and recommending measures to reduce maternal mortality. (NRS 442.751-442.774) ~~{This}~~ **Section 8 of this bill requires the Committee, within the limits of available resources, to: (1) identify and review disparities in the incidence of preventable infant deaths; (2) develop recommendations to reduce the infant deaths; and (3) include certain information concerning preventable infant deaths in certain reports required by existing law. (NRS 442.767); similarly establishes the Fetal and Infant Mortality Review Program within the Department. Sections 5-7 of this bill define certain terms. Section 8 requires the Program, at the direction of the Advisory Committee of the Office of Minority Health and Equity of the Department, to: (1) review incidents of fetal and infant death in this State; (2) identify factors associated with and develop recommendations concerning fetal and infant death in this State; and (3) disseminate findings and recommendations concerning fetal and infant death to providers of health care, medical facilities, other interested persons and the public. Section 9 of this bill entitles the Program to certain records it deems necessary to perform its duties and authorizes the Department, on behalf of the Program, to petition the district court for a subpoena to compel the production of such records. Sections 9 and 12 of this bill also provide that information acquired by and records of the Program are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. Section 10 of this bill authorizes the Department to convene a multidisciplinary team to: (1) review the findings of the Program; and (2) make recommendations to prevent fetal and infant death. Sections 9, 10 and 13 of this bill provide**

that certain meetings held by the Program or a multidisciplinary team are closed to the public.

Existing law authorizes the director or other authorized representative of an agency that provides child welfare services to organize one or more multidisciplinary teams to review the death of a child for the purpose of developing a report and recommendations on the prevention of such deaths. (NRS 432B.405-432B.4075) Existing law establishes the Executive Committee to Review the Death of Children and requires each multidisciplinary team to transmit its report and recommendations to the Executive Committee. (NRS 432B.408, 432B.409) Sections 8, 14 and 16 of this bill require the Program, the director or other authorized representative of an agency which provides child welfare services, a multidisciplinary team organized to review the death of an infant and the Executive Committee to coordinate to ensure that certain reports are made concerning the death of an infant and avoid duplication of efforts. Sections 8 and 15 of this bill authorize the sharing of information between the Program and a multidisciplinary team to review the death of an infant.

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

~~Section 1. [NRS 442.767 is hereby amended to read as follows:~~

~~442.767 1. The Committee shall:~~

~~(a) Identify and review each incident of maternal mortality in this State, regardless of the cause of death. Such a review must include, without limitation and to the extent that such records exist, a review of relevant medical records, birth and death certificates, records of an autopsy, records created by a medical facility or provider of emergency medical services, records of a social services agency, mental health records and records of a law enforcement agency described in NRS 442.774.~~

~~(b) Use the Maternal Mortality Review Information Application developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or, if that application ceases to exist, a similar application designated by the Director, to conduct reviews pursuant to paragraph (a).~~

~~(c) Within the limits of available resources:~~

~~(1) Review incidents and trends in severe maternal morbidity in this State.~~

~~(2) Identify and review disparities in the incidence of maternal mortality and preventable infant deaths in this State by analyzing:~~

~~(I) The race, ethnicity and age of mothers who experience maternal mortality [;], infants who experience preventable death and mothers of infants who experience preventable death;~~

~~(II) The geographic region of the residence of mothers who experience maternal mortality [;] and mothers of infants who experience preventable death; and~~

~~— (III) Any other variables identified by the Committee.~~

~~— (d) Based on the reviews conducted pursuant to paragraphs (a) and (c), develop recommendations to prevent maternal mortality, [and] severe maternal morbidity **and the death of infants** and disseminate findings and recommendations to providers of health care, medical facilities, other interested persons and entities and the public.~~

~~— (e) On or before April 1 of each year, compile and publish on an Internet website operated by the Department a report that consists of data concerning maternal mortality, [and] severe maternal morbidity **and preventable infant deaths** in this State during the immediately preceding year. Such data must be aggregated and presented in a manner that does not allow for the identification of any person.~~

~~— (f) On or before December 31 of each even numbered year and in collaboration with the Advisory Committee of the Office of Minority Health and Equity of the Department and the Chief Medical Officer, develop and submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report that includes, without limitation:~~

~~— (1) A description of the incidents of maternal mortality and severe maternal morbidity reviewed pursuant to paragraph (a) and subparagraph (1) of paragraph (c), respectively, during the immediately preceding 24 months, provided in a manner that does not allow for the identification of any person;~~

~~— (2) A summary of the disparities identified and reviewed pursuant to subparagraph (2) of paragraph (c);~~

~~— (3) Plans for corrective action to reduce maternal mortality, [and] severe maternal morbidity **and preventable infant deaths** in this State; and~~

~~— (4) Recommendations for any legislation or other changes to policy to reduce maternal mortality, [and] severe maternal morbidity **and preventable infant deaths** or otherwise improve the delivery of health care in this State.~~

~~— 2. The Advisory Committee of the Office of Minority Health and Equity may not access any information deemed as confidential pursuant to NRS 442.774 while collaborating with the Committee in the development of the report pursuant to paragraph (f) of subsection 1.~~

~~— 3. As used in this section, “medical facility” has the meaning ascribed to it in NRS 449.0151. **(Deleted by amendment.)**~~

~~Sec. 2. [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. 3. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 10, inclusive, of this act.

Sec. 4. As used in sections 4 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5, 6 and 7 of this act have the meanings ascribed to them in those sections.

Sec. 5. “Advisory Committee” means the Advisory Committee of the Office of Minority Health and Equity of the Department.

Sec. 6. “Infant” means a child who is less than 1 year of age.

Sec. 7. “Program” means the Fetal and Infant Mortality Review Program established by section 8 of this act.

Sec. 8. 1. The Fetal and Infant Mortality Review Program is hereby established within the Department.

2. Within the limits of available resources and at the direction of the Advisory Committee, the Program shall:

(a) Review incidents and trends in the deaths of fetuses and infants in this State.

(b) Identify and review disparities in the incidence of fetal and infant death in this State by analyzing:

(1) The race, ethnicity and age of fetuses and infants who experience preventable death;

(2) The geographic regions where the parents of fetuses and infants who experience preventable death reside; and

(3) The causes of fetal and infant deaths in this State, including, without limitation, Sudden Unexpected Infant Death.

3. The Program shall, based on the reviews conducted pursuant to subsection 2:

(a) Identify factors that are associated with fetal and infant deaths in this State, including, without limitation, any factors specific to the particular geographic area in which the death of a fetus or infant occurs;

(b) Develop recommendations to prevent the deaths of fetuses and infants in this State; and

(c) Disseminate findings and recommendations to the Advisory Committee, providers of health care, medical facilities, local health authorities and other interested persons and entities and the public.

4. The Program shall coordinate with the director or other authorized representative of each agency which provides child welfare services, each multidisciplinary team appointed pursuant to paragraph (d) of subsection 2 of NRS 432B.409 to review the death of a child who is less than 1 year of age and the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 as necessary to:

(a) Avoid duplication of efforts;

(b) Clarify the scope of reviews conducted by the Program and a multidisciplinary team when the Program and the multidisciplinary team are each reviewing the same death; and

(c) Ensure the data and findings of the Program and a multidisciplinary team concerning the death of a child who is less than 1 year of age:

(1) Are reported to the national database of the National Center for Fatality Review and Prevention, or its successor organization;

(2) Are included in the statewide annual report on child deaths compiled by the Executive Committee to Review the Death of Children pursuant to NRS 432B.409; and

(3) Are not duplicated in the reports described in subparagraphs (1) and (2) or any other reports that contain such data and findings.

5. The Department shall adopt such regulations as are necessary to carry out the provisions of sections 4 to 10, inclusive, of this act, including, without limitation, regulations prescribing the procedures which must be used by the Program when conducting a review of the death of a fetus or infant.

6. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(c) "Sudden Unexpected Infant Death" means the sudden and unexpected death of an infant below 1 year of age in which the cause of the death was not obvious before investigation. Sudden unexpected infant death includes, without limitation, death by Sudden Infant Death Syndrome and accidental suffocation during sleep.

Sec. 9. 1. The Program is entitled to access to:

(a) All final investigative information of law enforcement agencies regarding the death of a fetus or infant being investigated by the Advisory Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to the death;

(c) Any medical or mental health records of the fetus or infant or the parent or guardian of the fetus or infant;

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the family of the fetus or infant;

(e) The system for the reporting of information on cancer and other neoplasms established pursuant to NRS 457.230;

(f) The system for the reporting of information on sickle cell disease and its variants established pursuant to NRS 439.4929;

(g) The system for the reporting of information on lupus and its variants established pursuant to NRS 439.4976; and

(h) Any other records determined by the Department to be necessary for the Program to perform its duties, except for the investigative information of a law enforcement agency not described in paragraph (a).

2. The staff of the Program may, if appropriate, meet and share information with a multidisciplinary team appointed pursuant to paragraph (d) of subsection 2 of NRS 432B.409 to review the death of an infant.

3. The Department may, on behalf of the Program, petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the Program. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the

Program pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

4. The Program may use data collected concerning a fetal death or death of an infant for the purpose of research or to prevent future deaths if the data is aggregated and does not allow for the identification of any person.

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

6. The Advisory Committee is entitled to access:

(a) Aggregated, deidentified data concerning the deaths of fetuses and infants in the possession of the Department; and

(b) The findings and recommendations of the Program.

7. Any meetings that are convened by the Program, including, without limitation, a meeting to coordinate pursuant to section 8 of this act with the director or other authorized representative of an agency which provides child welfare services, a multidisciplinary team appointed pursuant to paragraph (d) of subsection 2 of NRS 432B.409 or the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409, are closed to the public.

Sec. 10. 1. The Department may convene a multidisciplinary team to review the findings of the Program and make recommendations to prevent the deaths of fetuses and infants in this State.

2. The Department shall determine the membership of a multidisciplinary team convened pursuant to subsection 1 based on the findings that will be reviewed by the multidisciplinary team. Such members may include, without limitation:

(a) Representatives of local health authorities;

(b) Medical professionals and providers of services relating to health care, including, without limitation, providers of health care or other services, midwives, dietitians, providers of family planning services, persons who provide education in health care, community health workers and doulas;

(c) Representatives of medical facilities, including, without limitation, administrators of hospitals, clinics and freestanding birthing centers and providers of care for home births;

(d) Representatives of managed care organizations, including, without limitation, health maintenance organizations that have entered into a contract with the Department pursuant to NRS 422.273 to provide services to recipients of Medicaid;

(e) Representatives of the maternal and child health program administered by the Department pursuant to NRS 442.130 and the Special Supplemental Nutrition Program for Women, Infants and Children established by 7 C.F.R. Part 246;

(f) Representatives of centers for rehabilitation or treatment of alcohol or other substance use disorders;

(g) Representatives of communities in this State that have been economically disadvantaged or belong to a racial or ethnic minority group, including, without limitation:

- (1) Advocates for the rights of such communities;
 - (2) Members of faith-based organizations within such communities;
 - (3) Members of the Nevada Indian Commission;
 - (4) Members of groups established to improve or advocate for the health of such communities; and
 - (5) Members of local coalitions that advocate for such communities;
- and

(h) Any other persons or organizations that the Department deems necessary based on the available data.

3. The meetings of a multidisciplinary team held to review data and develop recommendations are closed to the public.

4. As used in this section:

(a) “Community health worker” has the meaning ascribed to it in NRS 449.0027.

(b) “Health maintenance organization” has the meaning ascribed to it in NRS 695C.030.

(c) “Hospital” has the meaning ascribed to it in NRS 449.012.

(d) “Managed care organization” has the meaning ascribed to it in NRS 695G.050.

(e) “Medical facility” has the meaning ascribed to it in NRS 449.0151.

Sec. 11. NRS 232.484 is hereby amended to read as follows:

232.484 The Advisory Committee shall:

1. Advise the Manager on all matters concerning the manner in which the purposes of the Office are being carried out;

2. Review the manner in which the Office uses any gifts, grants, donations or appropriations to carry out the purposes of the Office and make recommendations; ~~and~~

3. Review any reports to be submitted by the Manager, including, without limitation, the report required pursuant to NRS 232.479, and make recommendations ~~to~~; **and**

4. Direct and coordinate with the Fetal and Infant Mortality Review Program established by section 8 of this act.

Sec. 12. 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 9 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. 13. 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 sections 9 and 10 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. 14. NRS 432B.405 is hereby amended to read as follows:

432B.405 1. The director or other authorized representative of an agency which provides child welfare services:

(a) May provisionally appoint and organize one or more multidisciplinary teams to review the death of a child;

(b) Shall submit names to the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 for review and approval of persons whom the director or other authorized representative recommends for appointment to a multidisciplinary team to review the death of a child; and

(c) Shall organize one or more multidisciplinary teams to review the death of a child under any of the following circumstances:

(1) Upon receiving a written request from an adult related to the child within the third degree of consanguinity, if the request is received by the agency within 1 year after the date of death of the child;

(2) If the child dies while in the custody of or involved with an agency which provides child welfare services, or if the child's family previously received services from such an agency;

(3) If the death is alleged to be from abuse or neglect of the child;

(4) If a sibling, household member or day care provider has been the subject of a child abuse and neglect investigation within the previous 12 months, including, without limitation, cases in which the report was unsubstantiated or the investigation is currently pending;

(5) If the child was adopted through an agency which provides child welfare services; or

(6) If the child died of Sudden Infant Death Syndrome.

2. A review conducted pursuant to subparagraph (2) of paragraph (c) of subsection 1 must occur within 3 months after the issuance of a certificate of death.

3. The director or other authorized representative of each agency which provides child welfare services and each multidisciplinary team to review the death of a child who is less than 1 year of age shall coordinate with the Fetal and Infant Mortality Review Program established pursuant to section 8 of this act and the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 as necessary to:

(a) Avoid duplication of efforts;

(b) Clarify the scope of reviews conducted by the multidisciplinary team and the Program when the multidisciplinary team and the Program are each reviewing the same death; and

(c) Ensure the data and findings of a multidisciplinary team and the Program concerning the death of a child who is less than 1 year of age;

(1) Are reported to the national database of the National Center for Fatality Review and Prevention, or its successor organization;

(2) Are included in the statewide annual report on child deaths compiled by the Executive Committee to Review the Death of Children pursuant to NRS 432B.409; and

(3) Are not duplicated in the reports described in subparagraphs (1) and (2) or any other reports that contain such data and findings.

Sec. 15. NRS 432B.407 is hereby amended to read as follows:

432B.407 1. A multidisciplinary team to review the death of a child is entitled to access to:

(a) All investigative information of law enforcement agencies regarding the death;

(b) Any autopsy and coroner's investigative records relating to the death;

(c) Any medical or mental health records of the child; and

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the child or the child's family.

2. Each organization represented on a multidisciplinary team to review the death of a child shall share with other members of the team information in its possession concerning the child who is the subject of the review, any siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

3. A multidisciplinary team to review the death of a child may, if appropriate, meet and share information with:

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

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

(c) Representatives of the Fetal and Infant Mortality Review Program established pursuant to section 8 of this act.

4. A multidisciplinary team to review the death of a child may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the team. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the team pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

5. A multidisciplinary team to review the death of a child may use data collected concerning the death of a child for the purpose of research or to prevent future deaths of children if the data is aggregated and does not allow for the identification of any person.

6. Except as otherwise provided in this section, information acquired by, and the records of, a multidisciplinary team to review the death of a child are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

Sec. 16. NRS 432B.409 is hereby amended to read as follows:

432B.409 1. The Administrator of the Division of Child and Family Services shall establish an Executive Committee to Review the Death of Children, consisting of:

(a) Representatives from multidisciplinary teams formed pursuant to paragraph (a) of subsection 1 of NRS 432B.405 and NRS 432B.406, vital statistics, law enforcement, public health and the Office of the Attorney General.

(b) Administrators of agencies which provide child welfare services, and agencies responsible for mental health and public safety, to the extent that such administrators are not already appointed pursuant to paragraph (a). Members of the Executive Committee who are appointed pursuant to this paragraph shall serve as nonvoting members.

2. The Executive Committee shall:

(a) Adopt statewide protocols for the review of the death of a child;

(b) Adopt regulations to carry out the provisions of NRS 432B.403 to 432B.4095, inclusive;

(c) Adopt bylaws to govern the management and operation of the Executive Committee;

(d) Appoint one or more multidisciplinary teams to review the death of a child from the names submitted to the Executive Committee pursuant to paragraph (b) of subsection 1 of NRS 432B.405;

(e) Oversee training and development of multidisciplinary teams to review the death of children;

(f) Compile and distribute a statewide annual report, including statistics and recommendations for regulatory and policy changes; ~~and~~

(g) Carry out the duties specified in NRS 432B.408 ~~[-]~~; and

(h) Coordinate with the director or other authorized representative of each agency which provides child welfare services, each multidisciplinary team appointed pursuant to paragraph (d) to review the death of a child who is less than 1 year of age and the Fetal and Infant Mortality Review Program established pursuant to section 8 of this act as necessary to:

(1) Avoid duplication of efforts;

(2) Clarify the scope of reviews conducted by a multidisciplinary team and the Program when the multidisciplinary team and the Program are each reviewing the same death; and

(3) Ensure the data and findings of a multidisciplinary team and the Program concerning the death of a child who is less than 1 year of age:

(I) Are reported to the national database of the National Center for Fatality Review and Prevention, or its successor organization;

(II) Are included in the statewide annual report on child deaths compiled by the Executive Committee to Review the Death of Children pursuant to NRS 432B.409; and

(III) Are not duplicated in the reports described in subparagraphs (I) and (II) or any other reports that contain such data and findings.

3. The Review of Death of Children Account is hereby created in the State General Fund. The Executive Committee may use money in the Account to carry out the provisions of NRS 432B.403 to 432B.4095, inclusive.

~~[Sec. 3.]~~ **Sec. 17.** This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 179.

Bill read second time.

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

Amendment No. 270.

SUMMARY—Establishes the Perinatal Quality ~~[Control]~~ Collaborative. (BDR 40-98)

AN ACT relating to health care; establishing the Perinatal Quality ~~[Control]~~ Collaborative; prescribing the membership, objectives and duties of the Collaborative; providing for the appointment of the Executive Director **and Clinical Director** of the Collaborative; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the: (1) Advisory Board on Maternal and Child Health to advise the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services, which performs certain duties relating to perinatal care and programs to improve the health of preschool children; and (2) Maternal Mortality Review Committee within the Department to identify and review each incident of maternal mortality in this State. (NRS 442.133, 442.137, 442.764, 442.767) **Section 3** of this bill creates the Perinatal Quality ~~[Control]~~ Collaborative, which consists of members who are representatives of various governmental agencies and other persons who are involved in maternal and neonatal health care. **Section 3** also establishes procedures governing the meetings and operations of the Collaborative. **Sections 3 and 8** of this bill provide that the meetings of the Collaborative are closed to the public, unless the Chair of the Collaborative opens a meeting to the public. **Section 4** of this bill prescribes the objectives and duties of the Collaborative and the actions the Collaborative is authorized to perform to achieve its objectives. The objectives of the Collaborative ~~[are to reduce:]~~ **include reducing:** (1) the number of premature births; (2) the rate of maternal morbidity and mortality; (3) **the rate of maternal substance use disorder;** **(4)** the number of infants born with neonatal abstinence syndrome and improve the identification of neonatal abstinence syndrome in infants; ~~[(4)]~~ **(5)** the

disparities in pregnancy-related morbidities or death for economically disadvantaged and racial and ethnic minority groups; and ~~the~~ **(6)** the costs of perinatal care. **Sections 4 and 6** of this bill entitle the Collaborative to access certain records and information necessary to perform its duties. **Sections 4 and 7** of this bill provide that any record or information the Collaborative receives is confidential, with certain exceptions. **Section 4 requires the Collaborative to biennially report its findings and recommendations to the Legislature.** **Section 5** of this bill requires the Director of the Department to appoint ~~him~~ **(1) an** Executive Director of the Collaborative to direct and supervise the administrative and technical activities of the Collaborative and perform other duties as may be assigned by the Director ~~him~~ **; and (2) a Clinical Director of the Collaborative to direct and supervise the clinical activities of the Collaborative and perform other duties as may be assigned by the Director.**

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto 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, “Collaborative” means the Perinatal Quality ~~Control~~ Collaborative created by section 3 of this act.*

Sec. 3. 1. *The Perinatal Quality ~~Control~~ Collaborative is hereby created within the Division.*

2. *The Collaborative consists of at least the following members:*

- (a) The Administrator of the Division or a designee of the Administrator;*
- (b) The Chair of the Maternal Mortality Review Committee established by NRS 442.764, or a designee of the Chair;*
- (c) The Chair of the Advisory Board or a designee of the Chair;*
- (d) The Chief Medical Officer or a designee of the Chief Medical Officer;*
- (e) ~~The Dean of the School of Medicine of the University of Nevada, Reno, or a designee of the Dean;~~ A physician who practices in this State and specializes in the area of perinatology, appointed by the Administrator;*
- (f) The Manager of the Office of Minority Health and Equity of the Department or a designee of the Manager;*
- (g) The President of the Nevada Public Health Association, or its successor organization, or a designee of the President;*
- (h) The Chair of the Nevada Section of the American College of Obstetricians and Gynecologists, or its successor organization, or a designee of the Chair;*
- (i) The President of the Nevada Chapter of the American Academy of Pediatrics, or its successor organization, or a designee of the President;*
- (j) The President of the Nevada Chapter of the American Academy of Family Physicians, or its successor organization, or a designee of the President;*

(k) *The Chair of the Nevada Section of the Association of Women's Health, Obstetric and Neonatal Nurses, or its successor organization, or a designee of the Chair;*

~~(l) A representative of each hospital, as defined in NRS 449.012, in this State;~~ *system of hospitals under common ownership that operates a hospital with a maternity unit in this State; and*

~~(m) A representative of each freestanding birthing center, as defined in NRS 449.0065, in this State; and~~

~~(n)~~ *A midwife, appointed by the Director, who is certified as:*

(1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(2) A Certified Nurse-Midwife or a Certified Midwife by the American Midwifery Certification Board, or its successor organization.

3. In addition to the members required by subsection 2, the Collaborative may include, at the discretion of the persons and entities listed in this subsection:

(a) The dean of any school of medicine in this State approved by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges, or its successor organization, or a designee of the dean;

(b) The dean of any school of osteopathic medicine in this State accredited by the Commission on Osteopathic College Accreditation of the American Osteopathic Association, or its successor organization, or a designee of the dean; and

(c) A representative of any freestanding birthing center, as defined in NRS 449.0065, in this State.

4. An appointed member of the Collaborative serves at the pleasure of the appointing authority.

~~4.1~~ *5. Members of the Collaborative serve without compensation but are entitled to the per diem allowance and travel expenses provided for state officers and employees generally.*

~~5.1~~ *6. At its first meeting and annually thereafter, the Collaborative shall elect a Chair and a Vice Chair from among its members.*

~~6.1~~ *7. The Collaborative shall meet at the call of the Chair or the Director as is necessary to achieve its objectives and carry out its duties.*

~~7.1~~ *8. A member of the Collaborative who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties as an officer or employee without loss of regular compensation so that the person may prepare for and attend meetings of the Collaborative and perform any work necessary to carry out duties of the Collaborative in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee of the Collaborative to make up the time the member is absent from work to carry out the duties of the Collaborative or use annual leave or compensatory time for the absence.*

~~{9.}~~ 9. A majority of the members of the Collaborative constitutes a quorum for the transaction of business and a majority of a quorum present at any meeting is sufficient for any official action taken by the Collaborative.

~~{9.}~~ 10. The meetings of the Collaborative are closed to the public, unless the Chair opens a meeting to the public.

~~{10.}~~ 11. The Collaborative may apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 5, inclusive, of this act.

Sec. 4. 1. The ~~{purpose}~~ purposes of the Collaborative ~~is to achieve the following objectives in this State;~~ include, without limitation:

(a) ~~{Decrease}~~ Decreasing the number of premature births ~~in this State;~~

(b) ~~{Lower}~~ Lowering the ~~{rate}~~ rates of maternal morbidity and mortality ~~in this State;~~

(c) ~~{Decrease}~~ Decreasing the rate of maternal substance use disorder and the number of infants born with neonatal abstinence syndrome ~~in this State;~~

(d) ~~{Improve}~~ Increasing the identification of neonatal abstinence syndrome in infants ~~in this State;~~

(e) ~~{Reduce}~~ Reducing pregnancy-related morbidities or death for economically disadvantaged and racial and ethnic minority groups ~~in this State; and~~

(f) ~~{Reduce}~~ Reducing the costs of perinatal care ~~in this State.~~

2. The Collaborative shall:

(a) Maintain and publish on its Internet website a list of quality improvement projects to achieve its objectives based on best practices and interventions;

(b) Identify performance metrics to set statewide quality benchmarks relating to the objectives of the Collaborative; ~~and~~

(c) Provide the most recent data and best practices and interventions on perinatal care to physicians, hospitals, freestanding birthing centers, other relevant persons and entities and the public, including, without limitation, by creating an Internet website and conducting seminars in person and over the Internet ~~in this State;~~

(d) Review and analyze the recommendations:

(1) Contained in the report prepared by the Maternal Mortality Review Committee pursuant to paragraph (f) of subsection 1 of NRS 442.767;

(2) Contained in the report prepared by the Executive Committee to Review the Death of Children pursuant to paragraph (f) of subsection 2 of NRS 432B.409; and

(3) Of any other program or committee established by any agency or political subdivision of this State to address fetal death or the death of infants;

(e) Develop recommendations to improve perinatal care in this State, prioritizing the recommendations described in paragraph (d); and

(f) On or before June 30 of each even-numbered year:

(1) Compile a report of its findings and recommendations;

(2) Submit the report compiled pursuant to subparagraph (1) to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services; and

(3) Present the report compiled pursuant to subparagraph (1) at a meeting of the Joint Interim Standing Committee on Health and Human Services.

3. The Collaborative may:

(a) Partner with any hospital, freestanding birthing center, school of medicine, nonprofit organization providing perinatal care or serving an economically disadvantaged or racial or ethnic minority group, expert in perinatal care or data collection and analysis or other interested person or entity to assist the Collaborative in achieving its objectives; and

(b) Take any other actions necessary to achieve the objectives of the Collaborative and carry out its duties.

4. The Collaborative is entitled to access to:

(a) The reports prepared by the Maternal Mortality Review Committee pursuant to paragraphs (e) and (f) of subsection 1 of NRS 442.767 and the data, information and documents used in creating such reports;

(b) The report prepared by the Executive Committee to Review the Death of Children pursuant to paragraph (f) of subsection 2 of NRS 432B.409;

(c) Any records of vital statistics maintained by this State or any political subdivision of this State concerning the birth or death of an infant or death of a person who gave birth, if the death occurs not later than 12 months after the birth of the infant;

~~[(c)]~~ (d) The statewide system for the collection and analysis of information concerning birth defects and other adverse birth outcomes established pursuant to NRS 442.320;

~~[(d) To the extent authorized by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, information]~~

(e) If the all-payer claims database is established pursuant to NRS 439B.835, information from [medical facilities and providers of health insurance] the all-payer claims database concerning the cost of perinatal care; and

~~[(e)]~~ (f) Any other information that the Collaborative requires to achieve its objectives and carry out its duties.

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

6. As used in this section:

(a) “Medical facility” has the meaning ascribed to it in NRS 439.805.

(b) “Provider of health insurance” means an insurer, producer of insurance, managing general agent, third-party administrator, organization composed of or using preferred providers of health care or health maintenance organization that insures or assists in insuring persons against bodily injury, disablement or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness.

(c) “Vital statistics” has the meaning ascribed to it in NRS 440.080.

Sec. 5. 1. The Director shall appoint ~~the~~ :

(a) The Executive Director of the Collaborative.

(b) The Clinical Director of the Collaborative. The Clinical Director must:

(1) Have received the degree of:

(I) Doctor of medicine from a medical school approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges, or its successor organization; or

(II) Doctor of osteopathic medicine from a school of osteopathic medicine accredited by the Commission on Osteopathic College Accreditation of the American Osteopathic Association, or its successor organization;

(2) Have completed a residency program in obstetrics and gynecology approved by the Accreditation Council for Graduate Medical Education, its successor organization or an equivalent organization;

(3) Be currently certified in obstetrics and gynecology by a specialty board of the American Board of Medical Specialties, its successor organization or an equivalent organization;

(4) Be licensed to practice medicine or osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Have at least 5 years of clinical practice experience in the specialty area of obstetrics and gynecology; and

(6) To the extent practicable:

(I) Have completed a fellowship program in maternal-fetal medicine approved by the Accreditation Council for Graduate Medical Education, its successor organization or an equivalent organization; and

(II) Be currently certified in maternal-fetal medicine, or be eligible for such certification by a specialty board of the American Board of Medical Specialties, its successor organization or an equivalent organization.

2. The Executive Director:

(a) Is in the unclassified service of the State and serves at the pleasure of the Director, except that the Executive Director may be removed by the Collaborative upon a finding that the performance of the Executive Director is unsatisfactory.

(b) Shall direct and supervise the administrative and technical activities of the Collaborative and perform other duties as directed by the Director and as advised by the Collaborative.

(c) Must not be a member of the Collaborative.

~~2~~ 3. The Clinical Director:

(a) Is in the unclassified service of the State and serves at the pleasure of the Director, except that the Clinical Director may be removed by the Collaborative upon a finding that the performance of the Clinical Director is unsatisfactory.

(b) Shall direct and supervise the clinical activities of the Collaborative and perform other duties as directed by the Director and as advised by the Collaborative.

(c) Must not be a member of the Collaborative.

4. The Division shall provide any additional personnel, facilities, equipment and supplies required by the Collaborative to carry out the provisions of sections 2 to 5, inclusive, of this act.

Sec. 6. NRS 442.774 is hereby amended to read as follows:

442.774 1. The Committee is entitled to access to:

(a) All final investigative information of law enforcement agencies regarding a maternal death or incident of severe maternal morbidity being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to the death or incident;

(c) Any medical or mental health records of the person who gave birth to a child;

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the person who gave birth to a child or the family of the person who gave birth to a child;

(e) The system for the reporting of information on cancer and other neoplasms established pursuant to NRS 457.230; and

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

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

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

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of severe maternal morbidity being investigated 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.

4. The Committee may use data collected concerning a maternal death or incident of severe maternal morbidity for the purpose of research or to prevent future maternal mortality and severe maternal morbidity if the data is aggregated and does not allow for the identification of any person.

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

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

Sec. 7. 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 4 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. 8. 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 3 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. 9. 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.

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. 182.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 367.

AN ACT relating to education; requiring a person to hold a baccalaureate degree before obtaining certain licenses ~~to teach~~ **for educational personnel** or enrolling in an alternative route to licensure; requiring a person who holds an endorsement in certain fields of specialization to teach only in such a field; adding a license to serve as a substitute teacher as a kind of teaching license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing

teachers and other educational personnel, including, without limitation, qualifications for licensure pursuant to an alternative route to licensure and for obtaining an endorsement in a field of specialization. (NRS 391.019) Existing law sets forth the kinds of licenses available to teachers and other educational personnel in this State. (NRS 391.031) **Section 5** of this bill adds a license to serve as a substitute teacher to the kinds of licenses available. **Section 4** of this bill requires the Commission to adopt regulations that require a person to obtain a baccalaureate degree before participating in a program for an alternative route to licensure. **Section 2** of this bill prohibits a person from obtaining a license to teach, except a license to serve as a substitute teacher or a special license under certain circumstances, without first obtaining a baccalaureate degree.

Existing law authorizes the board of trustees of a school district to employ a person who does not hold an endorsement to teach in the subject area for which the person is teaching if there is a shortage of teachers at a public school within the district. (NRS 391.125) **Section 3** of this bill requires a person who holds only an endorsement in a field of specialization relating to career and technical education to teach only in that field. **Section 6** of this bill makes a conforming change related to the employment of persons who hold endorsements in subject areas at a school in which there is a shortage of teachers.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Except as otherwise provided in subsection 2, a person must hold a baccalaureate degree to obtain a license described in NRS 391.031.

2. The Superintendent of Public Instruction may issue ~~for~~ :

(a) An endorsement or license to serve as a substitute teacher to a person who does not hold a baccalaureate degree if the person meets all other requirements prescribed by the Commission to obtain an endorsement or license to serve as substitute teacher.

(b) A special license described in subsection 6 of NRS 391.031 to a person who does not hold a baccalaureate degree if the person meets all other requirements prescribed by the Commission to obtain a special license.

Sec. 3. A person who holds an endorsement in a field of specialization relating to career and technical education but no endorsement in any other field of specialization may only teach in a public school in the field of specialization for which the person holds an endorsement.

Sec. 4. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Require a person to obtain a baccalaureate degree before participating in a program for an alternative route to licensure;

~~[(VI)]~~ ***(VII)*** Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph ~~[(VII)]~~ ***(VIII)*** regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

~~[(VII)]~~ ***(VIII)*** Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement,

to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 5. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach pupils in a program of early childhood education, which authorizes the holder to teach in any program of early childhood education in the State.

2. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

3. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

4. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

5. A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.

6. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

7. A license to serve as a substitute teacher.

Sec. 6. NRS 391.125 is hereby amended to read as follows:

391.125 1. ~~¶¶~~ ***Except as otherwise provided by section 3 of this act, if*** the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may, on or before September 1 of the school year in which such a determination is made, submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district. The Superintendent of

Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than 3 school years to teach in that subject area at a public school within the school district.

2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission and the State Board that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission and the State Board shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

Sec. 7. This act becomes effective on July 1, 2023.

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. 213.

Bill read second time.

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

Amendment No. 432.

CONTAINS UNFUNDED MANDATE (§ § 1.6, 12)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to land use planning; requiring the governing body of a city or county to publish certain information on its Internet website relating to certain applications relating to land use planning; **requiring the governing body of certain counties and cities to annually report certain information to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing;** revising provisions relating to the procedures for review of certain applications for land use planning; ~~revising provisions relating to rural neighborhood preservation plans;~~ revising provisions relating to the adoption of measures in certain counties relating to affordable housing; ~~providing, under certain circumstances, that a tentative map shall be deemed to be unconditionally approved by certain state agencies;~~ providing that certain deadlines relating to land use planning that apply to counties also apply to cities; requiring counties and cities to enact certain ordinances relating to projects for affordable housing on or before July 1, 2024; making certain legislative declarations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the governing body of certain cities or counties to include in its master plan a housing element, which includes certain information relating to housing. (NRS 278.150, 278.160) Section 1.6 of this bill requires the governing body of such a city or county to annually report this information to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing. The Housing Division is required to compile and post such reports on its Internet website. Section 12.5 of this bill requires the governing body of such a city or county to submit the first report required pursuant to section 1.6 on or before July 15, 2024.

Existing law: (1) provides that any application submitted to a governing body or its designee that concerns any matter relating to land use planning may not be accepted if the application is incomplete; and (2) sets forth a timeline and process for the governing body or its designee to review an application for completeness. (NRS 278.02327) **Section 3** of this bill provides that if the governing body or its designee fails to comply with the timeline and process, the application shall be deemed to be complete. **Section 3** also requires the governing body or designee to review and respond to a corrected application within 3 working days and prohibits a governing body or designee from using any preliminary application to circumvent the timeline or process in **section 3**.

Section 1.3 of this bill requires a governing body to publish on its Internet website a list of applications ~~[that concern any matter]~~ relating to land use planning in areas zoned for residential housing.

~~[Existing law sets forth the elements of a master plan, including a land use element, which must include, in any county whose population is 700,000 or more (currently only Clark County), a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods. (NRS 278.160) Section 4 of this bill provides instead that such a rural neighborhoods plan must show general plans that consider the character and density of rural neighborhoods.]~~

~~[Existing law authorizes a governing body to divide the city, county or region into zoning districts, which must be adopted in accordance with the master plan for land use and be designed, in relevant part, to ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods. (NRS 278.250) Section 6 of this bill provides instead that the zoning districts be designed to ensure the consideration of existing neighborhoods and communities, including the consideration of rural preservation neighborhoods.]~~

Existing law provides that if the governing body of a city or county is required to include the housing element in its master plan, the governing body is required to adopt certain measures for maintaining and developing affordable housing. (NRS 278.235) **Section 5** of this bill authorizes the governing body to also offer increased residential density for multi-family or multi-story residential development as one such measure. **Section 5** also

revises contents of the annual report that the governing body is required to submit to the Housing Division of the Department of Business and Industry relating to affordable housing.

Existing law requires a subdivider to file copies of a tentative map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission. The tentative map is then distributed to all state and local agencies and persons charged with reviewing the proposed subdivision. If there is no planning commission, the clerk of the governing body is required to submit the tentative map to the governing body at its next meeting. If there is a planning commission, the planning commission shall, after accepting as a complete application a tentative map: (1) in a county whose population is 700,000 or more (currently only Clark County), within 45 days, approve, conditionally approve or disapprove the tentative map; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County), approve, conditionally approve or disapprove the tentative map. (NRS 278.330) **Section 7** of this bill provides that a city within such a county is subject to the same deadlines to approve, conditionally approve or disapprove the tentative map.

~~[Existing law requires: (1) a copy of a tentative map to be forwarded by the planning commission or its designated representative for review to certain state agencies; and (2) each reviewing agency to file its written comments with the planning commission or governing body recommending approval, conditional approval or disapproval and stating the reasons therefor within 15 days after receipt of the tentative map. (NRS 278.335) Section 8 of this bill provides that if a reviewing agency fails to file such written comments within 15 days after receipt of the tentative map, it shall be deemed that the reviewing agency recommends unconditionally the approval of the tentative map.]~~

Existing law provides that the planning commission or governing body, as applicable, shall recommend approval, conditional approval or disapproval of a parcel map: (1) within 45 days after accepting the parcel map as a complete application in a county whose population is 700,000 or more (currently only Clark County); or (2) within 60 days after accepting the parcel map as a complete application in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 278.464) **Section 9** of this bill provides that a city within such a county is subject to the same deadlines to recommend approval, conditional approval or disapproval of a parcel map.

Existing law provides that, under certain circumstances, a governing body or planning commission may waive the requirement for a parcel map and that a request for such a waiver must be acted upon: (1) in a county whose population is 700,000 or more (currently only Clark County) within 45 days; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County) within 60 days. (NRS 278.464) **Section 9** provides that a city within such a county is subject to the same deadlines.

Existing law provides that a planning commission or governing body must take final action on a final map: (1) in a county whose population is 700,000 or more (currently only Clark County) within 45 days after accepting the final map as a complete application; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County) within 60 days after accepting the final map as a complete application. (NRS 278.4725) **Section 10** of this bill provides that a city within such a county is subject to the same deadlines.

~~[Existing law provides that any regulations of the State Fire Marshal concerning matters relating to building codes do not apply in a county whose population is 700,000 or more (currently only Clark County) which has adopted a code at least as stringent as International Fire Code, the International Building Code and the International Wildland Urban Interface Code, published by the International Code Council. (NRS 477.030) Section 11 of this bill provides instead that such regulations of the State Fire Marshal do not apply in a county whose population is 700,000 or more (currently only Clark County), and in any city within such a county whose population is 220,000 or more (currently the Cities of Henderson and Las Vegas) and in a county whose population is 100,000 or more and less than 700,000 (currently only Washoe County), which has adopted a code at least as stringent as the International Fire Code, the International Building Code and the International Wildland Urban Interface Code, published by the International Code Council.]~~

Section 12 of this bill requires, on or before July 1, 2024, the governing body of each county and city to enact: (1) an expedited process for the consideration and approval of projects for affordable housing in the county or city; and (2) incentives for the development of projects for affordable housing in the county or city.

Sections 13 and 14 of this bill make certain legislative declarations regarding this bill.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto ~~the new section to read as follows:~~ **the provisions set forth as sections 1.3 and 1.6 of this act.**

Sec. 1.3. 1. *A governing body shall publish on its Internet website a list of all applications ~~that concern any matter~~ relating to land use planning ~~in areas zoned~~ for residential housing pursuant to NRS 278.010 to 278.630, inclusive.*

2. *The list must be updated at least monthly and include, without limitation:*

- (a) The date an application was initially filed;*
- (b) The number of days an application has been pending;*
- (c) The number of times an application was issued a notice for incompleteness; ~~and~~*

(d) The number of applications rejected for being incomplete ~~for~~; and
(e) Any other information that is relevant to determine whether
applications relating to land use planning for residential housing are
processed efficiently and expeditiously.

3. As used in this section, “application” means any established
preliminary application, including, without limitation, the preliminary
application established pursuant to subsection 5 of NRS 278.02327. The
term does not include an application for a building permit.

Sec. 1.6. 1. If the governing body of each city or county is required to
include the housing element in its master plan pursuant to NRS 278.150, the
governing body shall, on or before July 15 of each year, report the following
information relating to the county or city, as applicable, to the Housing
Division of the Department of Business and Industry and the Advisory
Committee on Housing created by NRS 319.174:

(a) An inventory of housing conditions and needs, and plans and
procedures for improving housing standards and providing adequate
housing to individuals and families in the community, regardless of income
level.

(b) An inventory of existing affordable housing in the community,
including, without limitation, housing that is available to rent or own,
housing that is subsidized either directly or indirectly by this State, an agency
or political subdivision of this State, or the Federal Government or an
agency of the Federal Government, and housing that is accessible to persons
with disabilities.

(c) An analysis of projected growth and the demographic characteristics
of the community.

(d) A determination of the present and prospective need for affordable
housing in the community.

(e) An analysis of any impediments to the development of affordable
housing and the development of policies to mitigate those impediments.

(f) An analysis of the characteristics of the land that is suitable for
residential development. The analysis must include, without limitation:

(1) A determination of whether the existing infrastructure is sufficient
to sustain the current needs and projected growth of the community; and

(2) An inventory of available parcels that are suitable for residential
development and any zoning, environmental and other land use planning
restrictions that affect such parcels.

(g) An analysis of the needs and appropriate methods for the construction
of affordable housing or the conversion or rehabilitation of existing housing
to affordable housing.

(h) A plan for maintaining and developing affordable housing and
market rate housing to meet the housing needs of the community for a period
of at least 5 years.

2. On or before September 15 of each year, the Housing Division of the Department of Business and Industry shall compile the reports submitted pursuant to subsection 1 and post the compilation on its Internet website.

3. As used in this section, “market rate housing” means housing for a household which has a total monthly gross income that is more than the total monthly gross income that would allow the household to qualify for affordable housing.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ~~and **section 1**~~ **sections 1.3 and 1.6 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. 3. NRS 278.02327 is hereby amended to read as follows:

278.02327 1. Any application submitted to a governing body or its designee that concerns any matter relating to land use planning pursuant to NRS 278.010 to 278.630, inclusive, ~~and **section 1**~~ **sections 1.3 and 1.6 of this act**, or any ordinance, resolution or regulation adopted pursuant thereto, may not be accepted by the governing body or its designee if the application is incomplete.

2. The governing body or its designee shall, within 3 working days after receiving an application of the type described in subsection 1:

(a) Review the application for completeness;

(b) Accept the application if the governing body or its designee finds that the application is complete or return the application if the governing body or its designee finds that the application is incomplete; and

(c) If the governing body or its designee returns the application:

(1) Provide to the applicant a ***specific*** description of the additional information required; and

(2) ~~[If requested by the applicant, provide]~~ ***Provide*** to the applicant a copy of the relevant provision of the ordinance, resolution or regulation which specifically requires the additional information or an explanation of why the additional information is necessary.

3. If a governing body or its designee fails to comply with the provisions of subsection 2, the application shall be deemed to be complete.

4. Once an applicant submits a corrected application in response to a notice of incompleteness provided pursuant to subsection 2, the governing body or its designee shall review and respond to the corrected application within 3 working days.

5. A governing body or its designee may establish a preliminary application process to help an applicant submit a complete application but shall not use any ~~kind of~~ preliminary application process to circumvent the provisions of this section. Any preliminary application process established pursuant to this subsection must require a substantive meeting between an applicant and a governing body or its designee within 15 business days after the applicant’s request.

6. *As used in this section, “designee” means any division, department or agency of a governing body with jurisdiction over land use planning, improvement planning, permitting, inspection, zoning, roadways, utilities, public health, water, sewer, drainage, traffic control and public works.*

Sec. 4. ~~NRS 278.160 is hereby amended to read as follows:~~

~~278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:~~

~~— (a) A conservation element, which must include:~~

~~— (1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.~~

~~— (2) A solid waste disposal plan showing general plans for the disposal of solid waste.~~

~~— (b) A historic preservation element, which must include:~~

~~— (1) A historic neighborhood preservation plan which:~~

~~— (I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.~~

~~— (II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.~~

~~— (2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.~~

~~— (c) A housing element, which must include, without limitation:~~

~~— (1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.~~

~~— (2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of~~

~~the Federal Government, and housing that is accessible to persons with disabilities.~~

~~—(3) An analysis of projected growth and the demographic characteristics of the community.~~

~~—(4) A determination of the present and prospective need for affordable housing in the community.~~

~~—(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.~~

~~—(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:~~

~~—(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and~~

~~—(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land use planning restrictions that affect such parcels.~~

~~—(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.~~

~~—(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.~~

~~—(d) A land use element, which must include:~~

~~—(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.~~

~~—(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:~~

~~—(I) Must, if applicable, address mixed use development, transit-oriented development, master planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.~~

~~—(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.~~

~~—(3) In any county whose population is 700,000 or more, a rural neighborhoods [preservation] plan showing general plans [to preserve] **that consider** the character and density of rural neighborhoods.~~

~~—(e) A public facilities and services element, which must include:~~

~~—(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.~~

~~—(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.~~

~~—(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.~~

~~—(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.~~

~~—(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.~~

~~—(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.~~

~~—(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.~~

~~—(g) A safety element, which must include:~~

~~—(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.~~

~~—(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.~~

~~—(h) A transportation element, which must include:~~

~~—(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.~~

~~—(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.~~

~~(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights of way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.~~

~~(i) An urban agricultural element, which must include a plan to inventory any vacant lands or other real property owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening. The plan to inventory any vacant lands or other real property may include, without limitation, any other real property in the city or county, as deemed appropriate by the commission.~~

~~2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, and section 1 of this act, prohibits the preparation and adoption of any such element as a part of the master plan.~~ **(Deleted by amendment.)**

Sec. 5. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) Reducing or subsidizing in whole or in part impact fees, fees for the issuance of building permits collected pursuant to NRS 278.580 and fees imposed for the purpose for which an enterprise fund was created.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented or multi-story housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

~~[(m) Offering increased residential density for multi-family or multi-story residential development.]~~

2. A governing body may reduce or subsidize impact fees, fees for the issuance of building permits or fees imposed for the purpose for which an enterprise fund was created to assist in maintaining or developing a project for affordable housing, pursuant to paragraph (a) of subsection 1, only if:

(a) When the incomes of all the residents of the project for affordable housing are averaged, the housing would be affordable on average for a family with a total gross income that does not exceed 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.

(b) The governing body has adopted an ordinance that establishes the criteria that a project for affordable housing must satisfy to receive assistance in maintaining or developing the project for affordable housing. Such criteria must be designed to put into effect all relevant elements of the master plan adopted by the governing body pursuant to NRS 278.150.

(c) The project for affordable housing satisfies the criteria set forth in the ordinance adopted pursuant to paragraph (b).

(d) The governing body makes a determination that reducing or subsidizing such fees will not impair adversely the ability of the governing body to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from such fees was pledged.

(e) The governing body holds a public hearing concerning the effect of the reduction or subsidization of such fees on the economic viability of the general fund of the city or county, as applicable, and, if applicable, the economic viability of any affected enterprise fund.

3. On or before ~~[January]~~ July 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Housing Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an ~~the~~

~~—(a) An~~ analysis of the need for affordable housing within the city or county that exists at the end of the reporting period . ~~the~~

~~—(b) The number and status of parcels of land that have been identified within the city or county for affordable housing projects;~~

~~—(c) A summary of all residential dwelling units approved for development in the city or county in the preceding year; and~~

~~—(d) An estimate of the number of residential dwelling units expected to be necessary to accommodate the projected growth of the city or county in each of the next 5 years and a plan to provide appropriate zoning for such projected growth, including, without limitation, a list of parcels that may be appropriate for rezoning and a list of other parcels that may be developed into residential dwelling units.~~

~~→~~ The governing body shall cooperate with the Housing Division to ensure that the information contained in the report is appropriate for inclusion in, and can be effectively incorporated into, the statewide low-income housing database created pursuant to NRS 319.143.

4. On or before ~~[February]~~ August 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 3 and post the compilation on the Internet website of the Housing Division.

Sec. 6. ~~[NRS 278.250 is hereby amended to read as follows:~~

~~278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, and section 1 of this act, the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive [.] , and section 1 of this act. Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.~~

~~2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:~~

~~—(a) To preserve the quality of air and water resources;~~

~~—(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment;~~

~~—(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments;~~

~~—(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings;~~

~~—(e) To provide for recreational needs.~~

~~—(f) To protect life and property in areas subject to floods, landslides and other natural disasters.~~

~~—(g) To conform to the adopted population plan, if required by NRS 278.170.~~

~~—(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.~~

~~—(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.~~

~~—(j) To take into account the immediate and long range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.~~

~~—(k) To promote health and the general welfare.~~

~~—(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.~~

~~—(m) To ensure the [protection] **consideration** of existing neighborhoods and communities, including [the protection] **consideration** of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.~~

~~—(n) To promote systems which use solar or wind energy.~~

~~—(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.~~

~~—3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.~~

~~—4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.~~

~~—5. As used in this section:~~

~~—(a) “Density bonus” means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.~~

~~—(b) “Inclusionary zoning” means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.~~

~~(c) “Minimum density zoning” means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan. (Deleted by amendment.)~~

Sec. 7. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.

2. The subdivider shall file copies of the map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission, together with a filing fee in an amount determined by the governing body.

3. The commission, its designated representative, the clerk or other designated representative of the governing body or, when authorized by the governing body, the subdivider or any other appropriate agency shall distribute copies of the map and any accompanying data to all state and local agencies and persons charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting.

5. Except as otherwise provided by subsection 6, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, **or in any city within such county**, within 45 days; or

(b) In a county whose population is less than 700,000, **or in any city within such county**, within 60 days,

↪ after accepting as a complete application a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to take final action on a tentative map, the planning commission shall:

(a) In a county whose population is 700,000 or more, **or in any city within such county**, within 45 days; or

(b) In a county whose population is less than 700,000, **or in any city within such county**, within 60 days,

↪ after accepting as a complete application a tentative map, approve, conditionally approve or disapprove the tentative map in the manner provided for in NRS 278.349. The planning commission shall file its written decision with the governing body.

Sec. 8. ~~NRS 278.335 is hereby amended to read as follows:~~

~~278.335 1. A copy of the tentative map must be forwarded by the planning commission or its designated representative, or if there is no planning commission, the clerk or other designated representative of the governing body, for review to:~~

~~(a) The Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources.~~

~~(b) The district board of health acting for the Division of Environmental Protection pursuant to subsection 2.~~

~~—(c) If the subdivision is subject to the provisions of NRS 704.6672, the Public Utilities Commission of Nevada.~~

~~—(d) Except as otherwise provided in this paragraph, the Department of Wildlife. This paragraph does not apply if:~~

~~—(1) The governing body has adopted a habitat conservation plan for multiple species of wildlife that evaluates the potential impacts to wildlife and wildlife habitats from the development of land, including, without limitation, any determination of impact to wildlife and wildlife habitat required pursuant to federal law, and the habitat conservation plan has been approved by the United States Fish and Wildlife Service; or~~

~~—(2) The proposed subdivision is infill development which is proposed on a vacant or substantially vacant tract of land that is surrounded by land that is already developed.~~

~~2. In a county whose population is 100,000 or more, if the county and one or more incorporated cities in the county have established a district board of health, the authority of the Division of Environmental Protection to review and certify proposed subdivisions and to conduct construction or installation inspections must be exercised by the district board of health.~~

~~3. A district board of health which conducts reviews and inspections under this section shall consider all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities. At least four times annually, the district board of health shall notify the Division of Environmental Protection which subdivisions met these requirements of law and have been certified by the district board of health.~~

~~4. The State is not chargeable with any expense incurred by a district board of health acting pursuant to this section.~~

~~5. Each reviewing agency shall, within 15 days after the receipt of the tentative map, file its written comments with the planning commission or the governing body recommending approval, conditional approval or disapproval and stating the reasons therefor. ***If a reviewing agency fails to file its written comments recommending approval, conditional approval or disapproval and stating the reasons therefor within 15 days after receipt of the tentative map, it shall be deemed that the reviewing agency recommends approval unconditionally.*** (Deleted by amendment.)~~

Sec. 9. NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county***, within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county***, within 60 days,

➡ after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 700,000 or more, **or in any city within such county**, within 45 days; or

(b) In a county whose population is less than 700,000, **or in any city within such county**, within 60 days,

➡ after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning commission shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is 700,000 or more, **or in any city within such county**, within 45 days; or

(b) In a county whose population is less than 700,000, **or in any city within such county**, within 60 days,

➡ after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 3 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. The planning commission and the governing body or director of planning or other authorized person or agency shall not approve the parcel map unless the person proposing to divide the land has submitted an affidavit stating that the person 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 person proposing to divide the land or any successor in interest.

5. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is 700,000 or more, **or in any city within such county**, within 45 days; or

(b) In a county whose population is less than 700,000, **or in any city within such county**, within 60 days,

↪ after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.

6. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

7. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

8. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chair of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925 has been vacated or abandoned in accordance with NRS 278.480.

Sec. 10. NRS 278.4725 is hereby amended to read as follows:

278.4725 1. Except as otherwise provided in this section, if the governing body has authorized the planning commission to take final action on a final map, the planning commission shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, ***or in any city within such county***, within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county***, within 60 days,

↪ after accepting the final map as a complete application. The planning commission shall file its written decision with the governing body. Except as otherwise provided in subsection 5, or unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

2. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or its authorized representative shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, ***or in any city within such county***, within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county***, within 60 days,

➡ after the final map is accepted as a complete application. Except as otherwise provided in subsection 5 or unless the time is extended by mutual agreement, if the governing body or its authorized representative fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

3. An applicant or other person aggrieved by a decision of the authorized representative of the governing body or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

4. If the map is disapproved, the governing body or its authorized representative or the planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of the changes necessary to render the map acceptable.

5. If the final map divides the land into 16 lots or more, the governing body or its authorized representative or the planning commission shall not approve a map, and a map shall not be deemed approved, unless:

(a) Each lot contains an access road that is suitable for use by emergency vehicles; and

(b) The corners of each lot are set by a professional land surveyor.

6. If the final map divides the land into 15 lots or less, the governing body or its authorized representative or the planning commission may, if reasonably necessary, require the map to comply with the provisions of subsection 5.

7. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

8. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by each owner of land to be divided consenting to the preparation of the map, the dedication of the roads and the granting of the easements.

(b) A certificate signed by the clerk of the governing body or authorized representative of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 or 2 for action by the governing body or its authorized representative or the planning commission has expired and that the requirements of subsection 5 have been met. A certificate signed pursuant to this paragraph must also indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after

a merger and resubdivision of parcels conducted pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480.

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

9. A governing body may by local ordinance require a final map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his or her consent to the division of land.

10. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

11. The county recorder shall charge and collect for recording the map a fee set by the board of county commissioners of not more than \$50 for the first sheet of the map plus \$10 for each additional sheet.

12. A county recorder who records a final map pursuant to this section shall, within 7 working days after he or she records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents.

The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

Sec. 11. ~~NRS 477.030 is hereby amended to read as follows:~~
~~477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:~~
~~(a) The prevention of fire.~~
~~(b) The storage and use of:~~
~~(1) Combustibles, flammables and fireworks; and~~
~~(2) Explosives in any commercial construction, but not in mining or the control of avalanches,~~
~~under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.~~

~~(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied~~

~~for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, “public assembly” means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.~~

~~—(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.~~

~~—(e) The maintenance and testing of:~~

~~—(1) Fire dampers, smoke dampers and combination fire and smoke dampers; and~~

~~—(2) Smoke control systems.~~

~~→ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal’s authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.~~

~~— 2. The State Fire Marshal may:~~

~~—(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and~~

~~—(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.~~

~~— 3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the mitigation of the risk of a fire hazard from vegetation in this State pursuant to paragraph (g) of subsection 1 of NRS 472.040.~~

~~— 4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from foster homes.~~

~~— 5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.~~

~~— 6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:~~

~~—(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.~~

~~—(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.~~

~~—(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit for Insurance established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.~~

~~—(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.~~

~~—(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.~~

~~—7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.~~

~~—8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.~~

~~—9. The State Fire Marshal shall:~~

~~—(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;~~

~~—(b) Provide specialized training to local fire departments; and~~

~~—(c) Assist local governments in drafting regulations and ordinances,~~

~~—on request or as the State Fire Marshal deems necessary.~~

~~—10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.~~

~~—11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:~~

~~—(a) Commercial trucking;~~

~~—(b) Environmental crimes;~~

~~—(c) Explosives and pyrotechnics;~~

~~—(d) Drugs or other controlled substances; or~~

~~—(e) Any similar activity specified by the State Fire Marshal.~~

~~12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:~~

~~—(a) Do not apply in a county whose population is 700,000 or more, and in any city within such county whose population is 220,000 or more, and in a county whose population is 100,000 or more and less than 700,000, which has adopted a code at least as stringent as the International Fire Code, the International Building Code and the International Wildland-Urban Interface Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county or city must be at least as stringent as the most recently published edition of the International Fire Code, the International Building Code and the International Wildland-Urban Interface Code within 2 years after publication of such an edition.~~

~~—(b) Apply in a county or city described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county or city and in those local jurisdictions in the county or city in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, “public school” has the meaning ascribed to it in NRS 395.007.] (Deleted by amendment.)~~

Sec. 12. 1. On or before July 1, 2024, the governing body of each county and city shall enact by ordinance:

(a) An expedited process for the consideration and approval of projects for affordable housing in the county or city, as applicable. Such expedited process must ~~be at least 50 percent faster than~~ **prioritize, to the extent practicable, the processing of projects for affordable housing in the county or city, as applicable, over all other projects** and allow deviation from the current process for the consideration and approval of projects for affordable housing. **Any such deviation includes, without limitation, authorizing the administrative approval for any applications relating to affordable housing projects by a person authorized by the governing body.**

(b) Incentives for the development of projects for affordable housing in the county or city, as applicable, that encourage the use of the expedited process required pursuant to paragraph (a).

2. As used in this section, “affordable housing” has the meaning ascribed to it NRS 278.0105.

Sec. 12.5. **The governing body of each city or county that is required to submit a report pursuant to section 1.6 of this act shall submit the first report on or before July 15, 2024.**

Sec. 13. 1. The Legislature hereby finds and declares that the efficient and expeditious processing of land use applications and improvement plans by

a governing body is important to the economic health and housing supply of this State.

2. By considering and adopting the amendments to the provisions of NRS 278.02327 pursuant to section 3 of this act, the Legislature recognizes the importance of an efficient and expeditious process for the review of land use applications and improvement plans.

Sec. 14. 1. The Legislature hereby finds and declares that a consistent and robust supply of housing is an important factor in the overall affordability of housing.

2. By considering and adopting the amendments to the provisions of NRS 278.235 pursuant to section 5 of this act, the Legislature recognizes the need for more affordable housing in this State.

Sec. 15. 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. 16. 1. This section and sections 1, 1.6 and 2 to 15, inclusive, of this act ~~becomes~~ become effective on July 1, 2023.

2. Section 1.3 of this act becomes effective on January 1, 2024.

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. 225.

Bill read second time.

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

Amendment No. 253.

SUMMARY—Revises provisions concerning the confidentiality of ~~[certain]~~ personal information of ~~[members of the military.]~~ **certain persons.** (BDR 20-944)

AN ACT relating to governmental administration; authorizing ~~[members of the Armed Forces of the United States, a reserve component thereof or the National Guard, and the spouse, domestic partner or minor child thereof,]~~ **certain persons** to request ~~[that]~~ **a court order to make** certain personal information **in the possession of a county recorder, county assessor or elections official** be kept in a confidential manner; **making various other changes relating to the procedures for a person to request personal information in the possession of a county recorder, county assessor or elections official be maintained in a confidential manner; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain persons and the spouse, domestic partner or minor child thereof, to request a court order to require that a county recorder, county assessor, county clerk, city clerk or the Secretary of State maintain the personal information of the person contained in their records in a confidential

manner. (NRS 247.540, 250.140, 293.908) ~~Sections 4, 12 and 22 of this bill authorize any member of the Armed Forces of the United States, a reserve component thereof or the National Guard, and the spouse, domestic partner or minor child thereof, to make similar requests for such personal information.~~ make the lists of persons who are authorized to request such a court order consistent. Sections 7, 15 and 26 of this bill provide that any order of a court obtained pursuant to existing law authorizes, under certain circumstances, the county recorder, county assessor, county clerk, city clerk or the Secretary of State to keep personal information received subsequent to the date of the court order confidential.

Sections 4, 12 and 22 of this bill set forth a process for a person who is not otherwise authorized under existing law, or a representative of a governmental agency for whom such a person is an employee, to petition the district court to make the personal information of the person that is contained in the records of the county recorder, county assessor, county clerk, city clerk or the Secretary of State confidential. Any such petition must set forth sufficient justification for the request for confidentiality, including, without limitation: (1) evidence of the existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information confidential; or (2) evidence that a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information of the person confidential. Any such order of the court expires 5 years after the date of the order, but may be extended in 5-year increments.

Sections 6, 14 and 24 of this bill make conforming changes to provide that the definitions of “confidential information” include personal information deemed confidential pursuant to sections 4, 12 and 22.

Sections 9, 17 and 27 of this bill make conforming changes to provide that if a person who obtains a court order pursuant to section 4, 12 or 22 requests confidentiality of his or her personal information, the confidential information may only be disclosed in certain circumstances.

Section 19 of this bill makes a conforming change to provide the personal information that has been made confidential pursuant to sections 4, 12 and 22 is not a public record.

Sections 10, 11, 13, 18-20, 23 and 27-29 of this bill make conforming changes to indicate the proper placement of sections 4, 12 and 22 in the Nevada Revised Statutes.

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

Section 1. [NRS 247.540 is hereby amended to read as follows:
~~247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.~~

- ~~—(a) Any justice or judge in this State.~~
- ~~—(b) Any senior justice or senior judge in this State.~~
- ~~—(c) Any court appointed master in this State.~~
- ~~—(d) Any clerk of a court, court administrator or court executive officer in this State.~~
- ~~—(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.~~
- ~~—(f) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~
 - ~~—(1) Crimes that are punishable as category A felonies; or~~
 - ~~—(2) Domestic violence.~~
- ~~—(g) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~
 - ~~—(1) Crimes that are punishable as category A felonies; or~~
 - ~~—(2) Domestic violence.~~
- ~~—(h) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~
- ~~—(i) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~
 - ~~—(1) Interacts with the public; and~~
 - ~~—(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~
- ~~—(j) Any county manager in this State.~~
- ~~—(k) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~
 - ~~—(1) Who possesses specialized training in code enforcement;~~
 - ~~—(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~
 - ~~—(3) Whose primary duties are the performance of tasks related to code enforcement.~~
- ~~—(l) Any member of the Armed Forces of the United States, a reserve component thereof or the National Guard.~~
- ~~—(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to [(k),] (l), inclusive.~~
- ~~—[(m)] (n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to [(k),] (l), inclusive, who was killed in the performance of his or her duties.~~
- ~~—[(n)] (o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~
- ~~—2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS~~

~~247.520 that is contained in the records of a county recorder be kept confidential.~~

~~3. As used in this section:~~

~~(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.~~

~~(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.~~

~~(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~(d) “Social worker” means any person licensed under chapter 641B of NRS.~~ **(Deleted by amendment.)**

Sec. 2. [NRS 250.140 is hereby amended to read as follows:

~~250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:~~

~~(a) Any justice or judge in this State.~~

~~(b) Any senior justice or senior judge in this State.~~

~~(c) Any court-appointed master in this State.~~

~~(d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.~~

~~(f) Any peace officer or retired peace officer.~~

~~(g) Any prosecutor.~~

~~(h) Any state or county public defender.~~

~~(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~(j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~(k) Any county manager in this State.~~

~~(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.~~

~~(m) Any member of the Armed Forces of the United States, a reserve component thereof or the National Guard.~~

~~(n) The spouse, domestic partner or minor child of a person described in paragraphs (a) to [(l)], (m), inclusive.~~

~~—[(n)] (o) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to [(l)], (m), inclusive, who was killed in the performance of his or her duties.~~

~~—[(o)] (p) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~

~~—2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.~~

~~—3. As used in this section:~~

~~—(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.~~

~~—(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.~~

~~—(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~—(d) “Peace officer” means:~~

~~——(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and~~

~~——(2) Any person:~~

~~——(I) Who resides in this State;~~

~~——(II) Whose primary duties are to enforce the law; and~~

~~——(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.~~

~~—(e) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.~~

~~—(f) “Social worker” means any person licensed under chapter 641B of NRS.~~ **(Deleted by amendment.)**

Sec. 3. [NRS 293.908 is hereby amended to read as follows:]

~~—293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:~~

~~—(a) Any justice or judge in this State.~~

~~—(b) Any senior justice or senior judge in this State.~~

~~—(c) Any court-appointed master in this State.~~

~~—(d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~—(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

~~——(1) Crimes that are punishable as category A felonies; or~~

~~——(2) Domestic violence.~~

~~—(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~—(1) Crimes that are punishable as category A felonies; or~~

~~—(2) Domestic violence;~~

~~—(g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~—(h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~—(1) Interacts with the public; and~~

~~—(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~—(i) Any county manager in this State.~~

~~—(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~

~~—(1) Who possess specialized training in code enforcement;~~

~~—(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~—(3) Whose primary duties are the performance of tasks related to code enforcement.~~

~~—(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.~~

~~—(l) Any member of the Armed Forces of the United States, a reserve component thereof or the National Guard.~~

~~—(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to [(k),] (l), inclusive.~~

~~—[(m)] (n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to [(l),] (l), inclusive, who was killed in the performance of his or her duties.~~

~~—2. As used in this section:~~

~~—(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.~~

~~—(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.~~

~~—(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~—(d) “Social worker” means any person licensed under chapter 641B of NRS.] (Deleted by amendment.)~~

Sec. 4. Chapter 247 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who is not otherwise described in NRS 247.540 or a representative of a governmental agency, on behalf of a person who is an employee of the governmental agency and is not otherwise described in NRS

247.540, may petition a district court to have personal information of the person that is contained in the records of a county recorder be maintained in a confidential manner. Any such a petition must be based on a sworn affidavit which:

(a) Sets forth sufficient justification for the request for confidentiality, including, without limitation:

(1) Evidence of the existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information contained in the records of the county recorder confidential; or

(2) Evidence that a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information contained in the records of the county recorder confidential; and

(b) Sets forth the document numbers of all records of the county recorder that contain confidential information.

2. A petition filed pursuant to this section must be filed under seal and no filing fee may be charged.

3. The district court may order the personal information of the petitioner contained in the records of the county recorder to be confidential if, based on a preponderance of the evidence, the court finds:

(a) The existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information contained in the records of the county recorder confidential.

(b) That a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information contained in the records of the county recorder confidential.

4. Any order of a court requiring the personal information of a person contained in the records of the county recorder be maintained in a confidential manner pursuant to this section:

(a) Is sufficient for the person to request that any personal information set forth in a document that is filed with the county recorder subsequent to the court order be maintained in a confidential manner.

(b) Expires 5 years after the date of the order. The county recorder must notify the person at least 6 months before the expiration of the order. The person may submit a request to the district court to extend the order. Any such extension expires 5 years after the date of the extension.

5. Upon receipt of an order obtained pursuant to this section, the county recorder shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

6. As used in this section, “personal information” means:

(a) The home address of a person;

(b) The home address of the spouse, domestic partner or minor child of a person; and

(c) Any telephone number or electronic mail address of a person.

Sec. 5. NRS 247.500 is hereby amended to read as follows:

247.500 As used in NRS 247.500 to 247.600, inclusive, **and section 4 of this act**, unless the context otherwise requires, the words and terms defined in NRS 247.510 and 247.520 have the meanings ascribed to them in those sections.

Sec. 6. NRS 247.510 is hereby amended to read as follows:

247.510 “Confidential information” means personal information deemed confidential pursuant to NRS 247.530 ~~1-1~~ **or section 4 of this act.**

Sec. 7. NRS 247.530 is hereby amended to read as follows:

247.530 1. Except as otherwise provided in subsection 2, any person or entity listed in NRS 247.540 who wishes to have the personal information of the person or entity that is contained in the records of a county recorder be kept confidential must obtain an order of a court that requires the county recorder to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the person or, if an entity, a person authorized to sign on behalf of the entity, which affidavit:

(a) States that the affiant qualifies as a person listed in NRS 247.540 or that the entity on behalf of whom the person is signing qualifies as an entity listed in NRS 247.540;

(b) Sets forth sufficient justification for the request for confidentiality; and

(c) Sets forth the document numbers of all records of a county recorder that contain confidential information.

2. A person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, may request the county recorder to maintain the personal information of the person in a confidential manner without obtaining a court order pursuant to subsection 1 by submitting to the county recorder:

(a) A sworn affidavit which:

(1) States that the affiant has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; and

(2) Sets forth the document numbers of all records of a county recorder that contain confidential information; and

(b) Proof that the person has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, including, without limitation, a confirmation letter and a copy of the enrollment card if such documents are issued by the Division of Child and Family Services of the Department of Health and Human Services.

➡ Upon request of the county recorder, the Division shall verify whether a person who has submitted a request pursuant to this subsection has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

3. Upon receipt of an order obtained pursuant to subsection 1 or a request made pursuant to subsection 2, a county recorder shall keep such information confidential and shall not:

- (a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or
- (b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

4. Any order of a court obtained pursuant to subsection 1 may authorize the county recorder to keep personal information confidential in a record that is filed with the county recorder subsequent to the date of the court order if the person submits a request to the county recorder along with the document number.

Sec. 8. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.
- (e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) **Any peace officer or retired peace officer.**

~~(g) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

- ~~(1) Crimes that are punishable as category A felonies; or~~
- ~~(2) Domestic violence.~~

~~(g) prosecutor.~~

~~(h) Any state or county public defender, who as part of his or her normal job responsibilities defends persons for:~~

- ~~(1) Crimes that are punishable as category A felonies; or~~
- ~~(2) Domestic violence.~~

~~(h) (i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~(i) (j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

- ~~(1) Interacts with the public; and~~
- ~~(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~(j) (k) Any county manager in this State.~~

~~(d)~~ **(l)** Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

- (1) Who possesses specialized training in code enforcement;
- (2) Who, as part of his or her normal job responsibilities, interacts with the public; and
- (3) Whose primary duties are the performance of tasks related to code enforcement.

~~(d)~~ **(m)** The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~(c)~~ **(l)**, inclusive.

~~(m)~~ **(n)** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~(c)~~ **(l)**, inclusive, who was killed in the performance of his or her duties.

~~(n)~~ **(o)** Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) **“Peace officer” means:**

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.

(f) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 9. NRS 247.550 is hereby amended to read as follows:

247.550 If a person or entity listed in NRS 247.540 **or a person who obtains a court order pursuant to section 4 of this act** requests confidentiality, the confidential information of that person or entity may only be disclosed as provided in NRS 239.0115 or 247.560 or as otherwise specifically authorized by law.

Sec. 10. NRS 247.580 is hereby amended to read as follows:

247.580 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to NRS 247.500 to 247.570, inclusive, ~~§§~~, **and section 4 of this act;** or

(b) Knowingly obtain or disclose information pursuant to NRS 247.500 to 247.570, inclusive, **and section 4 of this act,** for any use not authorized pursuant to NRS 247.500 to 247.570, inclusive, ~~§§~~, **and section 4 of this act.**

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 11. NRS 247.590 is hereby amended to read as follows:

247.590 If a person discloses confidential information about a person or entity ~~[listed in NRS 247.540]~~ in violation of NRS 247.500 to 247.570, inclusive, **and section 4 of this act,** and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains or to a person to whom the entity is providing shelter, as applicable, the person who makes the disclosure is guilty of a misdemeanor.

Sec. 12. Chapter 250 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who is not otherwise described in NRS 250.140 or a representative of a governmental agency, on behalf of a person who is an employee of the governmental agency and is not otherwise described in NRS 250.140, may petition a district court to have personal information of the person that is contained in the records of a county assessor be maintained in a confidential manner. Any such a petition must be based on a sworn affidavit which:

(a) Sets forth sufficient justification for the request for confidentiality, including, without limitation:

(1) Evidence of the existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information contained in the records of the county assessor confidential; or

(2) Evidence that a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information contained in the records of the county assessor confidential; and

(b) Sets forth the document numbers of all records of the county assessor that contain confidential information.

2. A petition filed pursuant to this section must be filed under seal and no filing fee may be charged.

3. The district court may order the personal information of the petitioner contained in the records of the county assessor to be confidential if, based on a preponderance of the evidence, the court finds:

(a) The existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by

making the personal information contained in the records of the county assessor confidential.

(b) That a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information contained in the records of the county assessor confidential.

4. Any order of a court requiring the personal information of a person contained in the records of the county assessor be maintained in a confidential manner pursuant to this section:

(a) Is sufficient for the person to request that any personal information set forth in a document that is filed with the county assessor subsequent to the court order be maintained in a confidential manner.

(b) Expires 5 years after the date of the order. The county assessor must notify the person at least 6 months before the expiration of the order. The person may submit a request to the district court to extend the order. Any such extension expires 5 years after the date of the extension.

5. Upon receipt of an order obtained pursuant to this section, the county assessor shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

6. As used in this section, "personal information" means:

(a) The home address of a person;

(b) The home address of the spouse, domestic partner or minor child of a person; and

(c) Any telephone number or electronic mail address of a person.

Sec. 13. NRS 250.100 is hereby amended to read as follows:

250.100 As used in NRS 250.100 to 250.230, inclusive, and section 12 of this act, unless the context otherwise requires, the words and terms defined in NRS 250.110 and 250.120 have the meanings ascribed to them in those sections.

Sec. 14. NRS 250.110 is hereby amended to read as follows:

250.110 "Confidential information" means personal information deemed confidential pursuant to NRS 250.130 ~~or~~ or section 12 of this act.

Sec. 15. NRS 250.130 is hereby amended to read as follows:

250.130 1. Except as otherwise provided in subsection 2, any person or entity listed in NRS 250.140 who wishes to have the personal information of the person or entity that is contained in the records of a county assessor be kept confidential must obtain an order of a court that requires the county assessor to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the person or, if an entity, a person authorized to sign on behalf of the entity, which affidavit:

(a) States that the affiant qualifies as a person listed in NRS 250.140 or that the entity on behalf of whom the person is signing qualifies as an entity listed in NRS 250.140; and

(b) Sets forth sufficient justification for the request for confidentiality.

2. A person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, may request a county assessor to maintain the personal information of the person in a confidential manner without obtaining a court order pursuant to subsection 1 by submitting to the county assessor:

(a) A sworn affidavit which states that the affiant has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; and

(b) Proof that the person has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, including, without limitation, a confirmation letter and a copy of the enrollment card if such documents are issued by the Division of Child and Family Services of the Department of Health and Human Services.

➡ Upon request of the county assessor, the Division shall verify whether a person who has submitted a request pursuant to this subsection has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

3. Upon receipt of an order obtained pursuant to subsection 1 or a request made pursuant to subsection 2, a county assessor shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

4. Any order of a court obtained pursuant to subsection 1 may authorize the county assessor to keep personal information confidential in a record that is filed with the county assessor subsequent to the date of the court order if the person submits a request to the county assessor along with the document number.

Sec. 16. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities ~~interacts~~ :

(1) **Interacts** with the public ; and ~~performs~~

(2) **Performs** tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer ~~who~~ :

(1) **Who** possesses specialized training in code enforcement ~~is~~ ;

(2) **Who, as part of his or her normal job responsibilities,** interacts with the public ; and ~~whose~~

(3) **Whose** primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Peace officer” means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret

Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.

(f) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 17. NRS 250.150 is hereby amended to read as follows:

250.150 If a person or entity listed in NRS 250.140 **or person who obtains a court order pursuant to section 12 of this act** requests confidentiality, the confidential information of that person or entity may only be disclosed as provided in NRS 239.0115, 250.087, 250.160 or 250.180 or as otherwise specifically authorized by law.

Sec. 18. NRS 250.180 is hereby amended to read as follows:

250.180 A county assessor may establish a program whereby a person may request a complete list of the assessor’s roll, including, without limitation, any confidential information, by establishing an account with the office of the assessor to facilitate the person’s ability to request such information electronically or by written request if the person has submitted to the assessor proof that he or she is eligible to request such information pursuant to NRS 250.160 and a signed and notarized affidavit acknowledging:

1. That the person has read and fully understands the current laws and regulations regarding the manner in which confidential information from the assessor’s files and records may be obtained and the authorized use of such information.

2. That the person understands that any sale or disclosure of such information must be in accordance with the provisions of NRS 250.100 to 250.180, inclusive, **11, and section 12 of this act.**

3. That the person understands that the assessor will maintain a record of any confidential information he or she requests.

4. That the person understands the penalties for violating the provisions of NRS 250.100 to 250.180, inclusive, **11, and section 12 of this act.**

5. That the person understands that a violation of any of the provisions of NRS 250.100 to 250.180, inclusive, **and section 12 of this act,** may result in a revocation of his or her privilege to request documents pursuant to this section.

Sec. 19. NRS 250.210 is hereby amended to read as follows:

250.210 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to NRS 250.100 to 250.180, inclusive, **11, and section 12 of this act;** or

(b) Knowingly obtain or disclose information pursuant to NRS 250.100 to 250.180, inclusive, **and section 12 of this act,** for any use not authorized pursuant to NRS 250.087 or 250.100 to 250.180, inclusive, **11, and section 12 of this act.**

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 20. NRS 250.220 is hereby amended to read as follows:

250.220 If a person discloses confidential information about a person or entity ~~(listed in NRS 250.140)~~ in violation of NRS 250.100 to 250.180,

inclusive, **and section 12 of this act**, and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains or to a person to whom the entity is providing shelter, as applicable, the person who makes the disclosure is guilty of a misdemeanor.

Sec. 21. 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, **sections 4, 12 and 22 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. 22. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who is not otherwise described in NRS 293.908 or a representative of a governmental agency, on behalf of a person who is an employee of the governmental agency and is not otherwise described in NRS 293.908, may petition a district court to have personal information of the person that is contained in the records of the Secretary of State or a county or city clerk be maintained in a confidential manner. Any such a petition must be based on a sworn affidavit which sets forth sufficient justification for the request for confidentiality, including, without limitation:

(a) Evidence of the existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information contained in the records of the Secretary of State or a county or city clerk confidential; or

(b) Evidence that a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information contained in the records of the Secretary of State or a county or city clerk confidential; and

2. A petition filed pursuant to this section must be filed under seal and no filing fee may be charged.

3. The district court may order the personal information of the petitioner contained in the records of the Secretary of State or a county or city clerk to be confidential if, based on a preponderance of the evidence, the court finds:

(a) The existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information contained in the records of the Secretary of State or a county or city clerk confidential.

(b) That a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information contained in the records of the Secretary of State or a county or city clerk confidential.

4. Any order of a court requiring the personal information of a person contained in the records of the Secretary of State or a county or city clerk be maintained in a confidential manner pursuant to this section:

(a) Is sufficient for the person to request that any personal information set forth in the records of the Secretary of State or a county or city clerk subsequent to the court order be maintained in a confidential manner.

(b) Expires 5 years after the date of the order. The Secretary of State, county clerk and city clerk must notify the person at least 6 months before the expiration of the order. The person may submit a request to the district court to extend the order. Any such extension expires 5 years after the date of the extension.

5. Upon receipt of an order obtained pursuant to this section, the Secretary of State, county clerk and city clerk shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

6. As used in this section, “personal information” means:

(a) The home address of a person;

(b) The home address of the spouse, domestic partner or minor child of a person; and

(c) Any telephone number or electronic mail address of a person.

Sec. 23. NRS 293.900 is hereby amended to read as follows:

293.900 As used in NRS 293.900 to 293.920, inclusive, and section 22 of this act, unless the context otherwise requires, the words and terms defined in NRS 293.902 and 293.904 have the meanings ascribed to them in those sections.

Sec. 24. NRS 293.902 is hereby amended to read as follows:

293.902 “Confidential information” means personal information deemed confidential pursuant to NRS 293.906 ~~or section 22 of this act~~.

Sec. 25. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

~~(g) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

- ~~(1) Crimes that are punishable as category A felonies; or~~
- ~~(2) Domestic violence.~~

~~(f) prosecutor.~~

(h) Any state or county public defender, who as part of his or her normal job responsibilities defends persons for:

- ~~(1) Crimes that are punishable as category A felonies; or~~
- ~~(2) Domestic violence.~~

~~(g) (i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~(h) (i) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

- ~~(1) Interacts with the public; and~~
- ~~(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~(i) (k) Any county manager in this State.~~

~~(j) (l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~

- ~~(1) Who possess specialized training in code enforcement;~~
- ~~(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

(3) Whose primary duties are the performance of tasks related to code enforcement.

~~[(k)] Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.~~

~~—(l)]~~ **(m)** The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(e)]~~ **(l)**, inclusive.

~~[(m)]~~ **(n)** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(e)]~~ **(l)**, inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) **“Peace officer” means:**

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.

(f) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 26. NRS 293.906 is hereby amended to read as follows:

293.906 1. Any person listed in NRS 293.908 who wishes to have personal information about himself or herself that is contained in the records of the Secretary of State or a county or city clerk be kept confidential must obtain an order of a court that requires the Secretary of State or the county clerk or city clerk to maintain the personal information of the person in a confidential manner. Such an order must be based on a sworn affidavit by the person, which affidavit:

(a) States that the affiant qualifies as a person listed in NRS 293.908; and

(b) Sets forth sufficient justification for the request for confidentiality.

2. Upon receipt of such an order, the Secretary of State or a county or city clerk shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

3. Any order of a court obtained pursuant to subsection 1 may authorize the Secretary of State or county or city clerk to keep personal information confidential that is received subsequent to the date of the court order if the person submits a request to the Secretary of State or county or city clerk, as applicable.

Sec. 27. NRS 293.910 is hereby amended to read as follows:

293.910 If a person listed in NRS 293.908 **or a person who obtains a court order pursuant to section 22 of this act** requests confidentiality, the confidential information of that person may only be disclosed as provided in NRS 293.0115 or 293.912 or as otherwise specifically authorized by law.

Sec. 28. NRS 293.916 is hereby amended to read as follows:

293.916 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to NRS 293.900 to 293.914, inclusive, ~~§ 1, and section 22 of this act;~~ or

(b) Knowingly obtain or disclose information pursuant to NRS 293.900 to 293.914, inclusive, **and section 22 of this act,** for any use not authorized pursuant to NRS 293.900 to 293.914, inclusive, ~~§ 1, and section 22 of this act.~~

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 29. NRS 293.918 is hereby amended to read as follows:

293.918 If a person discloses confidential information about a person ~~listed in NRS 293.908~~ in violation of NRS 293.900 to 293.914, inclusive, **and section 22 of this act,** and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains, the person who makes the disclosure is guilty of a misdemeanor.

~~§ Sec. 4.~~ **Sec. 30.** 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. 226.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 379.

AN ACT relating to education; prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against students who have successfully completed a high school equivalency assessment selected by the State Board of Education, ~~§ 1 that was administered in this State;~~ prohibiting the Board of Regents from denying an exemption from tuition charges to a student ~~solely~~ on the basis of immigration status under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the Board of Regents of the University of Nevada from assessing tuition charges against certain students, including, without limitation, students who graduated from a high school located in this State. (NRS 396.540) Existing law requires the State Board of Education to select an assessment to enable a person to demonstrate that he or she has achieved an educational level which is an acceptable substitute for completing a high school education. (NRS 390.055) This bill prohibits the Board of Regents from assessing tuition charges against a student who successfully completed the high school equivalency assessment selected by the State Board ~~if~~ **if the assessment was administered in this State.**

~~This bill also prohibits the Board of Regents from denying an exemption from tuition charges to a student ~~solely~~ on the basis that the student ~~for the family of the student~~ is not lawfully present in the United States if the student ~~for family of the student~~ has ~~if (1)~~ been granted temporary protected status by the United States Citizenship and Immigration Services of the United States Department of Homeland Security ~~if or (2) received a grant of deferred action under the federal policy of Deferred Action for Childhood Arrivals.~~~~

Existing federal law provides that a person who is not lawfully present in the United States shall not be eligible on the basis of residence within a state for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit without regard to whether the citizen or national is such a resident. (8 U.S.C. § 1623) This bill prohibits the Board of Regents from denying an exemption from tuition charges which is not based on residency in this State to a student on the basis that the student is not lawfully present in the United States if the student has received a grant of deferred action from the United States Department of Homeland Security. This bill also prohibits the Board of Regents from denying an exemption from tuition charges which is based on residency to such a student on the basis that the student is not lawfully present in the United States if: (1) the provisions of the federal law which prohibit the granting of postsecondary education benefits on the basis of residency to persons who are not lawfully present in the United State unless such benefits are also granted to all citizens and nationals of the United States are repealed or otherwise cease to have effect; or (2) the Attorney General of this State issues a finding that such a student would be considered lawfully present in the United States for the purposes of the federal law.

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

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of ~~subsection~~ **subsections 5 ~~5~~ and 6,** NRS 10.155 and policies

established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification “bona fide” is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) “Matriculation” has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) “Tuition charge” means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged;

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart;

(l) All students who are:

(1) Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or

(2) Spouses or dependents using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;

(m) All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive; and

(n) Students who graduated from a high school located in this State ~~or~~ ***who successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 ~~if~~ if the assessment was administered in this State,*** regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

5. ***The Board of Regents shall not deny an exemption from tuition charges provided pursuant to subsection 2 to a student ~~solely~~ on the basis that the student ~~for the family of the student~~ is not lawfully present in the United States if the student ~~for the family of the student~~ has ~~been~~ ~~been~~ been granted temporary protected status by the United States Citizenship and Immigration Services of the United States Department of Homeland Security.*** ~~*for*~~

~~*(b) Received a grant of deferred action under the federal policy of Deferred Action for Childhood Arrivals.*~~

6. The Board of Regents shall not deny an exemption from tuition charges provided pursuant to:

(a) Paragraphs (a) and (b) of subsection 2 to a student on the basis that the student is not lawfully present in the United States if the student has received a grant of deferred action from the United States Department of Homeland Security and:

(1) The provisions of 8 U.S.C. § 1623 are repealed, held to be invalid or otherwise cease to have effect; or

(2) The Attorney General of this State issues a finding that such a student would be considered lawfully present in the United States for the purposes of 8 U.S.C. § 1623.

(b) Paragraphs (c) to (n), inclusive, of subsection 2 to a student on the basis that the student is not lawfully present in the United States if the student has received a grant of deferred action from the United States Department of Homeland Security.

Sec. 2. This act becomes effective on July 1, 2023.

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. 227.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 317.

AN ACT relating to domestic relations; creating summary procedures for the resolution of certain matters relating to ~~permanent support and maintenance, divorce,~~ annulment and child custody; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes parties to a divorce to use a summary procedure to dissolve the marriage when both parties desire the court to enter a decree of divorce and, among other conditions, have reached an agreement regarding or ~~[(1)] have waived [spousal support; (2) have no community or joint property or liabilities; and (3) have no minor children from the marriage.]~~ **their respective rights to: (1) a written notice of entry of the decree of divorce; (2) appeal; (3) request findings of fact and conclusions of law; and (4) move for a new trial.** (NRS 125.181) ~~[(The summary procedure requires the parties to file a joint petition for divorce and waive certain procedural rights, including, without limitation, the right to appeal after a)]~~ **Entry of the** final judgment ~~[(is entered except in certain limited circumstances.)]~~ **upon a joint petition for a summary proceeding for divorce constitutes a final adjudication of the rights and obligations of the parties with respect to the status of marriage and the property rights of the parties.** (NRS ~~[(125.182,]~~ 125.184) ~~[(Existing law also allows a person to seek permanent support and maintenance for himself or herself and any children in certain circumstances without applying for a divorce. (NRS 125.190) Sections 2, 4, 10 and 12 of this~~

~~bill create a summary procedure for permanent support and maintenance similar to the summary procedure for divorce when certain factors are present and both spouses agree to the summary procedure.] Sections 5-8 of this bill create a summary procedure for an annulment similar to the summary procedure for divorce when certain factors are present and both spouses agree to the summary procedure. Sections 16-19 of this bill create a summary procedure to determine child custody when the parents or legal guardians of a child have reached a detailed agreement on the custody, medical or other care, education, maintenance and support of the child and the court determines that using the summary procedure is in the best interest of the child.~~

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

Section 1. Chapter 125 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8 of this act.

~~Sec. 2. **1.** A summary proceeding for permanent support and maintenance pursuant to subsection 2 of NRS 125.100 may be commenced by filing in the district court a joint petition, signed under oath by both spouses, stating that as of the date of filing, every condition set forth in subsection 2 of NRS 125.100 has been met.~~

~~**2.** The petition must also state:~~

~~**(a)** The date and the place of the marriage.~~

~~**(b)** The mailing address of both spouses.~~

~~**(c)** Whether there are minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, and whether any spouse, to her knowledge, is pregnant.~~

~~**3.** If the parties have entered into an agreement pursuant to subsection 2 of NRS 125.100 of which the parties wish the court to approve or make a part of the judgment, the agreement must be identified and attached to the petition as an exhibit.] (Deleted by amendment.)~~

~~Sec. 3. **1.** At any time before the entry of a final judgment, either party to the marriage may revoke the joint petition filed pursuant to section 2 of this act and thereby terminate the summary proceeding for permanent support and maintenance.~~

~~**2.** The revocation may be effected by filing a notice of revocation with the clerk of the court in which the proceeding was commenced.~~

~~**3.** The revoking party shall send a copy of the notice of revocation to the other party by first class mail, postage prepaid, at his or her last known address.] (Deleted by amendment.)~~

~~Sec. 4. **1.** Entry of the final judgement upon a petition for a summary proceeding for permanent support and maintenance pursuant to section 2 of this act constitutes:~~

~~**(a)** A final adjudication of the rights and obligations of the parties with respect to:~~

~~—(1) The custody and support of the minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, if any;~~

~~—(2) The division of community property and the assumption of liabilities of the community, if any; and~~

~~—(3) The amount and manner of spousal support, if any.~~

~~—(b) A waiver of the respective rights of the parties to written notice of entry of the judgment to appeal, to request findings of fact and conclusions of law and to move for a new trial.~~

~~—2. A final judgment entered pursuant to this section does not prejudice or bar the rights of either of the parties to institute an action to set aside the final judgment for fraud, duress, accident, mistake or other grounds recognized at law or in equity.† (Deleted by amendment.)~~

Sec. 5. A marriage may be dissolved by the summary procedure for annulment set forth in sections 5 to 8, inclusive, of this act, when all of the following conditions exist at the time the proceeding is commenced:

1. Either party has met the jurisdictional requirements of NRS 125.360 or 125.370, as applicable.

2. ~~{There}~~ If there are ~~no~~ minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage ~~and no~~ or a spouse, to her knowledge, is pregnant ~~for the~~ :

(a) The parties have executed an agreement as to the medical and other care, support, education, maintenance and custody of any children and setting forth the amount and manner of their support.† ; or

(b) A court of this State has made a child custody determination consistent with NRS 125A.305 or 125A.325.

3. ~~{There is no community or joint property or the parties have executed an agreement setting forth the division of community property and the assumption of liabilities of the community, if any, and have executed any deeds, certificates of title, bills of sale or other evidence of transfer necessary to effectuate the agreement.† The parties have executed an agreement settling all potential contested matters in the action.~~

4. ~~{The parties waive any rights to spousal support or the parties have executed an agreement setting forth the amount and manner of spousal support.~~

~~—5.†~~ The parties waive their respective rights to written notice of entry of the decree of annulment, to appeal, to request findings of fact and conclusions of law and to move for a new trial.

~~†~~ 5. The parties desire that the court enter a decree of annulment.

Sec. 6. 1. A summary proceeding for an annulment may be commenced by filing in any district court a joint petition, signed under oath by both spouses, stating that as of the date of filing, every condition set forth in section 5 of this act has been met and specifying the:

(a) Facts which support the jurisdictional requirements of NRS 125.360 or 125.370, as applicable; and

(b) *Grounds for the annulment.*

2. *The petition must also state:*

(a) *The date and the place of the marriage.*

(b) *The mailing address of both spouses.*

(c) *Whether there are minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, and whether any spouse, to her knowledge, is pregnant.*

(d) *Whether either spouse elects to have his or her former name restored and, if so, the name to be restored.*

3. *An affidavit of corroboration of residency which complies with the provisions of subsections 1, 2 and 4 of NRS 125.123 must accompany the petition.*

Sec. 7. 1. *At any time before the entry of a final judgment, either party to the marriage may revoke the joint petition and thereby terminate the summary proceeding for an annulment.*

2. *The revocation may be effected by filing a notice of revocation with the clerk of the court in which the proceeding was commenced.*

3. *The revoking party shall send a copy of the notice of revocation to the other party by first-class mail, postage prepaid, at his or her last known address.*

Sec. 8. 1. *Entry of the final judgment upon a petition for a summary proceeding for an annulment constitutes a final adjudication of the rights and obligations of the parties with respect to the status of the marriage and the property rights of the parties and waives the respective rights of the parties to written notice of entry of the judgment or decree, to appeal, to request findings of fact and conclusions of law and to move for a new trial.*

2. *A final judgment entered pursuant to this section does not prejudice or bar the right of either of the parties to institute an action to set aside the final judgement for fraud, duress, accident, mistake or other grounds recognized at law or in equity.*

Sec. 9. NRS 125.090 is hereby amended to read as follows:

125.090 Except ~~in a summary proceeding for divorce,~~ **as otherwise provided in sections 2 to 8, inclusive, of this act and NRS 125.181 to 125.184, inclusive,** the proceedings, pleadings and practice must conform to the Nevada Rules of Civil Procedure as nearly as conveniently possible, but all preliminary and final orders may be in such form as best effects the object of this chapter, and produces substantial justice.

Sec. 10. ~~NRS 125.190 is hereby amended to read as follows:~~

~~125.190 1. When a person has any cause of action for divorce or when a person has been deserted and the desertion has continued for 90 days, the person may, without applying for a divorce, maintain in the district court an action against his or her spouse for permanent support and maintenance of himself or herself and their children.~~

~~2. If a person has a cause of action for permanent support and maintenance pursuant to subsection 1 and both the spouses agree, an action~~

~~by the summary procedure may be commenced in the manner set forth in sections 2, 3 and 4 of this act when all of the following conditions exist at the time the proceeding is commenced:~~

~~—(a) There are no minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage and no spouse, to her knowledge, is pregnant, or the parties have executed an agreement as to the custody of any such children setting forth the amount and manner of their support;~~

~~—(b) There is no community or joint property or the parties have executed an agreement setting forth the division of community property and the assumption of liabilities of the community, and have, before the proceeding is commenced, executed any deeds, certificates of title, bills of sale or other evidence of transfer necessary to effectuate the agreement;~~

~~—(c) The parties waive any right to spousal support or the parties have executed an agreement setting forth the amount and manner of spousal support;~~

~~—(d) The parties waive their respective rights to written notice of entry of the judgment for permanent support and maintenance, to appeal, to request findings of fact and conclusions of law and to move for a new trial; and~~

~~—(e) The parties desire that the court enter a judgment for permanent support and maintenance of one of the parties and their children, if any.]~~
(Deleted by amendment.)

Sec. 11. ~~[NRS 125.210 is hereby amended to read as follows:~~

~~—125.210—1. Except as otherwise provided in subsection 2, in any action brought pursuant to NRS 125.190, the court may [.] make a preliminary or final judgment on any claim that may be raised during an action for divorce, including, without limitation:~~

~~—(a) [Assign and decree to either spouse the possession of any real or personal property of the other spouse;] The custody and support of any minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage;~~

~~—(b) [Order or decree the payment of a fixed sum of money for the support of the other spouse and their children;] The division of community property and the assumption of liabilities of the community;~~

~~—(c) [Provide that] The amount and manner of spousal support;~~

~~—(d) That the payment of [that] money for spousal support be secured upon real estate or other security, or [make] any other suitable provision; [and~~

~~—(d) Determine the]~~

~~—(e) The time and manner in which the payments for spousal support must be made [.] ; and~~

~~—(f) Attorney's fees and costs;~~

~~—2. The court may not:~~

~~—(a) [Assign and decree to either spouse the possession of any real or personal property of the other spouse; or] Order the division of community property and the assumption of liabilities of the community; or~~

~~(b) Order [or decree] the [payment of a fixed sum of money for the support of the other spouse,] **amount and manner of spousal support,**~~

~~if it is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.~~

~~3. Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS, in determining whether to award money for [the support of a spouse] **spousal support** or the amount of any award of money for [the support of a spouse,] **spousal support,** the court shall not attach, levy or seize by or under any legal or equitable process, either before or after receipt by a veteran, any federal disability benefits awarded to a veteran for a service-connected disability pursuant to 38 U.S.C. §§ 1101 to 1151, inclusive.~~

~~4. Except as otherwise provided in chapter 130 of NRS, the court may change, modify or revoke its orders and decrees from time to time.~~

~~5. No order or decree is effective beyond the joint lives of the spouses.]~~

(Deleted by amendment.)

Sec. 12. ~~[NRS 125.230 is hereby amended to read as follows:~~

~~125.230 1. The court in such actions may make such preliminary and final orders as it may deem proper for the custody, control and support of any minor child or children of the parties [.] **pursuant to chapter 125C of NRS.**~~

~~2. A court that enters an order pursuant to subsection 1, **NRS 125.210 or section 4 of this act** for the support of any minor child or children shall ensure that the social security numbers of the parties are provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.] **(Deleted by amendment.)**~~

Sec. 13. NRS 125.250 is hereby amended to read as follows:

125.250 In all cases commenced under NRS 125.190 to 125.280, inclusive, **and sections 2 to 8, inclusive, of this act**, the proceedings and practice must be the same, as nearly as may be, as those provided in actions for divorce. Suit may be brought in the county in which either party resides at the time the suit is commenced, or in the county in which the spouse may be found.

Sec. 14. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 19, inclusive, of this act.

Sec. 15. *Except as otherwise provided in sections 16 to 19, inclusive, of this act, the proceedings, pleadings and practice must conform to the Nevada Rules of Civil Procedure as nearly as conveniently as possible, but all preliminary and final orders may be in such form as best effects the object of this chapter and produces substantial justice.*

Sec. 16. *An action to determine custody of a child may be brought by the summary procedure set forth in sections 16 to 19, inclusive, of this act, when all of the following conditions exist at the time the proceeding is commenced:*

1. A court has jurisdiction pursuant to **chapter 125A of NRS, [125A.305 to 125A.395, inclusive,]**

2. The parties have executed an agreement as to the custody of the child, which must specify, without limitation, the custody, medical or other care, education, maintenance and support of the child.

3. The use of the summary procedure set forth in sections 16 to 19, inclusive, of this act is in the best interest of the child.

4. The agreement of the parties defines the rights and duties of the parties with sufficient particularity to ensure that these rights and duties can be properly enforced and that the best interest of the child is achieved. As used in this subsection, “sufficient particularity” means a statement of the rights in absolute terms and not by the use of the term “reasonable” or any other similar term which is susceptible to different interpretations by the parties.

5. The agreement is in accordance with the provisions of chapter 125A of NRS and NRS 125C.0045 and any other provision of law governing the custody of a child.

6. The parties waive their respective rights to written notice of the order determining custody of the child, to appeal, to request findings of facts and conclusions of law and to move for a new trial.

7. The parties desire that the court enter an order that determines the custody of the child.

Sec. 17. 1. A summary proceeding to determine the custody of a child may be commenced by filing in any district court a joint petition, signed under oath by both parties, stating that as of the date of filing, every condition set forth in section 16 of this act has been met.

2. The petition must also provide the information required pursuant to NRS 125A.385.

3. The agreement pursuant to section 16 of this act of which the parties wish the court to approve or make a part of the order must be included in the petition or identified and attached to the petition as an exhibit.

Sec. 18. 1. At any time before the entry of an order to determine the custody of a child, either party to a joint petition filed pursuant to section 17 of this act may revoke the joint petition and thereby terminate the summary proceeding to determine the custody of the child.

2. The revocation may be effected by filing a notice of revocation with the clerk of the court in which the proceeding was commenced.

3. The revoking party shall send a copy of the notice of revocation to the other party by first-class mail, postage prepaid, at his or her last known address.

Sec. 19. 1. Entry of an order upon a petition for a summary proceeding for a determination of the custody of a child constitutes an adjudication of the rights and obligations of the parties regarding the custody, care, education, maintenance and support of the child and the respective rights of the parties to written notice of entry of the order, to appeal, to request findings of facts and conclusions of law and to move for a new trial.

2. An order entered pursuant to this section does not prejudice or bar the rights of either party to petition a court to modify or vacate the order pursuant to NRS 125C.0045 or any other provision of law.

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. 232.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 450.

AN ACT relating to taxation; revising the tax imposed upon the receipt, purchase and sale of premium cigars; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, there is imposed upon the receipt, purchase or sale of other tobacco products in this State a tax of 30 percent of the wholesale price of those products. (NRS 370.450) **Section 1** of this bill specifically limits the tax imposed upon the receipt, purchase and sale of other tobacco products that are premium cigars to not more than 50 cents or less than 30 cents for each premium cigar. **Section 1** defines "premium cigar" as a cigar that is rolled by hand, has a wrapper made of whole tobacco leaves and does not have a filter or mouthpiece.

Existing law requires the Department of Taxation to allow a credit of 30 percent of the wholesale price, less a discount of 0.25 percent for the services rendered in collecting the tax, for other tobacco products on which the tax has been paid and that may no longer be sold. (NRS 370.490) Section 1.5 of this bill makes a conforming change in response to the change in the rate of the tax for premium cigars to provide that the amount of this credit is the amount of the tax paid.

Section 2 of this bill provides that the amendatory provisions of this bill expire by limitation on June 30, 2027.

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

Section 1. NRS 370.450 is hereby amended to read as follows:

370.450 1. Except as otherwise provided in this section, there is hereby imposed upon the receipt, purchase or sale of other tobacco products in this State :

(a) If the other tobacco products are not premium cigars, a tax of 30 percent of the wholesale price of those products ~~is~~ ; **and**

(b) If the other tobacco products are premium cigars, a tax of ~~the lesser of~~ 30 percent of the wholesale price of those products ~~for~~ except that, if 30 percent of the wholesale price of those products is:

(1) Greater than 50 cents for each premium cigar ~~for~~, the tax imposed shall be 50 cents for each premium cigar.

(2) Less than 30 cents for each premium cigar, the tax imposed shall be 30 cents for each premium cigar.

2. The provisions of subsection 1 do not apply to those products which are:

(a) Displayed or exhibited at a trade show, convention or other exhibition in this State by a manufacturer or wholesale dealer of other tobacco products who is not licensed in this State; or

(b) Distributed free of charge at a trade show, convention or other exhibition or public event in this State, if the distributor has obtained a license to distribute other tobacco products free of charge for the trade show, convention or other exhibition or public event.

3. This tax:

(a) Is imposed:

(1) At the time the other tobacco products are first possessed or received by a wholesale dealer of other tobacco products who maintains a place of business in this State for sale or disposition in this State;

(2) At the time the other tobacco products are sold by a wholesale dealer of other tobacco products who does not maintain a place of business in this State to a retail dealer or ultimate consumer; or

(3) For other tobacco products manufactured, produced, fabricated, assembled, processed, labeled or finished in this State, at the time the other tobacco products are sold in this State to a wholesale dealer of other tobacco products, retail dealer or ultimate consumer.

(b) Must be paid by the wholesale dealer of other tobacco products to the Department, in accordance with the provisions of NRS 370.465. The wholesale dealer of other tobacco products is entitled to retain 0.25 percent of the taxes due to cover the costs of collecting and administering the taxes if the taxes are paid in accordance with the provisions of NRS 370.465.

4. Any wholesale dealer of other tobacco products who sells or distributes other tobacco products without paying the tax provided for by this section is guilty of a misdemeanor.

5. *As used in this section, "premium cigar" means a cigar that is rolled by hand, has a wrapper made of whole tobacco leaves and does not have a filter or mouthpiece.*

Sec. 1.5. NRS 370.490 is hereby amended to read as follows:

370.490 1. The Department shall allow a credit of ~~30 percent of the wholesale price, less a discount of 0.25 percent for the services rendered in collecting the tax,~~ **the amount of the tax paid pursuant to NRS 370.450, not including any amount of the tax retained by the wholesale dealer of other tobacco products to cover the costs of collecting and administering the tax,**

for other tobacco products ~~for which the tax has been paid pursuant to NRS 370.450 and~~ that may no longer be sold. If the other tobacco products have been purchased and delivered, a credit memo of the manufacturer is required for proof of returned merchandise.

2. A credit must also be granted for any other tobacco products shipped from this State and destined for retail sale and consumption outside the State on which the tax has previously been paid. A duplicate or copy of the invoice is required for proof of the sale outside the State.

3. A wholesale dealer of other tobacco products may claim a credit by filing with the Department the proof required by this section. The claim must be made on a form prescribed by the Department.

Sec. 2. This act becomes effective on July 1, 2023 ~~11~~, **and expires by limitation on June 30, 2027.**

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. 241.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 368.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYMEN MOSCA ; ANDERSON, BILBRAY-AXELROD, D'SILVA, KOENIG, LA RUE HATCH, TAYLOR, THOMAS AND TORRES**

JOINT SPONSORS: SENATORS DONATE, FLORES, NGUYEN AND PAZINA

AN ACT relating to education; requiring pupils enrolled in a public high school to be enrolled in the courses and credits required to obtain a college and career ready high school diploma; establishing exceptions to the requirement for a pupil to be enrolled in such courses and credits; **prescribing additional requirements for obtaining a college and career ready high school diploma and endorsement;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that prescribe the criteria for a pupil to receive a college and career ready high school diploma, which must include requirements that the pupil: (1) satisfy the criteria for receipt of a standard high school diploma; and (2) obtain a college-ready endorsement or a career-ready endorsement. Existing law requires the State Board to adopt regulations prescribing the criteria for a pupil to obtain each endorsement. (NRS 390.605) Existing law also requires a pupil enrolled in a public high school to enroll in a certain number of credits in certain subject areas. (NRS 389.018) **Section 1** of this bill requires a pupil enrolled in a public high school to enroll in the courses and credits required by the State Board to receive a college and career ready high school diploma. **Section 1** provides

that a pupil is not required to enroll in such courses and credits if: (1) the pupil, his parent or legal guardian and an administrator or counselor at the school mutually agree to a modified course of study for the pupil after the pupil's ninth grade year; or (2) the pupil is a pupil with a disability and is exempted from the requirement to do so in accordance with the pupil's individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. **Section 1.5 of this bill prescribes additional requirements necessary to receive a college and career ready diploma. Section 1.7 of this bill prescribes the requirements necessary to receive a college-ready or career-ready endorsement. Section 2 of this bill provides for the application of the amendatory provisions of this bill to certain pupils enrolled in a school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) beginning in the 2024-2025 school year. Section 2 applies similar provisions to certain pupils enrolled in a school district located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) beginning with the 2026-2027 school year.**

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 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.

↪ 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) 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.

5. Except as otherwise provided in this subsection, in addition to the courses of study and credits required by subsection 2, a pupil enrolled in a public high school must enroll in any additional courses of study and credits required by the State Board to receive a college and career ready high school diploma, including, without limitation, the courses of study and credits required to receive one of the endorsements described in subsection 3 of NRS 390.605. A pupil is not required to enroll in the courses of study and credits required by this subsection if:

(a) After the pupil's ninth grade year, the pupil ~~[the parent or legal guardian of the pupil and an administrator or]~~ consults with a counselor at the school in which the pupil is enrolled ~~[mutually agree]~~ and agrees 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; or

(b) *The pupil is a pupil with a disability and, in accordance with his or her individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, is exempted from the requirement to enroll in the courses of study and credits required by this subsection.*

6. *As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 1.3. Chapter 390 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.

Sec. 1.5. 1. To receive a college and career ready diploma evidencing graduation from high school pursuant to NRS 390.605, a pupil must, in addition to meeting the criteria prescribed pursuant to subsection 1 of NRS 390.600:

(a) Successfully complete the requirements to receive an advanced diploma prescribed by regulations adopted pursuant to NRS 390.600;

(b) Demonstrate proficiency in speaking not less than two languages or have earned not less than two of the units of credit used to complete the requirements to receive an advanced diploma prescribed by regulations adopted pursuant to NRS 390.600 in:

(1) Advanced placement courses;

(2) International baccalaureate courses;

(3) Dual-credit courses or courses completed through dual enrollment;

(4) Career and technical education courses;

(5) Work-based learning courses; or

(6) A world language course; and

(c) Obtain a college-ready endorsement pursuant to section 1.7 of this act, or a career-ready endorsement pursuant to section 1.7 of this act.

2. To the extent that money is available for these purposes, the Department:

(a) Shall award incentive grants to each public high school, including, without limitation, each charter school that operates as a high school, for each graduate of the school who receives a college and career ready high school diploma; and

(b) May reimburse a school district or a charter school that operates as a high school for any costs associated to administer or provide an assessment, credential, certificate or certification required for a pupil to receive a college and career ready high school diploma pursuant to subsection 1.

Sec. 1.7. 1. To receive a college-ready endorsement pursuant to paragraph (a) of subsection 3 of NRS 390.605, a pupil must, before graduating from high school:

(a) Complete a college readiness assessment prescribed by the Board of Regents of the University of Nevada; and

(b) Receive not less than the minimum scores for initial placement into college-level English and mathematics courses prescribed by the Board of Regents.

2. To receive a career-ready endorsement pursuant to paragraph (b) of subsection 3 of NRS 390.605, a pupil must, before graduating from high school:

(a) Receive not less than the minimum score prescribed by the State Board on a career readiness assessment prescribed by the State Board;

(b) Satisfy the requirements for the issuance of a certificate for the completion of a course of study in career and technical education established pursuant to NRS 388.380; or

(c) Obtain an industry-recognized credential identified by the Executive Director of the Governor's Office of Workforce Innovation in the Department of Employment, Training and Rehabilitation pursuant to NRS 232.975.

Sec. 2. 1. ~~The amendatory provisions of section 1 of this act apply to {1. Pupils who are enrolled}~~ pupils who are enrolled in a school district located in a county whose population is 100,000 or more and who are:

(a) Enrolled in grade 9 for the 2024-2025 school year;

~~{2. Pupils who are enrolled}~~

(b) Enrolled in grade 9 or 10 for the 2025-2026 school year;

~~{3. Pupils who are enrolled}~~

(c) Enrolled in grade 9, 10 or 11 for the 2026-2027 school year; and

~~{4. All pupils enrolled}~~

(d) Enrolled in high school for each school year thereafter.

2. The amendatory provisions of section 1 of this act apply to pupils who are enrolled in a school district located in a county whose population is less than 100,000 and who are:

(a) Enrolled in grade 9 for the 2026-2027 school year;

(b) Enrolled in grade 9 or 10 for the 2027-2028 school year;

(c) Enrolled in grade 9, 10 or 11 for the 2028-2029 school year; and

(d) Enrolled in high school for each school year thereafter.

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 section 3 of this act become effective upon passage and approval.

2. Sections 1 ~~and~~ **to 2, 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 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. 246.

Bill read second time.

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

Amendment No. 382.

AN ACT relating to elections; requiring , under certain circumstances, the Secretary of State, county clerks and city clerks to ensure that voting materials and certain other elections information are posted on certain Internet websites and made available in certain languages; requiring the Secretary of State ~~and certain county or city clerks~~ to establish a toll-free telephone number which may be used for a person to receive language interpretation or translation assistance relating to an election; requiring such telephone number to be posted at each polling place and on certain Internet websites and included on sample ballots; requiring the Secretary of State to include certain information related to a registered voter's preferred language on an application to register to vote; requiring county and city clerks to make a good faith effort to appoint election board officers who are bilingual; revising the information relating to registered voters that is required to be included on the statewide voter registration list; requiring, under certain circumstances, a mechanical voting system to list offices, candidates and ballot measures in a voter's preferred language; creating and setting forth the membership and duties of the Language Access Advisory Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each voting system used by a county or city to provide voting materials in English and every language in which voting materials are required to be prepared pursuant to federal law. (52 U.S.C. § 10503; NRS 293.2699) **Section 5** of this bill requires the Secretary of State to ensure that voting materials and other elections information are posted or made available at a polling place in certain languages. **Section 5** further requires the Secretary of State ~~, and county and city clerks to: (1)~~ on ~~an annual basis~~ or before January 1 of each odd-numbered year, to review certain data on persons who are members of a minority group and are of limited-English proficiency in the State. ~~, if county or city, as applicable; and (2)~~ Based on the review of such data, under certain circumstances , the Secretary of State and certain county and city clerks are required to ensure that voting materials and other information are provided in certain other languages. **Sections 11-16, 18, 19 and ~~26-28~~ 26-28.5** of this bill make conforming changes to require that certain elections materials be available in such languages.

Section 37.5 of this bill requires the Secretary of State to review certain data in sufficient time for voting materials to be prepared for the 2024 General Election.

Sections 2-4 of this bill, respectively, define the terms "limited-English proficiency," "minority group" and "voting materials." **Section 9** of this bill makes a conforming change to indicate the proper placement of **sections 2-4** in the Nevada Revised Statutes.

Section 6 of this bill requires the Secretary of State and ~~, under certain circumstances,~~ authorizes a county clerk ~~and city clerk~~ to establish a toll-

free telephone number which may be used by any person to receive language interpretation or translation assistance relating to an election. **Sections 7, 14-16, 18, 22, 27 and 28** of this bill require each polling place, sample ballot and Internet website of the county or city clerk, as applicable, to include such telephone number.

Section 8 of this bill requires the Secretary of State to include on all forms for an application to preregister or register to vote certain language authorizing a person who registers to vote to request a sample ballot in a language other than English.

Existing law requires each county and city clerk to appoint registered voters to act as election board officers for the various polling places in the county or city, as applicable. (NRS 293.217, 293C.220) **Sections 10 and 25** of this bill require the county or city clerk to make a good faith effort to appoint election board officers who are bilingual.

Existing law requires the Secretary of State to prescribe forms for applications to preregister or register to vote. (NRS 293.507) **Section 17** of this bill requires the Secretary of State to include on each such application a line on which to enter the applicant's state or country of birth and a language preference. **Section 20** of this bill requires such information to be included on the statewide voter registration list.

Existing law requires the Secretary of State to establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to preregister and register to vote, cancel such preregistration or registration, update such preregistration or registration and determine at what polling place or places he or she is entitled to vote. The system is required to be user friendly. (NRS 293.671) **Section 19** of this bill requires the system to also be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to **section 5**.

Section 21 of this bill provides that if the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statement of ballot measures for which the voter is entitled to vote is in that preferred language.

Section 34 of this bill creates the Language Access Advisory Committee within the Office of the Secretary of State, consisting of the Secretary of State or his or her designee, and ~~five~~ **certain other** members. ~~[appointed by the Secretary of State.]~~ **Section 35** of this bill requires the Advisory Committee to: (1) identify certain programs and services that address language accessibility of elections and voting materials; (2) coordinate with community organizations to determine language accessibility of elections and voting materials; (3) act as a liaison between the Office of the Secretary of State and community organizations; (4) make certain annual assessments relating to language accessibility; and (5) make certain recommendations to the Office of the Secretary of State relating to language accessibility. **Section 36** of this bill

sets forth certain requirements for meetings of the Advisory Committee. **Section 37** of this bill: (1) requires the Secretary of State to appoint the initial members of the Advisory Committee before January 1, 2024; and (2) staggers the terms of the initial members.

Sections 23 and 24 of this bill make conforming changes to indicate the proper placement of **section 22** in the Nevada Revised Statutes.

Section 29 of this bill makes a conforming change to indicate the proper placement of **section 7** in the Nevada Revised Statutes.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *“Limited-English proficiency” means being unable to speak or understand English adequately to participate in the electoral process.*

Sec. 3. *“Minority group” includes, without limitation, United States citizens of Chinese heritage.*

Sec. 4. *“Voting materials” means any material related to voter registration, elections and the electoral process, including, without limitation, applications to register to vote, ballots, mail ballots, sample ballots, instructions and other forms.*

Sec. 5. 1. *The Secretary of State shall ensure that voting materials and other elections information that is posted on the Internet website of the Office of the Secretary of State or the system of approved electronic transmission established pursuant to NRS 293D.200 is available on such website and system of approved electronic transmission in ~~Amharic, English, Korean, Mandarin, Shoshone, Spanish, Tagalog, Thai and Vietnamese and~~ any language in which voting materials are required to be prepared pursuant to 52 U.S.C. § 10503. If any such language does not have a standard writing system, the information required to be posted must be set forth in an audio recording in the language. ~~The~~ Except as otherwise provided in this subsection, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this subsection. If such a certified translator is not available to translate the information required pursuant to this subsection, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.*

2. *Each county clerk and city clerk shall ensure that the Internet website of the county or city clerk, as applicable, has posted in a prominent location a link to the information on the website of the Office of the Secretary of State required pursuant to subsection 1.*

3. *The Secretary of State ~~and each county clerk and city clerk~~ shall, on ~~an annual basis,~~ or before January 1 of each odd-numbered year, review data on persons who are members of a minority group and are of limited-English proficiency in the State, ~~county or city, as applicable,~~ based on the*

American Community Survey conducted by the Bureau of the Census of the United States Department of Commerce or language preference information collected by the Secretary of State. In addition to the requirements set forth in subsections 1 and 2, if, based on such data:

(a) The Secretary of State finds that there are at least ~~11,400 registered voters in~~ 5,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall ensure that voting materials and other elections information that are posted on the Internet website of the Office of the Secretary of State or set forth in the system of approved electronic transmission established pursuant to NRS 293D.200 are

available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. ~~The~~ Except as otherwise provided in this paragraph, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this ~~subsection~~ paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

(b) Except as otherwise provided in this paragraph, the Secretary of State finds that there are at least 20,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify each county clerk and each county clerk shall cooperate with the Secretary of State to ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, each county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the county clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance. The cost of preparing and providing voting materials and other elections information in any language required pursuant to this paragraph is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners. The provisions of this paragraph do not apply to the extent that a county clerk is required pursuant to paragraph (c) to ensure that voting materials and other elections information that are required to be posted or made available at a polling

place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group.

~~(c) The county clerk of:~~

~~(1) A county whose population is 100,000 or more;~~ Secretary of State finds that there are at least 5,000 qualified electors in ~~the~~ a county who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify the county clerk and the county clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. ~~The~~ Except as otherwise provided in this paragraph, the county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this ~~subparagraph.~~

~~(2) A county whose population is less than 100,000, finds that there are at least 500 registered voters in the county who are members of a minority group and are of limited English proficiency, the county clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. The county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this subparagraph.~~ paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the county clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

~~(c)~~ (d) The city clerk of a city in:

~~(1) A county whose population is 100,000 or more;~~ Secretary of State finds that there are at least 5,000 qualified electors in ~~the~~ a city who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify the city clerk and the city clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the city clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. ~~The~~ Except as otherwise provided in this paragraph, the city clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this ~~subparagraph.~~

~~(2) A county whose population is less than 100,000, finds that there are at least 500 registered voters in the city who are members of a minority group and are of limited English proficiency, the city clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the city clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. The city clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this subparagraph.~~ paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the city clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

Sec. 6. 1. The Secretary of State shall:

(a) Establish a toll-free telephone number which may be used by any person in this State to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) Post the toll-free telephone number established pursuant to paragraph (a) on the Internet website of the Office of the Secretary of State.

2. ~~If a county or city has 3,500 or more registered voters, the~~ A county clerk ; for city clerk, as applicable, shall;

(a) ~~Establish~~ May establish a toll-free telephone number which may be used by any person in the county ~~for city, as applicable,~~ to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) ~~Post the~~ If such a toll-free telephone number is established pursuant to paragraph (a), post the toll-free telephone number on the Internet website of the county ~~for city~~ clerk ~~, if applicable,~~

3. ~~If a county or city has less than 3,500 registered voters, the~~ Each county for and city clerk ; as applicable, shall post the toll-free telephone number established by the Secretary of State pursuant to ~~paragraph (a) of~~ subsection 1 on the Internet website of the county or city clerk, as applicable.

Sec. 7. The county clerk shall ensure that at each polling place for early voting the ~~applicable~~ toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.

Sec. 8. 1. The Secretary of State shall include on all forms for an application to preregister or register to vote prescribed by the Secretary of State, including, without limitation, a paper application and the form set forth on the system established by the Secretary of State pursuant to NRS

293.671 to allow persons to register to vote by computer, the following language in at least 14-point bold type:

[] CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH AND INCLUDE THE PREFERRED LANGUAGE HERE _____

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE, COUNTY AND CITY.

2. Except as otherwise provided in this subsection, the county clerk and city clerk of the county and city where the voter is registered to vote must provide the voter who has indicated a preferred language other than English with a sample ballot in the preferred language ~~of the voter~~. If, pursuant to section 5 of this act, a county or city clerk is not required to provide voting materials in the preferred language of the voter, the county or city clerk, as applicable, must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.

Sec. 9. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, **and sections 2, 3 and 4 of this act**, have the meanings ascribed to them in those sections.

Sec. 10. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various polling places in the county as provided in NRS 293.220 to 293.227, inclusive, and NRS 293.269929. **The county clerk shall make a good faith effort to appoint election board officers who are bilingual ~~and~~ in a language that voting materials are required to be provided in pursuant to section 5 of this act.** The registered voters appointed as election board officers for any polling place must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the mail ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the mail ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

↪ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 11. NRS 293.2549 is hereby amended to read as follows:

293.2549 1. The Secretary of State, each county clerk and each city clerk shall:

- (a) Make the Voters' Bill of Rights readily available to the public;
- (b) Maintain a copy of the Voters' Bill of Rights in his or her office for reproduction and distribution to the public; ~~and~~
- (c) Ensure that the Voters' Bill of Rights is posted in a conspicuous place, in at least 12-point type, at each polling place ~~+~~; **and**
- (d) Ensure that the Voters' Bill of Rights is available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.**

2. The Secretary of State shall ensure that the Voters' Bill of Rights is posted on the Secretary of State's Internet website ~~+~~ **and available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.**

Sec. 12. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in:

- (a) English; ~~and~~
- (b) Every language in which voting materials are required to be prepared in the county or city pursuant to 52 U.S.C. § 10503 ~~+~~; **and**
- (c) Every other language in which voting materials are required to be prepared in the county or city pursuant to section 5 of this act.**

2. In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.

~~{3. As used in this section:~~

- ~~(a) "Limited English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.~~
- ~~(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.~~
- ~~(c) "Voting materials" has the meaning ascribed to it in 52 U.S.C. § 10503.~~

Sec. 13. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. ***If a county clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the county clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 14. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;
2. Information concerning the date and hours of operation of the polling place;
3. Instructions for voting and casting a ballot, including a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive;
4. Instructions concerning the identification required for persons who registered by mail or computer and are first-time voters for federal office in this State;
5. Information concerning the accessibility of polling places to persons with disabilities;
6. *Instructions concerning how a registered voter may obtain a copy of voting materials in each of the languages that voting materials are required to be prepared in pursuant to section 5 of this act;*
7. *The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for obtaining language interpretation or translation assistance relating to the election;*
8. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and
- ~~{7-}~~ 9. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 15. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

- (a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;
- (b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;
- (c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;
- (d) A map or maps indicating the boundaries of each petition district; ~~and~~
- (e) All reports submitted to the Secretary of State pursuant to the provisions of chapter 294A of NRS ~~{-}~~; *and*
- (f) *The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.*

2. ***The information required to be maintained by the Secretary of State pursuant to subsection 1 shall be available in all of the languages that voting materials are required to be prepared in pursuant to section 5 of this act.***

3. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

~~3.1~~ 4. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 16. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~and~~

(b) The abstract of votes required pursuant to the provisions of NRS 293.388 ~~1~~; and

(c) ~~The applicable~~ **toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act.**

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. ***The information required to be maintained by a county clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the county pursuant to section 5 of this act.***

4. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 17. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) Standard forms for applications to preregister or register to vote;

(b) Special forms for preregistration and registration to be used in a county where registrations are performed and records of registration are kept by computer; and

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to preregister or register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to preregister or register to vote must include a:

- (a) Unique control number assigned by the Secretary of State; and
- (b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to preregister or register to vote must include:

- (a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

(e) A line on which to enter the applicant's state or country of birth and a language preference.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 18. 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 . ~~12-point~~
- (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)**

(c) Include on the front page, in a separate box created by bold lines, a notice that states:

***NOTICE: TO RECEIVE A SAMPLE BALLOT IN
A LANGUAGE OTHER THAN ENGLISH, CALL
(Insert appropriate telephone number)***

**PLEASE NOTE THAT NOT ALL LANGUAGES
ARE AVAILABLE, BUT LANGUAGE INFORMATION
THAT IS COLLECTED WILL HELP DETERMINE THE
LANGUAGE NEEDS OF VOTERS AND THE SERVICES
PROVIDED BY THE STATE AND COUNTY**

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. ***If a person requests a sample ballot in a language other than English and the county clerk is required to provide voting materials in such language pursuant to section 5 of this act, the county clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a county ~~for city~~ clerk is not required to provide voting materials in the preferred language of the voter, the county ~~for city~~ clerk ~~is, as applicable,~~ must provide the voter with a***

sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.

13. *The county clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the county clerk is required to provide information and voting materials pursuant to section 5 of this act.*

14. 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 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.}~~ **15.** 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. 19. NRS 293.671 is hereby amended to read as follows:

293.671 1. The Secretary of State shall establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to:

- (a) Preregister and register to vote;
- (b) Cancel his or her preregistration or voter registration;
- (c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address , ~~{and}~~ party affiliation ~~{}~~ and **language preference; and**
- (d) Determine at what polling place or places he or she is entitled to vote.

2. The system established pursuant to subsection 1 must:

- (a) Be user friendly;
- (b) **Be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to section 5 of this act;**

(c) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and 293.4855; and

~~{(c)}~~ **(d)** Inform any person who uses the system to register to vote for an election pursuant to NRS 293.5837, 293.5842 and 293.5847 that the person

may vote in the election only if the person complies with the applicable requirements established by those sections.

3. The Secretary of State shall include on the system, in black lettering and not more than 14-point type, the following information:

- (a) The qualifications to register or preregister to vote;
- (b) That if the applicant does not meet the qualifications, he or she is prohibited from registering or preregistering to vote; and
- (c) The penalties for submitting a false application.

4. The Secretary of State shall not include on the system:

- (a) Any additional warnings regarding the penalties for submitting a false application; or
- (b) The notice set forth in NRS 225.083.

Sec. 20. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.

2. The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

3. The statewide voter registration list must:

- (a) Be a uniform, centralized and interactive computerized list;
- (b) Serve as the single method for storing and managing the official list of registered voters in this State;
- (c) Serve as the official list of registered voters for the conduct of all elections in this State;
- (d) Contain the name, *state or country of birth, language preference* and *other* registration information of every legally registered voter in this State;
- (e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;
- (f) Except as otherwise provided in subsection 9, be coordinated with the appropriate databases of other agencies in this State;
- (g) Be electronically accessible to each state and local election official in this State at all times;
- (h) Except as otherwise provided in subsection 10, allow for data to be shared with other states under certain circumstances; and
- (i) Be regularly maintained to ensure the integrity of the registration process and the election process.

4. Each county and city clerk shall:

(a) Electronically enter into the database created pursuant to subsection 1 all information related to voter preregistration and registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

5. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

6. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

7. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

8. The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the statewide voter registration list with information in the records of the State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.

9. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

10. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the

chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 21. Chapter 293B of NRS is hereby amended by adding thereto a new section to read as follows:

If the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statements of measures for which the voter is entitled to vote is in that preferred language.

Sec. 22. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

The city clerk shall ensure that at each polling place for early voting the applicable toll-free telephone number established by the Secretary of State pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.

Sec. 23. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in NRS 293.5817 and 293C.263 to 293C.26337, inclusive, the conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. The governing body of the city may provide for the conduct of early voting by personal appearance in a city election pursuant to NRS 293.5772 to 293.5887, inclusive, and 293C.355 to 293C.361, inclusive ~~+~~ ***and section 22 of this act.***

Sec. 24. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail in accordance with the provisions of NRS 293C.263 to 293C.26337, inclusive, if:

(a) The election is a special election; or
(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293.5772 to 293.5887, inclusive, 293C.265 to 293C.302, inclusive, and 293C.355 to 293C.361, inclusive, ***and section 22 of this act,*** do not apply to an election conducted pursuant to this section.

Sec. 25. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various polling places and precincts in the city as provided in NRS 293.225, 293.227, 293C.227, 293C.228 and 293C.26329. ***The city clerk shall make a good faith effort to appoint election***

board officers who are bilingual ~~and~~ in a language that voting materials are required to be provided in pursuant to section 5 of this act. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board and the mail ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board and the mail ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➡ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 26. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. ***If a city clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the city clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 27. 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 . ~~12~~
- (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 . ~~12 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)

- (d) *Include on the front page, in a separate box created by bold lines, a notice that states:*

**NOTICE: TO RECEIVE A SAMPLE BALLOT IN
A LANGUAGE OTHER THAN ENGLISH, CALL
(Insert appropriate telephone number)**

**PLEASE NOTE THAT NOT ALL LANGUAGES
ARE AVAILABLE, BUT LANGUAGE INFORMATION
THAT IS COLLECTED WILL HELP DETERMINE THE
LANGUAGE NEEDS OF VOTERS AND THE SERVICES
PROVIDED BY THE STATE AND CITY**

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. *If a person requests a sample ballot in a language other than English and the city clerk is required to provide voting materials in such language pursuant to section 5 of this act, the city clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a ~~county or~~ city clerk is not required to provide voting materials in the preferred language of the voter, the ~~county or~~ city clerk ~~is, as applicable,~~ must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.*

11. The city clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the city clerk is required to provide information and voting materials pursuant to section 5 of this act.

12. 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 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.}~~ **13.** The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 28. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~and~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387 ~~{1.}~~; and

(c) ~~The applicable~~ toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. The information required to be maintained by a city clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the city pursuant to section 5 of this act.

4. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the

city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 28.5. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter. **The Secretary of State shall ensure that the system is available in all languages in which voting materials are required to be prepared and made available pursuant to 52 U.S.C. § 10503 or section 5 of this act.**

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

6. The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:

(a) The person would have been able to preregister to vote pursuant to NRS 293.4855 except for the residency requirement; and

(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.

Sec. 29. NRS 298.700 is hereby amended to read as follows:

298.700 1. Except as otherwise provided in this section, the provisions of NRS 293.356 to 293.361, inclusive, **and section 7 of this act**, apply to a presidential preference primary election.

2. The period for early voting for a presidential preference primary election begins 10 calendar days before the date of the presidential preference primary election and extends through the Friday before the day of the presidential preference primary election.

3. The county clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

4. A permanent polling place for early voting must remain open:

(a) On Monday through Friday during the period for early voting, for at least 8 hours during such hours as the county clerk may establish.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours during such hours as the county clerk may establish.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 3, during such hours as the county clerk may establish.

Sec. 30. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 31 to 36, inclusive, of this act.

Sec. 31. *As used in sections 31 to 36, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 32 and 33 of this act have the meanings ascribed to them in those sections.*

Sec. 32. *“Advisory Committee” means the Language Access Advisory Committee created by section 34 of this act.*

Sec. 33. *“Language access programs” means a program or service that focuses on communication barriers between persons who cannot read, speak or write English fluently.*

Sec. 34. 1. *The Language Access Advisory Committee is hereby created within the Office of the Secretary of State.*

2. *The Advisory Committee consists of ~~five~~ the following members who represent the diversity of this State, including:*

(a) The Secretary of State or his or her designee;

(b) ~~Two elected officials.~~ The registrar of voters of each county that has created the office of registrar of voters pursuant to NRS 244.164;

(c) A county clerk of a county whose population is less than 100,000, appointed by the Secretary of State; and

~~(c)~~ (d) Three other members of the public appointed by the Secretary of State.

3. *The Secretary of State shall:*

(a) *Consider members who have knowledge of language access programs when appointing members of the Advisory Committee;*

(b) *Select the Chair of the Advisory Committee from among its members; and*

(c) *Designate an employee of the Office of the Secretary of State to serve as Secretary for the Advisory Committee.*

4. *The Secretary of State may assign such other employees of his or her Office as he or she deems necessary to assist the Advisory Committee in its duties.*

5. *The Chair of the Advisory Committee shall appoint a Vice Chair from among the members of the Advisory Committee.*

6. *After the initial term, each member of the Advisory Committee shall serve for a term of 2 years. Each member of the Advisory Committee serves at the pleasure of the Secretary of State. If a vacancy occurs, the Secretary of State shall appoint a new member to fill the vacancy for the remainder of the unexpired term.*

7. *Members of the Advisory Committee serve without compensation. While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

Sec. 35. 1. *The Advisory Committee shall:*

(a) *Identify programs and services that address problems concerning language accessibility of elections and voting materials;*

(b) *Coordinate with community organizations to determine language accessibility needs for elections and voting materials;*

(c) *Act as liaison between the Office of the Secretary of State and community organizations;*

(d) *Make annual assessments to determine language accessibility programs and services that could be implemented for the election process;*

(e) *Make recommendations to the Office of the Secretary of State relating to language accessibility programs and services that should be implemented in elections.*

2. *As used in this section, “voting materials” has the meaning ascribed to it in section 4 of this act.*

Sec. 36. 1. *The Advisory Committee shall meet at least four times in a calendar year. One meeting must be in person. The Advisory Committee may conduct all other meetings through the use of ~~remote technology~~ remote technology systems. A special meeting of the Advisory Committee may be called by the Secretary of State and the Chair of the Advisory Committee at such additional times as they deem necessary.*

2. *The Chair of the Advisory Committee or, in the absence of the Chair, the Vice Chair of the Advisory Committee, shall preside at each meeting of the Advisory Committee.*

3. *A majority of the members of the Advisory Committee constitute a quorum.*

4. *As used in this section, “remote technology system” has the meaning ascribed to it in NRS 241.015.*

Sec. 36.5. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 621.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253, 293.405, 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235. ~~It is~~ **and section 5 of this act;**

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 37. 1. The Secretary of State shall appoint the members of the Language Access Advisory Committee created by section 34 of this act before January 1, 2024.

2. Notwithstanding the provisions of section 34 of this act, the members of the Language Access Advisory Committee must be appointed to serve initial terms as follows:

(a) The ~~two members~~ **member** who ~~are elected officials~~ **is a county clerk of a county whose population is less than 100,000 and one of the**

members who are members of the public must be appointed to serve a term of 2 years.

(b) ~~Two of the~~ Two of the members who are members of the public must be appointed to serve a term of 3 years.

Sec. 37.5. 1. The Secretary of State shall ensure that the review of data that the Secretary of State is required to perform pursuant to section 5 of this act is completed in sufficient time so that voting materials may be made available by the Secretary of State and any affected county or city clerk in any required language for the 2024 General Election.

2. As used in this section, “voting materials” has the meaning ascribed to it in section 4 of this act.

Sec. 38. 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. 39. 1. This section and sections 37, 37.5 and 38 of this act become effective upon passage and approval.

2. Sections 1 to ~~36.1~~ 36.5, 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 Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 250.

Bill read second time.

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

Amendment No. 439.

AN ACT relating to health care; prohibiting certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions; requiring certain entities to maintain a registered agent and office in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal law requires the United States Secretary of Health and Human Services to negotiate with the manufacturers of certain drugs and to establish the maximum fair price for certain drugs, which is the maximum price at which such drugs may be sold to a recipient of Medicare. (42 U.S.C. §§ 1320f-2, 1320f-3) Existing federal law requires the Secretary of Health and Human Services to publish those maximum fair prices. (42 U.S.C. § 1320f-4) **Section 1** of this bill prohibits a person or entity that: (1) purchases a drug

which is subject to a maximum fair price in this State from paying a price that is higher than the maximum fair price; or (2) seeks reimbursement for a drug subject to a maximum fair price which is delivered, dispensed or administered to a person in this State from seeking reimbursement at a rate which is higher than the maximum fair price. **Section 1** also requires any such person or entity to maintain a registered agent and an office or base of operations in this State.

Existing law: (1) prohibits certain trade practices which are deemed to be deceptive trade practices; and (2) provides for the enforcement of the prohibition on engaging in deceptive trade practices, including by prescribing criminal penalties to be imposed against a person who engages in a deceptive trade practice. (NRS 598.0903-598.0999) **Section 1** makes it a deceptive trade practice for any person to violate: (1) the prohibition on purchasing or seeking reimbursement for a drug at a price higher than the maximum fair price; or (2) the requirement to maintain a registered agent and an office or base of operations in this State when engaging in certain activity relating to drugs subject to a maximum fair price. **Sections 1 and 3** of this bill provide that a person who violates the provisions of **section 1** is not subject to any criminal penalty set forth in existing law for engaging in a deceptive trade practice, meaning such a person is subject only to the various civil enforcement measures, including civil penalties, set forth in existing law for engaging in a deceptive trade practice. (NRS 598.097-598.0999)

Existing law authorizes any person who is a victim of consumer fraud, including a deceptive trade practice, to bring a civil action. (NRS 41.600) **Section 2** of this bill provides that a violation of **section 1** constitutes consumer fraud, and **sections 1 and 2** authorize a victim of such a violation to bring a civil action.

WHEREAS, In the 2019 Legislative Session, Senate Bill No. 276 directed the Legislative Commission to appoint a committee to conduct an interim study concerning the cost of prescription drugs in this State and the impact of rebates, reductions in price and other remuneration from manufacturers on prescription drug prices; and

WHEREAS, In reporting on the findings of the Committee to Conduct an Interim Study Concerning the Costs of Prescription Drugs, LCB Bulletin No. 21-9, published in January 2021, stated that “[i]n 2018, Americans paid an average of \$1,229 for prescription drugs, the highest amount per capita in any developed country in the world”; and

WHEREAS, LCB Bulletin No. 21-9 also stated that “[i]ncreasing drug prices disproportionately affect uninsured and underinsured patients, while insured patients covered by high-deductible, commercial, or government-sponsored health insurance plans tend to pay more through premium and copay increases”; and

WHEREAS, The Nevada Spending and Government Efficiency Commission noted in its final report, “Final Report of the Nevada Spending and Government Efficiency Commission to Governor Jim Gibbons,” published

January 7, 2010, that the State of Nevada would realize significant savings on Medicaid, mental health, corrections and other programs if the cost of prescription drugs were better controlled; and

WHEREAS, Excessive prices negatively affect the ability of residents of this State to obtain prescription drugs, thereby endangering the health and safety of such residents; and

WHEREAS, Excessive prices of prescription drugs threaten the economic well-being of residents of this State, thereby inhibiting their ability to pay for necessary and essential goods and services including housing, food and utilities; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to increasing costs of health care and health insurance that threaten the ability of residents of this State to obtain affordable health coverage and maintain or achieve good health; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to rising costs for health care provided and paid for through health insurance programs for public employees, including employees of the State, municipalities, counties, school districts, institutions for higher education and retirees whose health costs are funded by taxpayer dollars, thereby threatening the ability of the State and local governments to fund other programs necessary for the public good and safety, such as public safety, police, fire and education; and

WHEREAS, To protect residents of this State from the negative effects from excessive costs of prescription drugs, and to protect the safety, health and economic well-being of Nevadans, the Legislature finds that legislation regarding affordable access to prescription drugs is necessary for residents of this State to achieve and maintain good health; now therefore,

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

Section 1. Chapter 439B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1A~~ Except as otherwise provided in subsection 8, a person or entity that purchases a referenced drug in this State shall not pay a price for the referenced drug that, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug ~~1A~~ during the price applicability period.

2. ~~1A~~ Except as otherwise provided in subsection 8, a person or entity that seeks reimbursement for a referenced drug which is delivered, dispensed or administered to a person in this State shall not seek reimbursement for the referenced drug at a rate which, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug ~~1A~~ during the price applicability period.

3. ~~Any~~ Except as otherwise provided in subsection 8, a person or entity that sells, offers for sale, distributes or delivers any referenced drug to a

person or entity in this State or seeks reimbursement for a referenced drug which is delivered, dispensed or administered to a person in this State shall maintain in this State a registered agent and an office or base of operations.

4. Except as otherwise provided in subsection 5, a violation of subsection 1, 2 or 3 by any person constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. Each such violation of subsection 1 or 2 or sale, offer for sale or distribution or delivery of a quantity of a referenced drug in violation of subsection 3 constitutes a separate deceptive trade practice. ~~[A claim that a manufacturer or wholesaler has refused to negotiate in good faith is an affirmative defense in any proceeding seeking enforcement of the provisions of subsection 1 or 2.]~~

5. A person who violates the provisions of subsection 1, 2 or 3 is not subject to any criminal penalty set forth in subsection 3 of NRS 598.0999.

6. A person aggrieved by a violation of subsection 1, 2 or 3 may bring an action for consumer fraud pursuant to NRS 41.600.

7. The Department may adopt any regulations necessary to carry out the provisions of this section.

8. A provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974 or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5):
(a) Is not required to comply with the requirements of this section.

(b) May elect to be subject to the provisions of this section by notifying the Director in writing on or before January 1 of each year in which the plan elects to participate.

9. As used in this section:

(a) “Manufacturer” has the meaning ascribed to it in NRS 639.009.

(b) “Maximum fair price” means the maximum fair price for a drug published by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 1320f-4.

(c) “Price applicability period” has the meaning ascribed to it in 42 U.S.C. § 1320f(b)(2).

(d) “Referenced drug” means a drug subject to a maximum fair price.

~~[(d)]~~ (e) “Wholesaler” has the meaning ascribed to it in NRS 639.016.

Sec. 2. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, “consumer fraud” means:

- (a) An unlawful act as defined in NRS 119.330;
- (b) An unlawful act as defined in NRS 205.2747;
- (c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;
- (d) An act prohibited by NRS 482.351;
- (e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive; ~~for~~
- (f) A violation of NRS 417.133 or 417.135 ~~for~~; or
- (g) A violation of section 1 of this act.

3. If the claimant is the prevailing party, the court shall award the claimant:

- (a) Any damages that the claimant has sustained;
- (b) Any equitable relief that the court deems appropriate; and
- (c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 3. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. ~~{A}~~ *Except as otherwise provided in section 1 of this act*, a natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at \$1,200 or more but less than \$5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at \$5,000 or more but less than \$25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at \$25,000 or more but less than \$100,000, 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 10 years, and by a fine of not more than \$10,000.

(d) For an offense involving a loss of property or services valued at \$100,000 or more, 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 20 years, and by a fine of not more than \$15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➡ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➡ The court may grant or deny the relief sought or may order other appropriate relief.

5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➡ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that

determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 4. The provisions of this act do not apply to any contract for the sale of or reimbursement for a drug entered into before January 1, 2024, but do apply to any renewal or extension of such a contract.

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. 264.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 370.

AN ACT relating to education; prohibiting a pupil in a public school from being deprived of any award **that is based on perfect attendance** or any eligibility or opportunity to compete for **such** an award because of an approved absence from school for the observance of a religious holiday; revising provisions governing the attendance of pupils and circumstances under which a pupil is deemed truant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law, in general, requires a child between 7 and 18 years of age to attend public school. (NRS 392.040) Existing law requires the board of trustees of each school district to adopt rules that require each public school in the district to include the accounting of attendance and, if feasible, tardiness of a pupil on each report card or other report of progress of the pupil. (NRS 392.118) **Section 4** of this bill excludes an absence for the observance of a religious holiday from the absences that are counted for this purpose.

Existing law requires the board of trustees of each school district to prescribe a minimum number of days that a pupil who is subject to compulsory attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. (NRS 392.122) **Section 5** of this bill requires days on which a pupil is not in attendance because the pupil is absent for the observance of a religious holiday to be credited towards the required days of attendance if the **absence was approved and the** pupil has completed course-work requirements.

Existing law provides that a pupil is deemed a truant if the pupil is absent from school without the written approval of the pupil's teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school.

(NRS 392.130) **Section 6** of this bill provides that a pupil is not a truant if the pupil is absent from school for the observance of a religious holiday ~~or~~ **provided that a pupil may have not more than five such approved absences in a school year.** **Section 6** requires the parent or legal guardian or other person having control or charge of a pupil who is absent from school for the observance of a religious holiday to notify the teacher or principal of the school ~~orally or~~ in writing ~~or~~ **at least 3 days before the absence,** in accordance with the policy established by the board of trustees of the school district. **Section 7** of this bill makes a conforming change to reflect that a pupil who is absent from school for the observance of a religious holiday is not a truant.

Existing law requires the board of trustees of each school district and the governing bodies of certain charter schools to prepare an annual report of accountability that contains certain information regarding the attendance, truancy and transiency of pupils. (NRS 385A.070, 385A.240) Section 6 provides that an approved absence for the observance of a religious holiday is not an absence for the purposes of the annual report of accountability.

Section 3 of this bill prohibits a pupil enrolled in a public school from being deprived of any award **that is based on perfect attendance** or any eligibility or opportunity to compete for **such** an award because of an **approved** absence for the observance of a religious holiday. **Sections 1, 2 and 8** of this bill make conforming changes to indicate the proper placement of **section 3** in the Nevada Revised Statutes.

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

Section 1. NRS 388.846 is hereby amended to read as follows:

388.846 1. If the board of trustees of a school district provides a program of distance education, the board of trustees shall ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the school district, including, without limitation:

- (a) Graduation requirements;
- (b) Accountability of public schools, as set forth in chapter 385A of NRS;
- (c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~or~~, ***and section 3 of this act;*** and
- (d) Discipline of pupils.

2. If the governing body of a charter school provides a program of distance education, the governing body shall:

- (a) For each pupil who is enrolled in the program, provide written notice to the board of trustees of the school district in which the pupil resides of the type of educational services that will be provided to the pupil through the program. The written notice must be provided to the board of trustees before the pupil receives educational services through the program of distance education.

(b) Ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the charter school, including, without limitation:

- (1) Graduation requirements;
- (2) Accountability of public schools, as set forth in chapter 385A of NRS;
- (3) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~1-1~~, **and section 3 of this act**; and
- (4) Discipline of pupils.

Sec. 2. NRS 388.862 is hereby amended to read as follows:

388.862 1. If a pupil is enrolled full-time in a program of distance education provided by the board of trustees of a school district, the board of trustees that provides the program shall declare for each such pupil one public school within that school district with which the pupil is affiliated. The board of trustees may declare that all the pupils enrolled in the program of distance education are affiliated with one public school within the school district, or it may declare individual public schools for the pupils enrolled in the program. Upon the declared affiliation, the pupil shall be deemed enrolled in that public school for purposes of all the applicable requirements, statutes, regulations, rules and policies of that public school and school district, including, without limitation:

- (a) Graduation requirements;
- (b) Accountability of public schools, as set forth in chapter 385A of NRS;
- (c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~1-1~~, **and section 3 of this act**; and
- (d) Discipline of pupils.

2. A pupil who is enrolled full-time in a program of distance education provided by a charter school shall be deemed enrolled in the charter school. All the applicable requirements, including, without limitation, statutes, regulations, rules and policies of that charter school apply to such a pupil, including, without limitation:

- (a) Graduation requirements;
- (b) Accountability of public schools, as set forth in chapter 385A of NRS;
- (c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~1-1~~, **and section 3 of this act**; and
- (d) Discipline of pupils.

3. If a pupil is enrolled part-time in a program of distance education, all the applicable requirements, statutes, regulations, rules and policies of the public school of the school district in which the pupil is otherwise enrolled or the charter school in which the pupil is otherwise enrolled apply to such a pupil, including, without limitation:

- (a) Graduation requirements;
- (b) Accountability of public schools, as set forth in chapter 385A of NRS;
- (c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~1-1~~, **and section 3 of this act**; and
- (d) Discipline of pupils.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

A pupil enrolled in a public school who is absent from school for the observance of a religious holiday may not be deprived of any award that is based on perfect attendance or any eligibility or opportunity to compete for [any] such an award by reason of such absence if [the parent or legal guardian or other person having control or charge of the pupil provides notice for] the absence is approved pursuant to subsection 4 of NRS 392.130.

Sec. 4. NRS 392.118 is hereby amended to read as follows:

392.118 **1.** The board of trustees of each school district shall adopt rules that require each public school in the district to include the accounting of attendance and, if feasible, tardiness of a pupil on each report card or other report of progress of the pupil. The report card or other report of progress must indicate the number of absences, if any, for the period covered by the report card or other report of progress.

2. *An absence for the observance of a religious holiday ~~for~~ which ~~parent or legal guardian or other person having control or charge of the pupil provides notice~~ is approved pursuant to subsection 4 of NRS 392.130 must not be counted as an absence for the purposes of this section.*

Sec. 5. NRS 392.122 is hereby amended to read as follows:

392.122 **1.** Except as otherwise provided in NRS 389.320, the board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school district may adopt a policy prescribing a minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.

2. For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130, must be credited towards the required days of attendance if the pupil has completed course-work requirements. The teacher or principal of the school may approve the absence of a pupil for deployment activities of the parent or legal guardian of the pupil, as defined in NRS 388F.010. If the board of trustees of a school district has adopted a policy pursuant to subsection 5, the 10-day limitation on absences does not apply to absences that are excused pursuant to that policy.

3. Except as otherwise provided in subsection 5, before a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or the principal's designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and the pupil's parent or legal guardian may request a review of the absences of the

pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and the pupil's parent or legal guardian, the principal or the principal's designee shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or the principal's designee shall credit towards the required days of attendance each day of absence for which:

(a) There is evidence or a written affirmation by the parent or legal guardian of the pupil that the pupil was physically or mentally unable to attend school on the day of the absence ~~}; or the pupil was absent for the observance of a religious holiday;~~ absence was approved pursuant to subsection 4 of NRS 392.130; and

(b) The pupil has completed course-work requirements.

4. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection 3 to the board of trustees of the school district in which the pupil is enrolled.

5. The board of trustees of a school district may adopt a policy to exempt pupils who are physically or mentally unable to attend school from the limitations on absences set forth in subsection 1. If a board of trustees adopts a policy pursuant to this subsection:

(a) A pupil who receives an exemption pursuant to this subsection is not exempt from the minimum number of days of attendance prescribed pursuant to subsection 1.

(b) The days on which a pupil is physically or mentally unable to attend school must be credited towards the required days of attendance if the pupil has completed course-work requirements.

(c) The procedure for review of absences set forth in subsection 3 does not apply to days on which the pupil is absent because the pupil is physically or mentally unable to attend school.

6. *For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for the observance of a religious holiday must be credited towards the required days of attendance if the absence was approved pursuant to subsection 4 of NRS 392.130 and the pupil has completed course-work requirements. The 10-day limitation on absences set forth in subsection 2 ~~and the procedure for review of absences set forth in subsection 3 do~~ does not apply to days on which the pupil is absent for the observance of a religious holiday ~~if the absence was approved pursuant to subsection 4 of NRS 392.130.~~*

7. A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, **and section 3 of this act** and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.

Sec. 6. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of the pupil's teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school ~~or is absent from school for the observance of a religious holiday~~. The teacher or principal shall give his or her written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, the pupil must receive the approval of the teacher or principal.

2. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

4. ~~If a pupil ~~is~~ will be absent from school for the observance of a religious holiday, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school ~~orally or~~ in writing, in accordance with the policy established by the board of trustees of the school district, ~~within~~ at least 3 days ~~after~~ before the pupil ~~returns to school~~, will be absent from school. An absence for which notice is provided in accordance with this subsection shall be deemed an approved absence, except that not more than 5 absences within 1 school year may be approved pursuant to this subsection.~~

5. An absence which has not been approved pursuant to subsection 1, ~~for which a parent or legal guardian or other person having control or charge of the pupil has not provided notice pursuant to subsection 3 or 4, as applicable,~~ shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the Department.

~~{5-}~~ 6. The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

~~{6-}~~ 7. ~~For the purposes of collecting the information required pursuant to NRS 385A.240 on the attendance, truancy and transiency of pupils for the annual report of accountability prepared pursuant to NRS 385A.070, an absence that is approved pursuant to subsection 4 shall not be deemed an absence.~~

8. As used in this section, “physically or mentally unable to attend” does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

Sec. 7. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of the child’s teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 **or 4** of NRS 392.130, ➡ may again be declared a habitual truant.

3. The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

Sec. 8. NRS 129.130 is hereby amended to read as follows:

129.130 1. If the court determines that the petition should be granted, it shall enter a decree of emancipation.

2. A decree so entered is conclusive and binding.

3. Such a decree emancipates the minor for all purposes and removes the disability of minority of the minor insofar as that disability may affect:

(a) The incurring of indebtedness or contractual obligations of any kind;

(b) The litigation and settlement of controversies;

(c) The acquiring, encumbering and conveying of property or any interest therein;

(d) The consenting to medical, dental or psychiatric care without parental consent, knowledge or liability;

(e) The enrolling in any school or college; and

(f) The establishment of the minor’s own residence.

➡ For these purposes, the minor shall be considered in law as an adult, and any obligation the minor incurs is enforceable by and against the minor without regard to his or her minority.

4. Unless otherwise provided by the decree, the obligation of support otherwise owed a minor by his or her parent or guardian is terminated by the entry of the decree.

5. Except as otherwise provided in this section, a decree of emancipation does not affect the status of the minor for any purpose, including the applicability of any provision of law which:

(a) Prohibits the sale, purchase or consumption of intoxicating liquor to or by a person under the age of 21 years;

(b) Prohibits gaming or employment in gaming by or of a person under the age of 21 years;

(c) Restricts the ability to marry of a person under the age of 18 years;

(d) Governs matters relating to referrals for delinquent acts or violations of NRS 392.040 to 392.125, inclusive, **and section 3 of this act**, unless the minor has been certified for trial as an adult pursuant to title 5 of NRS; or

(e) Imposes penalties or regulates conduct according to the age of any person.

6. A petition may be filed by any person or by any public agency to void a decree of emancipation on the following grounds:

(a) The minor has become indigent and has insufficient means of support; or

(b) The decree of emancipation was obtained by fraud, misrepresentation or the withholding of material information.

7. The voiding of any decree of emancipation must not alter any contractual obligations or rights or any property rights or interests which arose during the period that the decree was in effect.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Section 1 to 8, inclusive, 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, 2024, 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. 265.

Bill read second time.

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

Amendment No. 129.

AN ACT relating to mental health; ~~revising the duties of the Commission on Behavioral Health;~~ **adding certain members to the subcommittee on the mental health of children of the Commission on Behavioral Health;** creating a statewide mental health consortium; prescribing the membership, powers and duties of the statewide mental health consortium; ~~revising requirements governing the disbursement of certain money;~~ authorizing ~~each~~ **the statewide** mental health consortium to request the drafting of not more than 1 legislative measure for each regular session of the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Commission on Behavioral Health within the Department of Health and Human Services. (NRS 232.361) The Commission is required to: (1) establish certain policies for the treatment and care of persons with mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders; and (2) report~~

to the Governor and Legislature information concerning the treatment and care of persons with such conditions. (NRS 433.314) Existing law authorizes the Commission to perform certain additional activities to improve the treatment and care of persons with such conditions, including: (1) taking appropriate steps to increase the availability and to enhance the quality of such treatment and care; (2) promoting programs for such treatment; and (3) creating a plan to coordinate services for such treatment and to provide continuity in the care and treatment provided. (NRS 433.316) Sections 1 and 2 of this bill instead require the Commission to carry out such activities primarily for adults with such conditions.]

Existing law establishes a regional mental health consortium in each county whose population is 100,000 or more (currently Clark and Washoe Counties) and one regional mental health consortium in the region that comprises all other counties. (NRS 433B.333) **Section 7** of this bill: (1) creates a statewide mental health consortium to represent all regional mental health consortia established by existing law; and (2) prescribes the membership of the statewide mental health consortium. [Sections 5 and 6 of this bill require the statewide mental health consortium to: (1) represent all regional mental health consortia; (2) establish certain policies for the treatment and care of children with emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders; (3) appoint a subcommittee to review the long term plan of each mental health consortium and develop a statewide plan for the provision of services for the mental health of children; and (4) report to the Governor and Legislature information concerning the treatment and care of children with emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders. Sections 5 and 15 of this bill transfer the duty to create a subcommittee on the mental health of children from the Commission to the statewide mental health consortium. Section 6 authorizes the statewide mental health consortium to perform similar activities to improve the treatment and care of children with emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders to the activities that the Commission is authorized to perform for adults. The activities authorized by section 6 include the creation of a plan to coordinate services for the treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders. Sections 3 and 11 of this bill require certain money for programs to serve persons with mental illness, intellectual disabilities and developmental disabilities to be disbursed in a manner that supports that plan.] **Section 9** of this bill [makes a conforming change by clarifying the authority of a regional mental health consortium to carry out certain activities.] **prescribes the powers and duties of the statewide mental health consortium, which include representing all regional mental health consortia and taking certain other actions related to the mental health of children.**

Existing law requires each regional mental health consortium to prepare and submit to the Director of the Department of Health and Human Services a long-term strategic plan for the provision of mental health services to children with emotional disturbance within the jurisdiction of the consortium and certain other materials relating to the plan. (NRS 433B.335) ~~{Section 5 requires the statewide mental health consortium to appoint a subcommittee to review each long-term strategic plan and develop a statewide plan for the provision of mental health services to children.}~~ **Section 8** of this bill requires each regional mental health consortium to submit its long-term strategic plan and certain information concerning the implementation of the long-term strategic plan to the ~~{statewide mental health consortium.}~~ **Administrator of the Division of Child and Family Services of the Department.** **Section 8** exempts the statewide mental health consortium from the requirement to develop a long-term strategic plan. ~~{Section}~~ **Sections 2.5 and 10** of this bill ~~{makes}~~ **make** conforming changes to clarify that only a mental health consortium that represents a particular region is required to submit such a long-term strategic plan.

Existing law requires the Commission on Behavioral Health to appoint a subcommittee on the mental health of children to review each long-term strategic plan submitted by a mental health consortium that represents a particular region. (NRS 433.317) Section 2.5 requires that subcommittee to include two members of the statewide mental health consortium.

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) **Section 12** of this bill authorizes the statewide mental health consortium and each regional mental health consortium to request the drafting of not more than 1 legislative measure for each regular session of the Legislature. **Section 13** of this bill makes a conforming change by indicating the proper placement of **section 12** in the Nevada Revised Statutes.

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

Section 1. ~~{NRS 433.314 is hereby amended to read as follows:~~

~~433.314 1. The Commission shall:~~
~~—(a) Establish policies to ensure adequate development and administration of services for [persons] **adults** with mental illness, [persons] **adults** with intellectual disabilities, [persons] **adults** with developmental disabilities, [persons] **adults** with substance use disorders or [persons] **adults** with co-occurring disorders, including services to prevent mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;~~
~~—(b) Set policies for the care and treatment of [persons] **adults** with mental illness, [persons] **adults** with intellectual disabilities, [persons] **adults** with~~

~~developmental disabilities, [persons] **adults** with substance use disorders or [persons] **adults** with co-occurring disorders provided by all state agencies;~~

~~— (c) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable;~~

~~— (d) Review the programs and finances of the Division;~~

~~— (e) Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature;~~

~~— (1) Information concerning the quality of the care and treatment provided for [persons] **adults** with mental illness, [persons] **adults** with intellectual disabilities, [persons] **adults** with developmental disabilities, [persons] **adults** with substance use disorders or [persons] **adults** with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; and~~

~~— (2) In coordination with the **statewide mental health consortium established by subsection 4 of NRS 433B.333** and the Department, any recommendations from the regional behavioral health policy boards created pursuant to NRS 433.429. The report must include, without limitation:~~

~~— (I) The epidemiologic profiles of substance use disorders, addictive disorders related to gambling and suicide **[:] among adults;**~~

~~— (II) Relevant behavioral health prevalence data for each behavioral health region created by NRS 433.428; and~~

~~— (III) The health priorities set for **adults in** each behavioral health region; and~~

~~— (f) Review and make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.~~

~~— 2. The Commission may employ an administrative assistant and a data analyst to assist the regional behavioral health policy boards created by NRS 433.429 in carrying out their duties. **(Deleted by amendment.)**~~

Sec. 2. ~~[NRS 433.316 is hereby amended to read as follows:~~

~~433.316 The Commission may:~~

~~— 1. Collect and disseminate information pertaining to mental health, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders;~~

~~— 2. Request legislation pertaining to mental health, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders;~~

~~— 3. Review findings of investigations of complaints about the care of any person in a public facility for the treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders;~~

~~— 4. Accept, as authorized by the Legislature, gifts and grants of money and property;~~

~~5. Take appropriate steps to increase the availability of and to enhance the quality of the care and treatment of [persons] **adults** with mental illness, [persons] **adults** with intellectual disabilities, [persons] **adults** with developmental disabilities, [persons] **adults** with substance use disorders or [persons] **adults** with co-occurring disorders provided through private nonprofit organizations, governmental entities, hospitals and clinics.~~

~~6. Promote programs for the treatment of [persons] **adults** with mental illness, [persons] **adults** with intellectual disabilities, [persons] **adults** with developmental disabilities, [persons] **adults** with substance use disorders or [persons] **adults** with co-occurring disorders and participate in and promote the development of facilities for training persons to provide services for [persons] **adults** with mental illness, [persons] **adults** with intellectual disabilities, [persons] **adults** with developmental disabilities, [persons] **adults** with substance use disorders or [persons] **adults** with co-occurring disorders.~~

~~7. Create a plan to coordinate the services for the treatment of [persons] **adults** with mental illness, [persons] **adults** with intellectual disabilities, [persons] **adults** with developmental disabilities, [persons] **adults** with substance use disorders or [persons] **adults** with co-occurring disorders provided in this State and to provide continuity in the care and treatment provided.~~

~~8. Establish and maintain an appropriate program which provides information to the general public concerning mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders and consider ways to involve the general public in the decisions concerning the policy on mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders.~~

~~9. Compile statistics on mental illness and study the cause, pathology and prevention of that illness.~~

~~10. Establish programs to prevent or postpone the commitment of residents of this State to facilities for the treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders.~~

~~11. Evaluate the future needs of this State concerning the treatment of mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders and develop ways to improve the treatment already provided.~~

~~12. Take any other action necessary to promote mental health in this State.) (Deleted by amendment.)~~

Sec. 2.5. NRS 433.317 is hereby amended to read as follows:

433.317 1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations ~~of each mental health consortium~~ submitted **by mental health consortia** pursuant to NRS 433B.335 and to create a statewide plan for the provision of mental health

services to children. *The members of the subcommittee must include, without limitation:*

(a) The Chair of the statewide mental health consortium established pursuant to subsection 4 of NRS 433B.333; and

(b) A member of the statewide mental health consortium appointed pursuant to subparagraph (2) of paragraph (c) of subsection 4 of NRS 433B.333, other than the Chair of the statewide mental health consortium.

2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 3. ~~{NRS 433.395 is hereby amended to read as follows:~~

~~433.395 1. Upon approval of the Director of the Department, the Administrator may accept:~~

~~—(a) Donations of money and gifts of real or personal property; and~~

~~—(b) Grants of money from the Federal Government,~~

~~for use in public or private programs that provide services to persons in this State with mental illness.~~

~~2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with mental illness in a manner that supports the plan to coordinate services created by the Commission pursuant to subsection 7 of NRS 433.216 [.] and the plan to coordinate services created by the statewide mental health consortium pursuant to subsection 8 of section 6 of this act. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with mental illness in consideration of the nature and value of the donation, gift or grant.~~

~~3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.} (Deleted by amendment.)~~

Sec. 4. ~~{Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.} (Deleted by amendment.)~~

Sec. 5. ~~{The statewide mental health consortium established by subsection 4 of NRS 433B.333 shall:~~

~~1. Represent all mental health consortia established by subsection 1 of NRS 433B.333 before the Legislature, Commission and Department.~~

~~2. Review, make recommendations for and approve programs proposed by the Division to prevent the placement of children in facilities located outside of the home or home state of the child for the treatment of emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders or co-occurring disorders.~~

~~3. Evaluate the future needs of this State concerning the treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders and develop ways to improve the treatment currently provided.~~

~~4. Establish policies to ensure the adequate development and administration of services for children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders, including, without limitation:~~

~~(a) Services to prevent emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders; and~~

~~(b) Services provided without admission to a facility or institution.~~

~~5. Establish policies for the care and treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders provided by all state agencies.~~

~~6. Review the programs and financial records of the Division.~~

~~7. Report at the beginning of each year to the Governor and, at the beginning of each odd-numbered year, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature:~~

~~(a) Information concerning the quality of the care and treatment provided for children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; and~~

~~(b) In coordination with the Commission and the Department, any recommendations from the regional behavioral health policy boards created by NRS 433.429. The report must include, without limitation:~~

~~(1) The epidemiologic profiles of substance use disorders, addictive disorders related to gambling and suicide among children;~~

~~(2) Relevant behavioral health prevalence data for each behavioral health region created by NRS 433.428; and~~

~~(3) The health priorities set for children in each behavioral health region.~~

~~8. Appoint a subcommittee on the mental health of children to review the long-term strategic plan of each mental health consortium submitted pursuant to NRS 433B.335 and develop a statewide plan for the provision of services for the mental health of children. The members of the subcommittee appointed pursuant to this subsection serve at the pleasure of the statewide mental health consortium. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for~~

~~state officers and employees generally if funding is available for this purpose.~~

~~9. Take any other action necessary to promote the mental health of children in this State.} (Deleted by amendment.)~~

~~Sec. 6. {The statewide mental health consortium established by subsection 4 of NRS 433B.333 may:~~

~~1. Create a document that consolidates the strategies, goals and services contained in the long-term strategic plan of each mental health consortium submitted pursuant to NRS 433B.335.~~

~~2. Take such other action as is necessary to represent all mental health consortia established by subsection 1 of NRS 433B.333.~~

~~3. Collect and disseminate information pertaining to the mental health of children and intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders in children.~~

~~4. Request legislation pertaining to the mental health of children and intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders in children.~~

~~5. Accept, as authorized by the Legislature, gifts and grants of money and property.~~

~~6. Take appropriate steps to increase the availability and to enhance the quality of the care and treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders provided through private nonprofit organizations, governmental entities, hospitals and clinics.~~

~~7. Promote programs for the treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders or children with co-occurring disorders and participate in and promote the development of facilities for training persons to provide services for children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders.~~

~~8. Create a plan to coordinate the services for the treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders provided in this State and to provide continuity in the care and treatment provided.~~

~~9. Establish and maintain an appropriate program which provides information to the general public concerning emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders in children and consider ways to involve the general public in the decisions concerning the policy on emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders in children.~~

~~10. Establish programs to prevent or postpone the commitment of children of this State to facilities for the treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders or children with co-occurring disorders.~~

~~11. Evaluate the future needs of this State concerning the treatment of emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders in children and develop ways to improve the treatment already provided.~~

~~12. Take any other action necessary to promote the mental health of children in this State.~~ **(Deleted by amendment.)**

Sec. 7. NRS 433B.333 is hereby amended to read as follows:

433B.333 1. A mental health consortium is hereby established in each of the following jurisdictions:

(a) A county whose population is 100,000 or more; and

(b) The region consisting of all counties whose population are less than 100,000.

2. In a county whose population is 100,000 or more, such a consortium must consist of at least the following persons appointed by the Administrator:

(a) A representative of the Division;

(b) A representative of the agency which provides child welfare services;

(c) A representative of the Division of Health Care Financing and Policy of the Department;

(d) A representative of the board of trustees of the school district in the county;

(e) A representative of the local juvenile probation department;

(f) A representative of the local chamber of commerce or business community;

(g) A private provider of mental health care;

(h) A provider of foster care;

(i) A parent of a child with an emotional disturbance; and

(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.

3. In the region consisting of counties whose population are less than 100,000, such a consortium must consist of at least the following persons appointed by the Administrator:

(a) A representative of the Division of Public and Behavioral Health of the Department;

(b) A representative of the agency which provides child welfare services in the region;

(c) A representative of the Division of Health Care Financing and Policy of the Department;

(d) A representative of the boards of trustees of the school districts in the region;

(e) A representative of the local juvenile probation departments;

- (f) A representative of the chambers of commerce or business community in the region;
- (g) A private provider of mental health care;
- (h) A provider of foster care;
- (i) A parent of a child with an emotional disturbance; and
- (j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.

4. A statewide mental health consortium is hereby established to represent all mental health consortia established by subsection 1. The statewide mental health consortium must consist of:

(a) The Administrator as an ex officio, nonvoting member. The Administrator may designate an alternate who is an employee of the Division or another person to attend any meeting of the consortium in his or her place.

(b) The following voting members:

(1) A representative of the Division of Health Care Financing and Policy of the Department, appointed by the Administrator of that Division;

(2) A representative of the Department of Education, appointed by the Superintendent of Public Instruction; and

(3) A representative of the Division of Child and Family Services of the Department, appointed by the Administrator.

(c) The following voting members, appointed by the mental health consortium established by subsection 1 of which they are a member:

(1) Not more than three members from each mental health consortium established by subsection 1; and

(2) ~~At~~ In addition to the members appointed pursuant to subparagraph (1), one parent or legal guardian of a child with an emotional disturbance from each mental health consortium established ~~pursuant to~~ by subsection 1.

5. The statewide mental health consortium established pursuant to subsection 4 shall annually elect a Chair from among its voting members.

Sec. 8. NRS 433B.335 is hereby amended to read as follows:

433B.335 1. Each mental health consortium established ~~pursuant to~~ by subsection 1 of NRS 433B.333 shall prepare and submit to the Director of the Department ~~and the statewide mental health consortium established by subsection 4 of NRS 433B.333~~ Administrator a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after the date of submission, and each consortium ~~established by subsection 1 of NRS 433B.333~~ shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium ***established by subsection 1 of NRS 433B.333*** must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium *established by subsection 1 of NRS 433B.333* shall submit

to the Director of the Department, the Administrator and the Commission:
~~[statewide mental health consortium established by subsection 4 of NRS 433B.333.]~~

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities and any request for an allocation submitted pursuant to subsection 4 by each mental health consortium ~~that~~ **established by subsection 1 of NRS 433B.333**. On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium **established by subsection 1 of NRS 433B.333** a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department;

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion; and

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each **mental health** consortium **established by subsection 1 of NRS 433B.333** shall submit to the Director of the Department, the Administrator and the Commission:
~~[statewide mental health consortium established by subsection 4 of NRS 433B.333.]~~

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) A report of all expenditures made from an account maintained pursuant to NRS 433B.339, if any.

Sec. 9. NRS 433B.337 is hereby amended to read as follows:

433B.337 1. A mental health consortium established by **subsection 1 of NRS 433B.333** may:

(a) Participate in activities within the jurisdiction of the consortium to:

(1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to NRS 433B.335; and

(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation,

advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.

(b) Take other action to carry out its duties set forth in this section and NRS 433B.335 and 433B.339.

2. The statewide mental health consortium established by subsection 4 of NRS 433B.333 shall:

(a) Represent all mental health consortia established by subsection 1 of NRS 433B.333 before the Legislature, Commission and Department.

(b) Review, make recommendations for and approve programs proposed by the Division to prevent placing children in facilities located outside of the home or home state of the child for the treatment of emotional disturbance, substance use disorders or co-occurring disorders.

(c) Evaluate the future needs of this State concerning the treatment of children with emotional disturbance, substance use disorders or co-occurring disorders and develop ways to improve the treatment currently provided.

(d) Take any other action necessary to promote the mental health of children in this State.

3. The statewide mental health consortium established by subsection 4 of NRS 433B.333 may:

(a) Create a document that consolidates the strategies, goals and services in the long-term strategic plan prepared by each mental health consortium pursuant to NRS 433B.335.

(b) Take such other action as is necessary to represent all mental health consortia established by subsection 1 of NRS 433B.333.

4. To the extent practicable, a mental health consortium established by subsection 1 ~~for~~ of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of NRS 433B.333 shall coordinate with the Department to avoid duplicating or contradicting the efforts of the Department to provide mental health services to children with emotional disturbance and their families.

Sec. 10. NRS 433B.339 is hereby amended to read as follows:

433B.339 1. A mental health consortium established by subsection 1 ~~for~~ of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of NRS 433B.333 may:

(a) Enter into contracts and agreements to carry out the provisions of this section , ~~and~~ NRS ~~{433B.335 and} 433B.337 {;}~~ and , if applicable, NRS 433B.335; and

(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of this section , ~~and~~ NRS ~~{433B.335 and} 433B.337 {;}~~ and, if applicable, NRS 433B.335.

2. Any money collected pursuant to subsection 1:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended, under the direction of the consortium which deposited the money, to carry out the provisions of this section, ~~and~~ NRS ~~433B.335 and~~ 433B.337 ~~and, if applicable, NRS 433B.335.~~

3. The Administrator shall administer the account maintained for each consortium.

4. Any interest or income earned on the money in an account maintained pursuant to this section must be credited to the account and does not revert to the State General Fund at the end of a fiscal year.

5. Any claims against an account maintained pursuant to this section must be paid as other claims against the State are paid.

Sec. 11. ~~NRS 435.490 is hereby amended to read as follows:~~
~~435.490 1. Upon approval of the Director of the Department, the Administrator may accept:~~
~~(a) Donations of money and gifts of real or personal property; and~~
~~(b) Grants of money from the Federal Government,~~
~~for use in public or private programs that provide services to persons in this State with intellectual disabilities or persons with developmental disabilities.~~
~~2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with intellectual disabilities or persons with developmental disabilities in a manner that supports the plan to coordinate services created by the Commission on Behavioral Health pursuant to subsection 7 of NRS 433.316 [.] and the plan to coordinate services created by the statewide mental health consortium pursuant to subsection 8 of section 6 of this act. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with intellectual disabilities or persons with developmental disabilities in consideration of the nature and value of the donation, gift or grant.~~
~~3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.] (Deleted by amendment.)~~

Sec. 12. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~For a regular session, each~~ the statewide mental health consortium established by subsection 4 of NRS 433B.333 and the statewide ~~each~~ mental health consortium established by subsection 1 of NRS 433B.333 may request the drafting of not more than one legislative measure which relates to matters within the scope of the consortium. The

2. ~~Any such request must be submitted to the Legislative Counsel on or before September 1 preceding the~~ a regular session.

~~2.~~ **3.** Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested

pursuant to this section must be prefiled on or before the third Wednesday in November preceding ~~the~~ a regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 13. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, **and section 12 of this act** apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, **and section 12 of this act** for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, **and section 12 of this act** but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 14. 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. 15. ~~NRS 433.317 is hereby repealed.~~ **(Deleted by amendment.)**

Sec. 16. **This act becomes effective on July 1, 2023.**

‡

~~TEXT OF REPEALED SECTION~~

~~433.317 Appointment of subcommittee on the mental health of children; duties; compensation to extent of available funding.~~

~~1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations of each mental health consortium submitted pursuant to NRS 433B.335 and to create a statewide plan for the provision of mental health services to children.~~

~~2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.]~~

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. 269.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 373.

AN ACT relating to education; revising provisions governing performance evaluations of certain postprobationary teachers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations establishing a statewide performance evaluation system for evaluating the performance of certain employees. (NRS 391.465) Existing law requires each postprobationary teacher who receives an evaluation designating his or her overall performance as effective to receive one evaluation in the immediately succeeding school year. Existing law requires a postprobationary teacher who receives an evaluation designating his or her overall performance as highly effective for 2 consecutive school years to participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as highly effective but does not require such a teacher to receive an evaluation for that year. (NRS 391.690)

~~[This]~~ **Section 1.5 of this** bill authorizes a postprobationary teacher who receives an evaluation designating his or her overall performance as effective or highly effective for 2 consecutive evaluations to request to participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her overall performance as effective or highly effective and to receive, upon request, one evaluation based in part on that observation cycle, but does not require the teacher to receive an evaluation for that year. ~~[This bill]~~ **Section 1.5** requires a postprobationary teacher to receive an evaluation in the second school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her overall performance as effective or highly effective. ~~[This bill]~~ **Section 1.5** prohibits an administrator from threatening, intimidating, coercing, compelling or otherwise requiring a postprobationary teacher to request or not request to participate in an observation or receive an evaluation. **Section 1.7 of this bill makes these provisions retroactively applicable to include evaluations received for the 2021-2022 and 2022-2023 school years.**

Existing law: (1) requires each teacher and administrator who provides direct instructional services to pupils at a school to develop learning goals for such pupils; (2) provides that pupil growth may be determined by the extent to which the learning goals of a pupil are achieved; and (3) requires such learning goals and pupil growth to be included in the evaluations of such teachers and administrators. (NRS 391.480) Section 1.9 of this bill repeals those requirements. Sections 1, 1.1 and 1.3 of this bill make

conforming changes to remove other references to learning goals and pupil growth from the Nevada Revised Statutes.

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

Section 1. NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level, administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, and other licensed educational personnel, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods; ~~for which includes evaluations based upon pupil growth as required by NRS 391.465;~~

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers, administrators and other licensed educational personnel throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers, administrators and other licensed educational personnel, to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers, administrators and other licensed educational personnel; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 1.1. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Developing; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a), which must include, without limitation, consideration of whether the classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

~~(c) [Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.]~~

~~(d)~~ Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

~~(e)~~ **(d)** Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after

observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

~~[(e)]~~ **(e)** Require a person who evaluates a teacher who is responsible for a number of pupils that exceeds the applicable recommended ratio of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890, who is a postprobationary employee as defined in NRS 391.650 and whose performance on that evaluation is designated as effective or highly effective to, under the statewide performance evaluation system, award the teacher an additional weight for criteria relating to:

- (1) The manner in which the teacher structures a classroom environment;
 - (2) The manner in which the teacher provides an opportunity for extended discourse;
 - (3) The manner in which the teacher employs the cognitive abilities and skills of all pupils;
 - (4) The manner in which the teacher engages with the families of pupils;
- and
- (5) The perception of pupils of the performance of the teacher,

→ that is equivalent to the percentage by which the ratio of pupils for which the teacher is responsible exceeds the recommended ratio of pupils per licensed teacher. Any additional weight awarded to a teacher pursuant to this paragraph must not cause the score on a criterion to exceed the maximum score that would otherwise be possible on the criterion for a teacher rated as highly effective.

~~[(f)]~~ **(f)** If an employee knowingly and willfully failed to comply with the provisions of NRS 388.1351, indicate any disciplinary actions taken against the employee pursuant to NRS 388.1354.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 1.2. NRS 391.470 is hereby amended to read as follows:

391.470 On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the

implementation and effectiveness of the process for peer observations of teachers set forth in the regulations adopted by the State Board pursuant to paragraph ~~((c))~~ (d) of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer observations.

Sec. 1.3. NRS 391.485 is hereby amended to read as follows:

391.485 1. The State Board shall annually review the statewide performance evaluation system to ensure accuracy and reliability. Such a review must include, without limitation, an analysis of the:

(a) Number and percentage of teachers, administrators and other licensed educational personnel who receive each designation identified in paragraph (a) of subsection 2 of NRS 391.465 in each school, school district, and the State as a whole; **and**

~~(b) [Data used to evaluate pupil growth in each school, school district and the State as a whole, including, without limitation, any observations; and~~

~~—(c)]~~ Effect of the evaluations conducted pursuant to the statewide system of accountability for public schools on the academic performance of pupils enrolled in the school district in each school and school district, and the State as a whole.

2. The board of trustees of each school district shall annually review the manner in which schools in the school district carry out the evaluation of teachers, administrators and other licensed educational personnel pursuant to the statewide performance evaluation system.

3. The Department may review the manner in which the statewide performance evaluation system is carried out by each school district. ~~It including, without limitation, the manner in which the learning goals for pupils are established and evaluated pursuant to NRS 391.480.]~~

~~[Section 1.]~~ **Sec. 1.5.** NRS 391.690 is hereby amended to read as follows:

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as developing or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three observation cycles which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two observation cycles during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as developing or ineffective on the evaluation, the postprobationary teacher may request that the third observation cycle be conducted by another administrator. If a postprobationary teacher requests that his or her third observation cycle be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

2. ~~[[If~~ ***Except as otherwise provided in subsection 3, if*** a postprobationary teacher receives an evaluation designating his or her overall performance as effective ~~[[or highly effective,~~ the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of the school year.

3. If a postprobationary teacher receives an evaluation designating his or her overall performance as ***effective or*** highly effective for 2 consecutive ~~[[school years,]]~~ ***evaluations,*** the postprobationary teacher : ~~[[must:]]~~

(a) ~~[[Participate]]~~ ***May request to participate*** in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as ***effective or*** highly effective . ~~[[and]]~~ ***If a postprobationary teacher requests to participate in an observation cycle pursuant to this paragraph, the postprobationary teacher may receive one evaluation based in part upon the observation cycle conducted pursuant to this paragraph only upon the request of the postprobationary teacher; and***

(b) ~~[[Receive]]~~ ***Must receive*** one evaluation in the ***second*** school year immediately following the school year in which the postprobationary teacher ~~[[participated in the observation cycle pursuant to paragraph (a).]]~~ ***receives a second consecutive evaluation designating his or her performance as effective or highly effective.*** The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of that school year.

4. ***An administrator may not, directly or indirectly, threaten, intimidate, coerce, compel or otherwise require a postprobationary teacher to request or not to request to participate in an observation cycle or receive an evaluation pursuant to paragraph (a) of subsection 3 or perform such an observation cycle or evaluation without the consent of a postprobationary teacher.***

Sec. 1.7. 1. The amendatory provisions of section 1.5 of this act apply to any evaluation, observation cycle and other conduct of postprobationary teachers and administrators described in NRS 391.690, as amended by section 1.5 of this act, that occurs on or after July 1, 2021.

2. As used in this section:

(a) “Evaluation” means an evaluation of a postprobationary teacher as described in NRS 391.690, as amended by section 1.5 of this act.

(b) “Observation cycle” means an observation cycle that a postprobationary teacher participates in or requests to participate in as described in NRS 391.690, as amended by section 1.5 of this act.

Sec. 1.8. Any administrative regulations relating to learning goals or pupil growth which were adopted pursuant to NRS 391.480 by a regulatory body before July 1, 2023, and which conflict with or are inconsistent with the provisions of this act are void.

Sec. 1.9. NRS 391.480 is hereby repealed.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 1.9, inclusive, of this act ~~becomes~~ become effective
from:

(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, 2023, ~~it~~, for all other purposes.

TEXT OF REPEALED SECTION

391.480 Development of learning goals for pupils; Department to
establish list of assessments to measure achievement of learning goals;
evaluation of educational personnel based on achievement of learning
goals; regulations.

1. Each teacher at a school in a school district shall, in consultation
with the principal of the school at which the teacher is employed or other
administrator who is assigned by the principal, develop learning goals for
the pupils of the teacher for a specified period.

2. Each principal, vice principal and other administrator who
provides direct instructional services to pupils at a school in a school
district shall, in consultation with his or her direct supervisor, develop
learning goals for the pupils at the school where the principal, vice
principal or other administrator, as applicable, is employed for a specified
period.

3. The Department shall establish a list of assessments that may be
used by a school or school district to measure the achievement of learning
goals established pursuant to this section.

4. The board of trustees of each school district shall ensure that the
learning goals for pupils established pursuant to this section measure
pupil growth in accordance with the criteria established by regulation of
the State Board.

5. Each teacher and administrator who establishes learning goals for
pupils pursuant to this section must be evaluated at the end of the
specified period to determine the extent to which the learning goals of the
pupils were achieved. Such an evaluation must be conducted in
accordance with the criteria established by regulation of the State Board
for determining the level of pupil growth for the purposes of the statewide
performance evaluation system. The State Board may establish by
regulation the manner in which to include certain categories of pupils in
the evaluation conducted pursuant to this subsection.

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. 282.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 366.

AN ACT relating to substitute teachers; requiring school districts to provide certain substitute teachers with a subsidy for the purchase of health insurance coverage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations that set forth the qualifications for licensing teachers. (NRS 391.019) The Commission has adopted regulations governing the licensing and hiring of substitute teachers, providing that a school district may generally hire a substitute teacher: (1) for unlimited days of service if he or she is filling the role of a licensed teacher who is under contract; and (2) for 60 days if he or she is filling the role of a licensed teacher who is not under contract. (NAC 391.0897)

Section 1 of this bill requires school districts within this State to provide a monthly subsidy totaling at least \$450 per covered ~~person~~ full-time substitute teacher to ~~long-term~~ full-time substitute teachers for the purchase of health insurance coverage. **Section 1** also requires a ~~long-term~~ full-time substitute teacher to provide proof of purchase of health insurance coverage to the school district in which he or she is employed. Additionally, **section 1** defines a ~~long-term~~ full-time substitute teacher as a licensed substitute teacher who is hired by a school district for ~~45~~ 30 or more ~~cumulative~~ consecutive days on which instruction is provided to pupils during a single school year. **Section 1 also prohibits a school district or public school from: (1) preventing a substitute teacher from working the number of consecutive days necessary to receive the subsidy; or (2) reassigning a person to other duties to prevent the person from receiving the subsidy.**

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, each school district in this State shall provide each ~~long-term~~ full-time substitute teacher working within the school district a monthly subsidy to purchase health insurance coverage. The subsidy must be provided in the same manner as regular compensation for teaching.

2. Each ~~long-term~~ full-time substitute teacher must receive such a subsidy in the month following his or her ~~fifteenth cumulative~~ 30th consecutive day of teaching in a school district within a single school year.

3. The board of trustees of each school district shall determine the amount of the subsidy, which must be at least \$450 per month per covered

~~[person, including the long-term] full-time substitute teacher, and up to three dependents, including spouses and children.~~

4. Except as otherwise provided in this subsection, each ~~long-term~~ full-time substitute teacher must receive the subsidy each month for the remainder of the school year after he or she has qualified. The subsidy ceases if:

(a) The ~~long-term~~ full-time substitute teacher has not taught within the school district for 45 consecutive school days; or

(b) The full-time substitute teacher does not teach at least 70 percent of school days on which instruction is provided to pupils in a month; or

(c) Within 30 days of receiving the subsidy, the ~~long-term~~ full-time substitute teacher fails to provide proof of purchase of a health insurance plan to the school district in which he or she is employed. If the ~~long-term~~ full-time substitute teacher does not provide proof of purchase within 30 days, he or she may not receive any further subsidy payments until the month following the date on which proof of purchase is provided.

5. The board of trustees of each school district shall ~~develop~~ :

(a) Develop procedures for ~~long-term~~ full-time substitute teachers to provide proof of purchase ~~for~~ ; and

(b) Maintain a count of full-time substitute teachers within the district who are eligible to receive the subsidy provided pursuant to this section. Such a count must be made available to the public.

6. A school district or public school shall not:

(a) Prevent a substitute teacher from working the number of days necessary to qualify for the subsidy provided pursuant to this section; or

(b) Reassign a person to other duties within a school,

(c) to prevent a person from qualifying for the subsidy provided pursuant to this section.

7. As used in this section, ~~“long-term”~~ “full-time substitute teacher” means a substitute teacher endorsed pursuant to chapter 391 of NRS who is employed at any school within a school district for ~~15~~ 30 or more ~~cumulative~~ consecutive school days on which instruction is provided to pupils within a single school year.

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.

Sec. 3. This act becomes effective on July 1, 2023.

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. 285.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 374.

ASSEMBLYWOMEN TAYLOR, TORRES, ANDERSON ~~ET AL~~, **BILBRAY-AXELROD**
AND HANSEN

AN ACT relating to education; removing certain requirements for the use of restorative disciplinary practices in public schools; requiring certain schools to provide a progressive discipline plan based on restorative justice to certain pupils; revising provisions governing the development of a plan of discipline by the board of trustees of a school district; revising provisions governing age requirements for the suspension, expulsion and permanent expulsion of pupils; requiring the provision and reporting of a plan to provide education services to certain pupils; revising provisions governing the reporting of certain data concerning discipline of pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a plan to provide for the restorative discipline of pupils, developed: (1) in accordance with the statewide framework for restorative justice developed by the Department of Education; and (2) with input from certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law: (1) requires the Department to develop a statewide framework for restorative justice; and (2) sets forth requirements for that framework. (NRS 388.1333) Section 5 of this bill removes the requirement to establish such a plan, instead requiring that the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils establish a plan of progressive discipline. ~~for the district.~~ Section 5 also ~~authorizes the board of trustees of a school district~~ requires such entities to include disciplinary practices based on restorative justice within such a plan. Sections 1 and 2 of this bill make conforming changes relating to the removal of this requirement. Section 2.5 of this bill: (1) requires the Department to develop the plan regardless of funding; and (2) requires the framework developed by the Department to include certain training on school climate for teachers, administrators and other school staff.

Existing law requires, in general, that a public school provide a plan of action based on restorative justice before removing a pupil from a classroom or the premises of the school or suspending or expelling the pupil. (NRS 392.472) Sections 7 and 9 of this bill ~~remove the requirement~~ require a public school to instead provide a progressive discipline plan ~~of action~~ based on restorative justice ~~before removing~~ : (1) to a pupil ~~from a classroom or the premises of the school or suspending or expelling the pupil and, instead, authorizes a public school to provide such a plan.~~ who has been suspended for at least 5 cumulative days during a school year; and (2) within 2 days after removing a pupil. Section 9 additionally requires an example of a plan of action developed by the Department to include certain determinations concerning an individualized education program. Further, section 9 requires the plan to be made available to certain

personnel. Sections 3 and 4 of this bill provide similar authorization concerning the provision of plans based on restorative justice to charter schools and university schools for profoundly gifted pupils.

Existing law requires a public school to offer certain education services to a pupil who is removed from a classroom or the premises of a public school for at least 2 days. (NRS 392.4645) Section 5.5 of this bill requires each school district to, on or before August 1 of each year, submit a copy of such a plan to the: (1) Joint Interim Standing Committee on Education; (2) Department of Education; and (3) State Board of Education.

Existing law authorizes, under certain circumstances, the suspension, expulsion or permanent expulsion of a pupil who attends a public school, charter school or university school for profoundly gifted pupils and who is at least 11 years of age. (NRS 388A.495, 388C.150, 392.466, 392.467) Existing law further provides that a pupil who is less than 11 years of age may be suspended, expelled or permanently expelled by the public school in which the pupil is enrolled if such a punishment is approved by the board of trustees of the school district. (NRS 392.466) ~~Sections 3, 4, 5, 7 and 8~~ of this bill provide for the suspension, expulsion or permanent expulsion of certain pupils less than 11 years of age.

Under existing law, a public school is prohibited, in general, from permanently expelling a pupil who is less than 11 years of age, except for certain situations in which such a punishment is authorized by the board of trustees of a school board. (NRS 392.466, 392.467) ~~Sections 7 and 8 authorize~~ **Section 8 authorizes** the permanent expulsion of a pupil who is less than 11 years of age. **Section 7 of this bill authorizes the suspension, expulsion or permanent expulsion of a pupil who sells or distributes a controlled substance in certain situations or commits an act of violence against certain persons in various school settings if: (1) the pupil is at least 6 years of age; (2) the suspension or expulsion is reviewed by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal complies with federal law. Sections 3 and 4 apply similar provisions to charter schools and university schools for profoundly gifted pupils, respectively.**

Existing law provides the process for the principal of a school to deem a pupil a habitual disciplinary problem. (NRS 392.4655) Existing law additionally provides the process by which, after a principal determines a pupil is not a habitual disciplinary problem, a teacher may appeal the decision to the board of trustees of the school district. Section 6 of this bill instead provides that such an appeal must be made to either the superintendent of the school district or his or her designee.

Existing law requires each public school to collect data on the discipline of pupils. (NRS 392.462) Section 4.5 of this bill requires: (1) such data collection to occur quarterly; and (2) include data on the implementation of a plan for progressive discipline and the training that teachers and administrators have received regarding the plan. Section 4.5 additionally

requires the principal of each school to, before August 1 of each year, report the data to: (1) the board of trustees of the school district; (2) the Joint Interim Standing Committee on Education; and (3) the Superintendent of Public Instruction.

Section 6 ~~of this bill~~ makes a conforming change to refer to provisions that have been renumbered by **section 7**.

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

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension or expulsion, or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be discrimination based on race, bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion, or both, for discrimination based on race, bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of discrimination based on race, bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

(g) For each school in the district, including, without limitation, each charter school sponsored by the district, information on:

(1) The plan ~~for restorative justice and the process~~ for progressive discipline used by the school ~~for~~ and **any disciplinary practices based on restorative justice used by the school; and**

(2) The manner in which the school trains employees on ~~restorative justice and~~ progressive discipline ~~for~~ **and, if the school provides such training, restorative justice.**

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

- (a) Pupils who are economically disadvantaged;
- (b) Pupils from major racial and ethnic groups;
- (c) Pupils with disabilities;
- (d) Pupils who are English learners;
- (e) Pupils who are migratory children;
- (f) Gender;
- (g) Pupils who are homeless;
- (h) Pupils in foster care; and
- (i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

- (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
- (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.
- (c) “Discrimination based on race” has the meaning ascribed to it in NRS 388.1235.
- (d) “Expulsion” has the meaning ascribed to it in NRS 392.4603.
- (e) “Restorative justice” has the meaning ascribed to it in NRS 392.472.
- (f) “Suspension” has the meaning ascribed to it in NRS 392.4607.

Sec. 2. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools

to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) ~~Requirements and methods~~ **Recommendations** for restorative disciplinary practices that align with the statewide framework for restorative justice if such a framework is developed pursuant to NRS 388.1333; and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 2.5. NRS 388.1333 is hereby amended to read as follows:

388.1333 1. ~~[(To the extent that money is available, the)]~~ **The** Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:

(a) In accordance with NRS 392.472, establish standards for a plan of action based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;

(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;

(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; **and**

(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information **and training for teachers, administrators and other school staff** on, without limitation:

- (1) Multi-tiered systems of support;
- (2) Early warning systems;
- (3) Positive behavioral interventions and support;
- (4) The provision of school social workers;
- (5) Curriculum on social and emotional learning; ~~and~~
- (6) Trauma-informed practices; ~~and~~

~~(e) Provide for training for teachers, administrators and other school staff~~

~~(1)~~ (7) Child and adolescent development;

~~(2)~~ (8) Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and

~~(3)~~ (9) Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.

2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.

3. As used in this section:

- (a) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.
- (b) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).
- (c) “Restorative justice” has the meaning ascribed to it in NRS 392.472.
- (d) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).

Sec. 3. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~##~~ ***Except as otherwise provided in subsection 3, if*** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

3. A pupil who ~~[is at least 11 years of age and who]~~ poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process ~~[,] or [who is selling or distributing any controlled substance or]~~ who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school ~~[only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.]~~ ***immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion.***

4. ***Any pupil who sells or distributes any controlled substance while on the premises of any charter school, at an activity sponsored by a charter school or on any charter school bus shall meet with the school and his or her parent or legal guardian. The school may provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:***

(a) A pupil who is less than 6 years of age may not be permanently expelled pursuant to this section.

(b) A pupil who is less than 6 years of age may be suspended or expelled pursuant to this section only after the suspension or expulsion is reviewed and approved by the governing body of the charter school.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

5. A pupil with a disability ~~[who is at least 11 years of age and]~~ who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[5.]~~ ***6.*** A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

~~[6.]~~ ***7.*** The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at

least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~17.1~~ **8.** As used in this section:

(a) “Expel” or “expulsion” has the meaning ascribed to it in NRS 392.4603.

(b) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) “Pupil with a disability” has the meaning ascribed to it in NRS 388.417.

(d) “Suspend” or “suspension” has the meaning ascribed to it in NRS 392.4607.

Sec. 4. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~11.1~~ **Except as otherwise provided in subsection 3, if** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

3. A pupil ~~who is at least 11 years of age and~~ who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process ~~or who is selling or distributing any controlled substance or~~ who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed ~~only after~~ **from** the university school for profoundly gifted pupils ~~has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the~~

provisions of NRS 392.466 and 392.467.] *immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion.*

4. Any pupil who sells or distributes any controlled substance while on the premises of any university school for profoundly gifted pupils, at an activity sponsored by a university school for profoundly gifted pupils or on any bus owned by a university school for profoundly gifted pupils shall meet with the school and his or her parent or legal guardian. The school may provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 6 years of age may not be permanently expelled pursuant to this section;

(b) A pupil who is less than 6 years of age may be suspended or expelled pursuant to this section only after the suspension or expulsion is reviewed and approved by the governing body of the university school for profoundly gifted pupils.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

5. A pupil with a disability [who is at least 11 years of age and] who is enrolled in a university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~{5.}~~ 6. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

~~{6.}~~ 7. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions

governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~17.1~~ **8.** As used in this section:

(a) “Expel” or “expulsion” has the meaning ascribed to it in NRS 392.4603.

(b) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) “Pupil with a disability” has the meaning ascribed to it in NRS 388.417.

(d) “Suspend” or “suspension” has the meaning ascribed to it in NRS 392.4607.

Sec. 4.5. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall quarterly collect data on the discipline of pupils ~~and the plan developed pursuant to NRS 392.4644~~. Such data must include, without limitation, the number of expulsions and suspensions of pupils, the implementation of the plan, the training received by teachers and administrators regarding the plan and the number of placements of pupils in another school. Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;

2. ~~Report~~ On or before August 1 of each year, report the data to ~~the~~ :

(a) The board of trustees of the school district ~~each quarter~~ ;

(b) The Joint Interim Standing Committee on Education; and

(c) The Superintendent of Public Instruction; and

3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 5. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall establish a plan to provide for the ~~restorative~~ progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, pupils who are enrolled in schools within the school district and the parents and guardians of pupils who are enrolled in schools within the school district.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.

~~(d) Provide restorative disciplinary practices which include, without limitation:~~

~~—(1) Holding a pupil accountable for his or her behavior;~~

~~—(2) Restoration or remedies related to the behavior of the pupil;~~

~~—(3) Relief for any victim of the pupil; and~~

~~—(4) Changing the behavior of the pupil.~~

~~(e)~~ Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

~~{(f)}~~ (e) Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.

~~{(g)}~~ (f) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

~~{(h)} Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.~~

~~{(i)}~~ (g) Be posted on the Internet website maintained by the school district.

(h) Be in accordance with a plan to use disciplinary practices based on restorative justice developed pursuant to subsection 2.

2. The board of trustees of a school district ~~may~~, shall, in addition to establishing a plan for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan must:

(a) Authorize the use of disciplinary practices based on restorative justice which include, without limitation:

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil; and

(b) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from schools that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

3. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators and other educational personnel and support personnel who are employed at the school and the parents and guardians of pupils and the pupils who are enrolled in the school;

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;

(c) Based upon the review, recommend to the board of trustees of the school district revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel and the parents and guardians of pupils and the pupils who are enrolled in the school, if necessary;

(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and

(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.

~~3.1~~ **4.** On or before November 15 of each year, the board of trustees of each school district shall:

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school within the district in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(b) Post a copy of the report on the Internet website maintained by the school district.

~~4.1~~ **5.** As used in this section, “restorative justice” has the meaning ascribed to it in NRS 392.472.

Sec. 5.5. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. Except as otherwise provided in subsection 5, the plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this

section may be assigned to a temporary alternative placement pursuant to which the pupil:

- (a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;
- (b) Studies or remains under the supervision of appropriate personnel of the school district; and
- (c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

- (a) Required by NRS 392.466; or
- (b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

↪ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must ***develop a plan to*** offer a pupil who is removed from a classroom or any other premises of the public school pursuant to this section for more than 2 school days:

- (a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and
- (b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. Before removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

6. **Each school district shall, on or before August 1 of each year, submit a copy of the plan developed pursuant to subsection 4 to:**

- (a) The Joint Interim Standing Committee on Education;**
- (b) The Department; and**
- (c) The State Board.**

7. As used in this section, “homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

Sec. 6. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 6; and

(c) The behavior of the pupil was not caused by homelessness, as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker.

2. A principal of a school shall presume that the behavior of the pupil was caused by homelessness unless the principal determines the behavior was not caused by homelessness pursuant to subsection 1.

3. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the ~~board of trustees~~ **superintendent** of the school district ~~or his or her designee~~. Upon receipt of such a request, the ~~board of trustees~~ **superintendent or his or her designee** shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

4. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 6, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection ~~101~~ **9** of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is

not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 6.

5. A school shall provide the notice required by subsection 4 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

6. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

7. If a pupil commits the same act for which notice was provided pursuant to subsection 4 after he or she enters into a plan of behavior pursuant to subsection 6, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

8. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

9. The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the ~~board of trustees~~ **superintendent** of the school district **or his or her designee** a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a

request, the ~~board of trustees~~ **superintendent** of the school district **or his or her designee** shall review the determination in accordance with the procedure established by the board of trustees for such matters.

10. As used in this section:

(a) “Significant suspension” means the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

(b) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).

Sec. 7. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~and who is at least 11 years of age~~ shall meet with the school and his or her parent or legal guardian. The school ~~shall~~ **may** provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, **expelled** or **permanently** expelled from the school, ~~in which case the pupil shall;~~ **except that:**

(a) ~~Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~ **A pupil who is less than 6 years of age may not be permanently expelled pursuant to this section.**

(b) ~~Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.~~ **A pupil who is less than 6 years of age may be suspended or expelled pursuant to this section only after the suspension or expulsion is reviewed and approved by the superintendent of the school district or his or her designee.**

(c) **For a pupil with a disability who has been suspended or expelled pursuant to this section, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.**

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school ~~the~~ **a** plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil with a disability who committed the battery, the board of trustees of the school district or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil, ~~for any age,~~ including, without limitation, a pupil with a disability, who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, ~~the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil,~~ based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

(a) Suspended from the school; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such

modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. ~~Except as otherwise provided in this subsection and subsection 3, a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.~~

~~10.]~~ Except as otherwise provided in subsection 3, a pupil with a disability ~~[who is at least 11 years of age]~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[11.]~~ **10.** A homeless pupil or a pupil in foster care ~~[who is at least 11 years of age]~~ may be suspended or expelled from school pursuant to this section only if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~112.1~~ **11.** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~113.1~~ **12.** As used in this section:

(a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(e) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

(f) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(g) “Restorative justice” has the meaning ascribed to it in NRS 392.472.

(h) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).

~~114.1~~ **13.** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 8. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~4~~ **4** and ~~5~~ **5** and NRS 392.466, the board of trustees of a school district or its designee may authorize the suspension or expulsion of any pupil ~~who is at least 11 years of age~~ from any public school within the school district. ~~Except as otherwise~~

~~provided in this subsection and subsection 3 of NRS 392.466, a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.]~~

2. Except as otherwise provided in subsection ~~{6,}~~ 5, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who ***poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance*** or is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. ~~{The board of trustees of a school district or its designee may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:~~

~~—(a) Conducts an independent investigation of the conduct of the pupil; and~~

~~—(b) Gives notice of the charges brought against the pupil by the school to the pupil.~~

~~—4.}~~ The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~{5.}~~ 4. The board of trustees of a school district or its designee shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~{6.}~~ 5. A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~{7.}~~ 6. A homeless pupil or a pupil in foster care ~~{who is at least 11 years of age}~~ may be suspended or expelled from school pursuant to this section only if a determination is made that the behavior that led to the consideration for

suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~§ 7.~~ 7. As used in this section:

(a) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

(c) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 9. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.466, ~~and to the extent practicable,~~ a public school shall ~~may~~ provide a **progressive discipline** plan ~~of action~~ based on restorative justice ~~before~~ :

(a) To a pupil who has received at least 5 cumulative days of suspension during a school year; and

(b) Within 2 days after removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school ~~for a period of at least 3 days. Such a plan must include information concerning the provision of education services to the pupil during his or her removal pursuant to subsection 4 of NRS 392.4645.~~

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team ~~to determine:~~

(1) Whether an individualized education program is needed for the pupil;

(2) Whether an individualized education program, if one has been developed, has been appropriately implemented; and

(3) Whether any adjustments should be made to an individualized education plan that has been developed;

(e) A referral to appropriate community-based services; ~~and~~

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel ~~1.1~~;

(g) A determination of the need for a referral to a school social worker; and

(h) A plan for the reinstatement of a pupil who was expelled.

3. ~~{The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.~~

~~—4.1~~ The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the statewide framework for restorative justice developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;

(b) ~~{A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;~~

~~—(c)1~~ One or more models of restorative justice and best practices relating to restorative justice;

~~{(d)}~~ (c) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

~~{(e)}~~ (d) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

4. A progressive discipline plan based on restorative justice developed pursuant to this section shall be made available to any teacher or appropriate personnel of the school district who administers temporary alternative placement after the removal of a pupil.

5. ~~4.1~~ As used in this section:

(a) “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) “Restorative justice” means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 10. 1. This ~~act~~ section becomes effective upon passage and approval.

2. Section 2.5 of this act becomes effective upon passage and approval for the purpose of creating a statewide framework for restorative justice and developing the training required pursuant to paragraph (d) of subsection 1 of that section, and on July 1, 2028, for all other purposes.

3. Sections 1, 2 and 3 to 9, inclusive, of this act become effective on July 1, 2023.

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. 286.

Bill read second time.

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

Amendment No. 381.

CONTAINS UNFUNDED MANDATE (§§ 5, ~~6, 7, 13, 14~~) ~~-8~~

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to elections; ~~providing for the establishment of polling places in;~~ **requiring a person who administers** a county **or city jail**, ~~city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children and state facility for the detention of children;~~ **to establish a policy that ensures a person who is detained in the jail may register to vote and vote in an election;** requiring the Secretary of State to allow certain ~~prisoners~~ **persons detained in a county jail or city jail** to use a certain system of approved electronic transmission to ~~preregister and~~ register to vote and to cast a ballot ~~is requiring such a jail or facility to allow certain prisoners to register to vote; requiring such a jail or facility to allow a prisoner to vote and return his or her mail ballot;~~ **in an election;** requiring ~~such~~ **the person who administers a county or city jail** ~~for facility~~ to submit a report to the Secretary of State after each election; **prohibiting electioneering near certain areas of a jail; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to ~~establish polling places for a primary election, presidential preference primary election or general election. (NRS 293.2731, 298.690)~~ Existing law further requires, under certain circumstances, a county or city clerk to establish a polling place in certain locations such as an Indian reservation or Indian colony located in whole or in part within the county or city and in a residential development exclusively for elderly persons. ~~(NRS 293.2733, 293.2735, 293C.2675, 293C.268)~~ **cancel the registration of a voter upon the determination that the person has been convicted of a felony and is currently incarcerated. (NRS 293.540) Unless a person has been convicted of a felony, existing law does not prohibit a person who is detained in a county or city jail from registering to vote or voting in an election.**

Section 5 of this bill requires each ~~county clerk~~ **person who administers a county or city jail** to ~~coordinate with the person who administers each county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children in the county to~~ establish a ~~polling place in each such jail or~~

~~facility exclusively for prisoners]~~ **policy that ensures that: (1) a person who is detained** in the jail ~~for facility who are registered voters in the county to]~~ **and is a registered voter may** vote in ~~[person on the day of]~~ each primary election, presidential preference primary election, **primary city election, general election** and general **city election** ~~]~~ **in which the person is eligible to vote; and (2) a person detained in the jail and is a qualified elector may register to vote in each such election.** Section 5 ~~[clarifies that, with certain exceptions, the provisions of election law apply to the polling places established in such jails and facilities, voting at such polling places and registering to vote on the day of the election at such polling places.]~~ **requires such a policy to: (1) be developed in coordination with the county clerk and, if applicable, the city clerk; (2) be consistent with existing provisions of law relating to elections; (3) ensure the safety of any election board officer or other person who assists in the conduct of registering to vote or voting at the jail; (4) ensure that a person who registers to vote or votes in jail may do so without coercion or intimidation; (5) ensure the secrecy of the ballot; and (6) set forth a process for same-day voter registration.** Section 5 further requires ~~[(1) under certain circumstances, the county clerk to provide at least one mechanical voting device to the polling place in the jail or facility; and (2)]~~ the jail ~~for facility]~~ to post in a prominent location and set forth in the ~~[prisoner]~~ handbook **for detained persons**, certain information relating to elections and voting in the jail, ~~for facility. Section 13 of this bill sets forth similar requirements for the establishment of such polling places in a jail or facility for a primary city election and general city election.]~~

Section 6 of this bill requires the Secretary of State to allow: (1) an elector who is ~~[a prisoner]~~ **detained** in a county **or city** jail ~~], city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ to use the system of approved electronic transmission established for covered voters who are overseas or in the military to register to vote; **and** (2) a registered voter **who is detained** in a county **or city** jail ~~], city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ to use the system of approved electronic transmission to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter who is overseas or in the military. ~~], and (3) allow certain prisoners to preregister to vote.]~~ **Section 16.3 of this bill requires the Secretary of State to prescribe the procedures to be followed and the requirements of the use of the system of approved electronic transmission by electors and voters who are detained in a county or city jail.**

Section 7 of this bill requires each county **or city** jail ~~], city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ to allow: (1) a family member of a prisoner to bring to the prisoner in the jail or facility the prisoner's mail ballot; and (2) a prisoner to vote the mail ballot, return the

mail ballot, and, if applicable, cure any signature defect on the mail ballot. Section 14 of this bill sets forth similar requirements for city elections.

~~Sections~~ **to: (1) provide each person detained in the jail with a reasonable amount of privacy to vote; (2) provide each person detained in the jail with a pen to vote his or her mail ballot; (3) allow the county clerk to establish a process for the collection of mail ballots in the jail; and (4) allow a person, under certain circumstances, to cure any defect in a signature on a mail ballot.**

Section 8 ~~and 15~~ of this bill ~~require~~ **requires** each person who administers a county or city jail ~~, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children~~ to submit a report to the Secretary of State not later than 30 days after each primary election, presidential preference primary election, general election, primary city election and general city election.

Sections ~~10 and 16~~ **16.5 and 16.7** of this bill ~~provide that no member of the general public may observe the conduct of voting at a polling place established pursuant to section 5 or 13 without approval from the person who administers the jail or facility.~~

~~Section 11 of this bill requires the county clerk to prepare a roster for each polling place established in a county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children.~~

~~Sections 2-4 of this bill, respectively, define the terms “local facility for the detention of children,” “regional facility for the treatment and rehabilitation of children” and “state facility for the detention of children.” Section 9 of this bill makes a conforming change to indicate the proper placement of sections 2-4 in the Nevada Revised Statutes.~~ **prohibit electioneering near the area of a county or city jail where a person detained in the jail may vote.**

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ~~“Local facility for the detention of children” has the meaning ascribed to it in NRS 62A.190.~~ **(Deleted by amendment.)**

Sec. 3. ~~“Regional facility for the treatment and rehabilitation of children” has the meaning ascribed to it in NRS 62A.280.~~ **(Deleted by amendment.)**

Sec. 4. ~~“State facility for the detention of children” has the meaning ascribed to it in NRS 62A.330.~~ **(Deleted by amendment.)**

Sec. 5. 1. Each ~~county clerk shall coordinate with the~~ person who administers ~~each~~ **a county or city jail** ~~, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children in the county to~~

shall establish a ~~polling place in each such jail or facility exclusively for prisoners in~~ policy that ensures that:

(a) A person who is detained in the jail ~~for facility who are registered voters in the county to vote in person on the day of~~ and is a registered voter may vote in each primary election, presidential preference primary election ~~and~~, primary city election, general election ~~and~~ and general city election in which the person is eligible to vote; and

(b) A person who is detained in the jail and is a qualified elector may register to vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to register to vote.

2. ~~If ~~prisoners~~ qualified electors or registered voters of a county are detained in a jail or facility located in another county pursuant to an agreement entered into pursuant to subsection 2 of NRS 211.010, the county clerk shall coordinate with the person who administers the jail in the county where ~~the prisoners~~ such qualified electors or registered voters are detained to establish a ~~polling place~~ procedure for those ~~prisoners who are registered voters~~ persons to register to vote and vote, ~~in person on the day of the election.~~~~

~~2. Except as otherwise provided in this section or by specific statute, the provisions of this title relating to elections, including, without limitation:~~

~~(a) Polling places, apply to a polling place established pursuant to this section, including, without limitation, the requirements set forth in NRS 293.2955 for a polling place to be accessible to a voter with a disability.~~

~~(b) Voting in person on election day, apply to a prisoner who is a registered voter who applies to vote at a polling place established pursuant to this section.~~

~~(c) Same day voter registration, apply to a prisoner who is an elector who applies to vote on election day at a polling place established pursuant to this section. A person who administers the jail or facility shall not prohibit~~

3. Each policy or procedure established pursuant to subsection 1 or 2, as applicable, must:

(a) Be developed in coordination with the county clerk and, if applicable, the city clerk;

(b) Be consistent with the provisions of this title relating to elections;

(c) Ensure the safety of any election board officer or other person who assists in the conduct of registering to vote or voting at the jail;

(d) Ensure that a person who registers to vote or votes in a jail may do so without coercion or intimidation;

(e) Ensure the secrecy of the ballot, including, without limitation, the mail ballot; and

(f) Set forth a process that allows for same-day voter registration and allows a family member of a ~~prisoner from providing~~ person detained in the jail to provide the ~~prisoner~~ person in the jail ~~for facility~~ with the

necessary information to register to vote on the day of the election pursuant to NRS 293.5847.

~~{3. If a jail or facility has the technical ability to have a voting booth equipped with a mechanical recording device, the county clerk must provide a polling place established pursuant to this section with at least one mechanical voting device.~~

~~4. A county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall not prohibit or restrict any prisoner who is eligible to vote or register to vote in a primary election, presidential preference primary election or general election from doing so.~~

~~5. Every~~

4. Each county or city jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall post in a prominent location and set forth in the {prisoner} handbook for detained persons information relating to elections and voting in the jail, ~~for facility,~~ including, without limitation, qualifications to register to vote and to vote and the options and procedures for registering to vote and voting at the jail, ~~for facility.~~

~~6. 5. Nothing in this section authorizes a person convicted of a felony in this State who has not had his or her right to vote restored pursuant to NRS 213.157 to vote or to register to vote.~~ at a polling place established pursuant to this section.

~~7. 6. The Secretary of State shall adopt regulations to carry out the provisions of this section.~~

Sec. 6. 1. Except as otherwise provided in this section, the Secretary of State shall allow ~~for~~ during the period of early voting and on election day:

(a) An elector who is ~~for a prisoner~~ detained in a county or city jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote. The deadline for such an elector to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.

(b) A registered voter who is ~~for a prisoner~~ in the custody of a county or city jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot. The deadlines for such a registered voter to use the system of approved electronic transmission to request and cast a ballot are the same as the deadlines set

forth in NRS 293D.310 and 293D.400 for a covered voter to request and cast a military-overseas ballot.

~~[(c) A prisoner who is a citizen of the United States who is 17 years of age or older but less than 18 years of age and has continuously resided in this State for 30 days or longer to preregister to vote using the system of approved electronic transmission established pursuant to NRS 293D.200. If a prisoner preregisters to vote pursuant to this paragraph, the provisions of NRS 293.4855 apply.]~~

2. Upon receipt of an application and ballot cast by a ~~prisoner~~ person using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

3. The Secretary of State shall ensure that an elector or a registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for a ballot or cast a ballot, as applicable.

4. The Secretary of State shall prescribe the form and content of a declaration for use by an elector or a registered voter to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of a ballot.

5. The Secretary of State shall prescribe the duties of the county and city clerks upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.

6. The Secretary of State shall make available to an elector or registered voter who is ~~a prisoner~~ detained in a county or city jail ~~city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children~~ information regarding instructions on using the system of approved electronic transmission to register to vote and apply for and cast a ballot.

7. A county or city jail ~~city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children~~ shall not prohibit, restrict or monitor the use of the system of approved electronic transmission established pursuant to NRS 293D.200 by any ~~prisoner~~ person who is detained in the jail.

8. The provisions of this section do not require a county or city jail to allow a person detained in the jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 unless the jail has the technology that is necessary for a person to use the system of approved electronic transmission. A county or city jail that has the technology necessary for a person to use the system of approved electronic transmission

shall not prohibit, restrict or monitor the use of the system of approved electronic transmission by a person detained in the jail.

9. The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.

~~10.~~ 10. As used in this section:

- (a) “Covered voter” has the meaning ascribed to it in NRS 293D.030.
- (b) “Digital signature” has the meaning ascribed to it in NRS 720.060.
- (c) “Electronic signature” has the meaning ascribed to it in NRS 719.100.
- (d) “Military-overseas ballot” has the meaning ascribed to it in NRS 293D.050.

Sec. 7. 1. Each county or city jail, ~~city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children~~ shall:

~~(a) Allow a family member of a prisoner to bring to the prisoner in the jail or facility the prisoner’s mail ballot that was mailed to the prisoner by the county clerk;~~

~~(b) Provide each ~~prisoner~~ person detained in the jail with a reasonable amount of privacy to vote, ~~this or her mail ballot,~~ which may, without limitation, be in a common area, visitation area, room or cell;~~

~~(c) (b) Provide each ~~prisoner~~ person detained in the jail with a pen with black or blue ink to vote his or her mail ballot;~~

~~(d) Allow the prisoner to return his or her mail ballot by mail such that the mail ballot is postmarked and received by the county clerk pursuant to NRS 293.269921, authorize a person to return the mail ballot on behalf of the prisoner pursuant to NRS 293.269923 or allow the prisoner to return his or her mail ballot by drop box established pursuant to paragraph (e);~~

~~(e) (c) Allow the county clerk to establish a ~~drop box~~ process for the collection of the mail ballots ~~of prisoners and to collect the mail ballots from the drop box~~ voted by persons detained in the jail that includes a method for documenting the chain of custody of mail ballots; and~~

~~(f) (d) If applicable, allow the ~~prisoner~~ person to cure any defect in the signature on ~~the~~ a mail ballot pursuant to NRS 293.269927.~~

2. A county or city jail, ~~city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children~~ shall not open a mail ballot after a prisoner has voted and sealed the mail ballot, ~~unless the jail or facility has a reasonable suspicion of a prohibited activity.~~

Sec. 8. Not later than 30 days after each primary election, presidential preference primary election ~~for~~, primary city election, general election ~~for~~ and general city election, each person who administers ~~the~~ a county jail, ~~city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children~~ shall submit in a report to the Secretary of State:

1. An explanation of the process the jail ~~for facility~~ used to comply with the requirements of sections 5, 6 and 7 of this act for the election; and

2. A summary of each complaint received by the jail ~~for facility~~ from a ~~prisoner~~ person detained in the jail relating to registering to vote or voting in the election.

Sec. 9. ~~[NRS 293.010 is hereby amended to read as follows:~~
~~293.010 As used in this title, unless the context otherwise requires, the~~
~~words and terms defined in NRS 293.016 to 293.121, inclusive, and sections~~
~~2, 3 and 4 of this act have the meanings ascribed to them in those sections.]~~
(Deleted by amendment.)

Sec. 10. ~~[NRS 293.274 is hereby amended to read as follows:~~
~~293.274 1. [The] Except as otherwise provided in this subsection, the~~
county clerk shall allow members of the general public to observe the conduct
of voting at a polling place. ~~No member of the general public may observe~~
~~the conduct of voting at a polling place established pursuant to section 5 of~~
~~this act without the approval of the person who administers the county jail,~~
~~city jail, local facility for the detention of children, regional facility for the~~
~~treatment and rehabilitation of children or state facility for the detention of~~
~~children, as applicable.~~

~~2. A member of the general public shall not photograph the conduct of~~
~~voting at a polling place or record the conduct of voting on audiotape or any~~
~~other means of sound or video reproduction.~~

~~3. For the purposes of this section, a member of the general public does~~
~~not include any person who:~~

~~(a) Gathers information for communication to the public;~~

~~(b) Is employed or engaged by or has contracted with a newspaper,~~
periodical, press association, or radio or television station; and

~~(c) Is acting solely within his or her professional capacity.] (Deleted by~~
amendment.)

Sec. 11. ~~[NRS 293.563 is hereby amended to read as follows:~~
~~293.563 1. During the interval between the closing of registration and~~
the election, the county clerk shall prepare for:

~~(a) Each polling place:~~

~~(1) A roster containing the registered voters eligible to vote at the polling~~
place; and

~~(2) A roster designated for electors who apply to register to vote or apply~~
~~to vote at the polling place pursuant to NRS 293.5772 to 293.5887, inclusive;~~
and

~~(b) Each polling place established pursuant to NRS 293.3072 or 293C.3032~~
~~or section 5 or 13 of this act a roster containing the registered voters eligible~~
to vote in the county or city, respectively.

~~2. The rosters must be delivered or caused to be delivered by the county~~
~~or city clerk to an election board officer of the proper polling place before the~~
opening of the polls.] (Deleted by amendment.)

Sec. 12. ~~[Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 13, 14 and 15 of this act.] (Deleted by amendment.)~~

Sec. 13. ~~{1. Each city clerk shall coordinate with the person who administers each county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children in the city to establish a polling place in each such jail or facility exclusively for prisoners in the jail or facility who are registered voters in the city to vote in person on the day of each primary city election and general city election.~~

~~—2. Except as otherwise provided in this section or by specific statute, the provisions of this title relating to city elections, including, without limitation:~~

~~—(a) Polling places, apply to a polling place established pursuant to this section, including, without limitation, the requirements set forth in NRS 203C.281 for a polling place to be accessible to a voter with a disability.~~

~~—(b) Voting in person on election day, apply to a prisoner who is a registered voter who applies to vote at a polling place established pursuant to this section.~~

~~—(c) Same day voter registration, apply to a prisoner who is an elector who applies to vote on election day at a polling place established pursuant to this section. A person who administers the jail or facility shall not prohibit a family member of a prisoner from providing the prisoner in the jail with the necessary information to register to vote on the day of the election pursuant to NRS 293.5847.~~

~~—3. If a jail or facility has the technical ability to have a voting booth equipped with a mechanical recording device, the city clerk must provide a polling place established pursuant to this section with at least one mechanical voting device.~~

~~—4. A county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall not prohibit or restrict any prisoner who is eligible to vote or register to vote in a primary city election or general city election from doing so.~~

~~—5. Every county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall post in a prominent location and set forth in the prisoner handbook information relating to elections and voting in the jail or facility, including, without limitation, qualifications to register to vote and to vote and the options and procedures for registering to vote and voting at the jail or facility in city elections.~~

~~—6. Nothing in this section authorizes a person convicted of a felony in this State who has not had his or her right to vote restored pursuant to NRS 213.157 to vote or to register to vote at a polling place established pursuant to this section.~~

~~7. The Secretary of State shall adopt regulations to carry out the provisions of this section. (Deleted by amendment.)~~

Sec. 14. ~~[1. Each county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall:~~

~~—(a) Allow a family member of a prisoner to bring to the prisoner in the jail or facility the prisoner's mail ballot that was mailed to the prisoner by the city clerk;~~

~~—(b) Provide each prisoner with a reasonable amount of privacy to vote his or her mail ballot, which may, without limitation, be in a common area, visitation area, room or cell;~~

~~—(c) Provide each prisoner with a pen with black or blue ink to vote his or her mail ballot;~~

~~—(d) Allow the prisoner to return his or her mail ballot by mail such that the mail ballot is postmarked and received by the city clerk pursuant to NRS 203C.26321, authorize a person to return the mail ballot on behalf of the prisoner pursuant to NRS 203C.26323 or allow the prisoner to return his or her mail ballot by drop box established pursuant to paragraph (e);~~

~~—(e) Allow the city clerk to establish a drop box for the collection of the mail ballots of prisoners and to collect the mail ballots from the drop box; and~~

~~—(f) If applicable, allow the prisoner to cure any defect in signature on the mail ballot pursuant to NRS 203C.26327.~~

~~2. A county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall not open a mail ballot after a prisoner has voted and sealed the mail ballot unless the jail or facility has a reasonable suspicion of a prohibited activity. (Deleted by amendment.)~~

Sec. 15. ~~[Not later than 30 days after each primary city election or general city election, each person who administers the county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall submit in a report to the Secretary of State:~~

~~1. An explanation of the process the jail or facility used to comply with the requirements of sections 13 and 14 of this act for the election; and~~

~~2. A summary of each complaint received by the jail or facility from a prisoner relating to registering to vote or voting in the election. (Deleted by amendment.)~~

Sec. 16. ~~[NRS 203C.269 is hereby amended to read as follows:~~

~~203C.269 1. [The] Except as otherwise provided in this subsection, the city clerk shall allow members of the general public to observe the conduct of voting at a polling place for a city election. No member of the general public may observe the conduct of voting at a polling place established pursuant to section 13 of this act without the approval of the person who administers the county jail, city jail, local facility for the detention of children, regional~~

~~facility for the treatment and rehabilitation of children or state facility for the detention of children, as applicable.~~

~~2. A member of the general public shall not photograph the conduct of voting at a polling place for a city election or record the conduct of voting on audiotape or any other means of sound or video reproduction.~~

~~3. For the purposes of this section, a member of the general public does not include any person who:~~

~~(a) Gathers information for communication to the public;~~

~~(b) Is employed or engaged by or has contracted with a newspaper, periodical, press association, or radio or television station; and~~

~~(c) Is acting solely within his or her professional capacity.} (Deleted by amendment.)~~

Sec. 16.3. 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) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

(2) 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.

(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters who are detained in a county or city jail.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed 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 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. 16.5. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

During the time that a person detained in a county or city jail may vote in the jail, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance of the voting area of the jail.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters “Polling Place for Early Voting”; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters “Distance Marker: No electioneering between this point and the entrance to the polling place.”

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 16.7. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place ~~or~~ within 100 feet from the entrance to the building or other structure in which a polling place is located ~~or~~ **inside the area of a county or city jail where a person detained in the jail may vote or within 100 feet from the entrance of the area in a jail where a person detained in the jail may vote:**

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

↪ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insignie and is reasonably unable to remove the insignie or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insignie which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 17. 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. 18. 1. This section and section 17 of this act become effective upon passage and approval.

2. Sections 1 to ~~16,~~ **16.7**, 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 Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 375.

CONTAINS UNFUNDED MANDATE (§ ~~14~~ **1.5)**

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; ~~prohibiting the counting of a pupil for apportionment purposes unless the pupil receives a certain amount of instructional time;~~ **requiring the reporting of certain information relating to class time used for examinations and assessments;** requiring the Department of Education to adopt regulations limiting the amount of time used to prepare for and conduct certain examinations and assessments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~— [Existing law requires, in general, the count of pupils for apportionment purposes to include all pupils enrolled in a school district in kindergarten and grades 1 to 12, inclusive, with certain exceptions. (NRS 387.123) Section 1 of this bill requires a pupil to be excluded from the count of pupils for apportionment purposes if the pupil is enrolled in kindergarten or grades 1 to 12, inclusive, if less than 98 percent of the time the pupil spends in class is instructional time, which is defined by section 1 to be the time during a school day used for providing instruction to a pupil and excludes, with certain exceptions, time spent conducting or preparing for examinations or assessments.]~~

Section 1.5 of this bill requires: (1) each school to annually submit to its school district a report detailing the aggregate amount of class time used for conducting and preparing for certain examinations and assessments; (2) each school district to submit those reports to the Department of Education; (3) the Department to submit those reports received to standing legislative committees relating to education; and (4) the Department to work with and develop corrective action plans for schools

that use more than 2 percent of the total number of annual minutes of attendance required for a pupil for conducting or preparing for certain examinations and assessments.

Existing law requires the administration of certain examinations and assessments to measure the achievement and proficiency of pupils in various subjects. (NRS 390.055, 390.105) Existing law also requires the Department ~~[of Education]~~ to adopt regulations limiting the time taken from instruction to conduct an examination or assessment. (NRS 390.805) **Section 2** of this bill requires such regulations to limit, with certain exceptions, the time used for conducting or preparing for an examination or assessment to 2 percent or less of the total number of annual minutes of attendance required for a pupil.

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

Section 1. ~~[NRS 387.123 is hereby amended to read as follows:~~

~~387.123 1. [The] Except as otherwise provided in subsection 2 or 3, the count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, pupils who are enrolled in a university school for profoundly gifted pupils located in the county and pupils who are enrolled in a challenge school located in the county, for:~~

- ~~— (a) Pupils in the kindergarten department.~~
- ~~— (b) Pupils in grades 1 to 12, inclusive.~~
- ~~— (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.~~
- ~~— (d) Pupils who reside in the county and are enrolled part time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.~~
- ~~— (e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.~~
- ~~— (f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474.~~
- ~~— (g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.~~
- ~~— (h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).~~
- ~~— (i) Pupils who are enrolled in a challenge school.~~

~~2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. Except as~~

otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:

~~—(a) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.~~

~~—(b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.~~

~~—(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.~~

~~3. The count of pupils for apportionment purposes pursuant to subsection 1 must exclude any pupil who is enrolled in kindergarten or grades 1 to 12,~~

~~inclusive, if less than 98 percent of the time the pupil spends in class is instructional time.~~

~~4. As used in this section, “instructional time” means time during a school day used for providing instruction to a pupil. Except as otherwise required by the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f), the term:~~

~~—(a) Includes time used for conducting or preparing for an examination or assessment for a pupil who is being administered an examination or assessment as a result of the pupil participating in:~~

~~—(1) An advanced placement course;~~

~~—(2) A program of career and technical education; or~~

~~—(3) Any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in elementary school pursuant to NRS 388.157; and~~

~~—(b) Does not include any time used for preparing for or conducting any other examination or assessment which is required by federal or state law or by the board of trustees of a school district or governing body of a charter school or university school for profoundly gifted pupils. (Deleted by amendment.)~~

Sec. 1.5. Chapter 390 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school within a school district shall, on or before December 1 of each year, submit a report to the district detailing the aggregate amount of annual class time used for conducting and preparing for examinations and assessments during the immediately preceding school year.

2. Each school district shall, on or before December 31 of each year, submit all reports received pursuant to subsection 1 to the Department.

3. On or before February 1 of each year, the Department shall submit all reports received pursuant to subsection 2 in the immediately preceding year:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature; and

(b) In even-numbered years, to the Joint Interim Standing Committee on Education.

4. The Department shall provide assistance to schools that violate the limitation described in paragraph (a) of subsection 2 of NRS 390.805 and develop a corrective action plan for such a school to limit the time to conduct or prepare for an examination or assessment to not more than 2 percent of the total number of annual minutes of attendance required for a pupil.

5. As used in this section, unless the context otherwise requires, "examination or assessment" has the meaning ascribed to it in NRS 390.805.

Sec. 2. NRS 390.805 is hereby amended to read as follows:

390.805 1. The Department shall adopt regulations that, for an examination or assessment administered pursuant to this chapter or required to be administered by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis, as applicable, prescribe limits on the:

(a) Actual time taken from ~~instruction~~ a school day to conduct or prepare for an examination or assessment; and

(b) Number of examinations or assessments administered to pupils in a school year.

2. The regulations adopted by the Department pursuant to subsection 1 must:

(a) Except as otherwise provided in paragraph (b), prohibit using more than 2 percent of the total number of annual minutes of attendance required for a pupil for conducting or preparing for an examination or assessment; ~~and~~

(b) Provide exceptions from the limitation described in paragraph (a):

(1) That are necessary to comply with the requirements of federal law, including, without limitation, the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f); ~~and~~

(2) For a pupil who is being administered an examination or assessment as a result of the pupil participating in:

(I) An advanced placement course;

(II) An international baccalaureate course;

(III) A program of career and technical education; or

~~any~~ (IV) Any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in elementary school pursuant to NRS 388.157 ~~to~~; and

(3) For a pupil who is administered an examination or assessment to screen for any special needs of the pupil, including, without limitation, any difficulty in English language acquisition or any disability; and

(c) Exclude time spent at recess from the limitation described in paragraph (a).

3. If the board of trustees of a school district or the governing body of a charter school intends to administer an examination or assessment that would exceed a limitation in a regulation adopted by the Department pursuant to subsection 1, the board of trustees of the school district or the governing body of the charter school must request a waiver from the State Board to exceed the limitation. The State Board may grant a waiver requested pursuant to this subsection if the State Board deems it appropriate.

4. As used in this section, unless the context otherwise requires, “examination or assessment” means a federal, state or locally mandated test that is intended to measure a pupil’s academic readiness, learning progress and skill acquisition. The term does not include:

(a) A quiz or test developed by a teacher or time devoted to quizzes, examinations, reviews of portfolios or evaluations of performance that are initiated by a teacher; or

(b) A sampling test that is not administered to all students.

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. 3.5. The provisions of subsection 1 of NRS 2180.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 4. This act becomes effective on July 1, 2023.

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. 309.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 319.

AN ACT relating to property rights; authorizing the use of electronic ballots for the election and removal of members of the executive board of a unit-owners’ association of a common-interest community and for the election of delegates or representatives to exercise the voting rights of units’ owners in an association; authorizing a member of the executive board who is subject to removal to submit a written request for a meeting of the executive board to discuss the member’s removal; **revising requirements concerning the provision of certain notices by an association**; specifying that an association is authorized to conduct a vote for the election or removal of a member of the executive board without a meeting; authorizing an association that conducts a

vote without a meeting to allow the units' owners to vote by using a voting machine; establishing requirements relating to the use of electronic voting for the election or removal of a member of the executive board without a meeting; authorizing money in the operating account of an association to be withdrawn without the usual required signatures for the purpose of making certain automatic and annual payments; requiring the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the requirements relating to the transfer of certain items upon the termination or assignment of a management agreement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) establishes the procedures for the election and removal of members of the executive board of a unit-owners' association of a common-interest community and the election of delegates or representatives to exercise the voting rights of units' owners in certain common-interest communities; and (2) requires that the election and removal of such members, as applicable, be conducted by secret written ballot. (NRS 116.31034, 116.31036, 116.31105) **Sections 1 and 2** of this bill, respectively, authorize the use of secret electronic ballots for the election or removal of any member of the executive board and require that the results of such ballots be reviewed, announced and entered into the record at a meeting of the association. **Section 4** of this bill makes conforming changes to provide the same authority and impose the same requirement with regard to the election of delegates or representatives to exercise the voting rights of units' owners. **Section 2** additionally provides that, with regard to the removal of a member of the executive board that will be voted on by secret ballot, the member who is the subject of the removal may submit a written request for a meeting of the executive board, which must occur before the meeting scheduled for a vote on the member's removal, at which the removal will be discussed as an agenda item. **Section 2** requires notice of such a requested meeting to be given to the units' owners not later than 5 days after receipt of the written request.

Existing law requires, in general, any notice required to be given to a unit's owner by an association and any communication from or other information provided by the association to be delivered to the mailing or electronic mail address designated by the unit's owner, unless the unit's owner has opted out of receiving electronic communications or has not designated an electronic mail address. (NRS 116.31068) Section 2.5 of this bill eliminates such requirements for notice with respect to communications from and other information provided by the association and instead requires, with certain exceptions, such notices to be delivered to the electronic mail address that a unit's owner designates. Section 2.5 sets forth the manner in which an association is required to deliver such notices to a unit's owner who has opted out of receiving electronic notices or who has not designated an electronic mail address at which to receive notices.

Existing law authorizes an association to conduct a vote without a meeting unless conducting a vote in such a manner is prohibited or limited by the declaration or bylaws of the association. (NRS 116.311) **Section 3** of this bill removes such an exception and specifies that an association is authorized to conduct a vote for the election or removal of a member of the executive board without a meeting.

Section 3 authorizes an association that conducts a vote without a meeting to allow the units' owners to vote by using a voting machine that meets certain requirements. **Section 3** also provides that if an association conducts a vote for the election or removal of a member of the executive board without a meeting and the ~~association allows the~~ **executive board chooses to** use ~~off~~ electronic voting: (1) ~~if a unit's owner may opt out of receiving an electronic~~ **the association is required to send, within a certain time period, a paper** ballot ~~to~~ **and a return envelope, prepaid by United States mail, to any unit's owner who has opted out of receiving electronic notices pursuant to section 2.5;** (2) the association is required to ~~deliver a paper~~ **send, within a certain time period, an electronic** ballot to ~~for any~~ unit's owner ~~in certain circumstances;~~ **who has designated an electronic mail address at which to receive notices pursuant to section 2.5;** (3) if the association allows units' owners to vote by using a voting machine, the association is required to provide to a unit's owner the opportunity to opt out of voting by using a voting machine and instead receive a paper ballot; (4) a meeting of the units' owners must be held to open and count the paper ballots and review and announce the results obtained from the electronic ballots or voting machine and enter the results into the meeting record; and (5) any electronic voting must be conducted by an independent third-party who meets certain requirements.

Existing law generally prohibits money in the operating account of an association from being withdrawn without the signatures of certain persons, but also establishes certain purposes for which money in the operating account may be withdrawn without such signatures. (NRS 116.31153) **Section 5** of this bill additionally provides that money in the operating account of an association may be withdrawn without the usual required signatures for the purpose of making: (1) automatic payments for the cost of certain insurance policies, telecommunications services maintained by the association and services to the association that are billed on a monthly **, quarterly or annual** basis; and (2) annual payments to the Office of Ombudsman.

Existing law imposes certain requirements on community managers regarding the transfer of the possession of all books, records and other papers of a client upon the termination or assignment of a management agreement. (NRS 116A.620) **Section 6** of this bill instead requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the requirements relating to such a transfer. **Section 7** of this bill makes a conforming change to remove the provisions of existing law relating to such a transfer when the Commission has adopted the regulations required by **section 6**.

Sections 8, 9, 9.5 and 10 of this bill generally replicate the changes made by **sections 1, 2, 2.5 and 3** in the corresponding provisions of law that apply to condominium hotels. **Section 11** of this bill replicates the existing provisions of and changes made to **section 5** and applies such provisions to condominium hotels.

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

Section 1. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then:

(a) The association will not prepare or ~~mail~~ **provide** any ballots to units' owners pursuant to this section; and

(b) The nominated candidates shall be deemed to be duly elected to the executive board at the meeting of the units' owners at which the ballots would have been counted pursuant to paragraph (e) of subsection 15.

6. If the executive board makes the determination set forth in subsection 5, the secretary or other officer specified in the bylaws of the association shall disclose the determination and the provisions of subsection 5 with the notice given pursuant to subsection 4.

7. If, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is less than the number of members to be elected to the executive board at the election, the executive board may fill the remaining vacancies on the executive board by appointment of the executive board at a meeting of the executive board held after the candidates are elected pursuant to subsection 5. Any such person appointed to the executive board shall serve as a member of the executive board until the next regularly scheduled election of members of the executive board. An executive board member elected to a previously appointed position which was temporarily filled by board appointment pursuant to this subsection may only be elected to fulfill the remainder of that term.

8. If, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and ~~mail~~ **provide** ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

9. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➡ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association

with the ballot or, in the event ballots are not prepared and ~~mailed~~ **provided** pursuant to subsection 5, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

10. Except as otherwise provided in subsections 11 and 12, unless a person is appointed by the declarant:

(a) A person may not be a candidate for or member of the executive board or an officer of the association if:

(1) The person resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association;

(2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association; or

(3) The person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a candidate for or member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

11. A person, other than a person appointed by the declarant, who owns 75 percent or more of the units in an association may:

(a) Be a candidate for or member of the executive board or an officer of the association; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

↪ unless the person owning 75 percent or more of the units in the association and the other person would constitute a majority of the total number of seats on the executive board.

12. A person, other than a person appointed by the declarant, may:

(a) Be a candidate for or member of the executive board; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

↪ if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected to the executive board.

13. If a person is not eligible to be a candidate for or member of the executive board or an officer of the association pursuant to any provision of this chapter, the association:

- (a) Must not place his or her name on the ballot; and
- (b) Must prohibit such a person from serving as a member of the executive board or an officer of the association.

14. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

- (a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and
- (b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

15. Except as otherwise provided in subsection 5 or NRS **116.311 or 116.31105**, the election of any member of the executive board must be conducted by secret ~~written~~ ballot in the following manner:

- (a) The secretary or other officer specified in the bylaws of the association shall cause a secret **paper or electronic** ballot **to be provided to each unit's owner** and :

(1) If a paper ballot is provided, shall send the ballot and a return envelope , ~~to be sent,~~ prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner ~~[-]~~ ; **or**

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

- (b) Each unit's owner must be provided with at least 15 days after the date the secret ~~written~~ ballot is mailed , **provided or made available** to the unit's owner to return the secret ~~written~~ ballot to the association ~~[-]~~ **by physical or electronic means.**

- (c) A quorum is not required for the election of any member of the executive board.

- (d) Only the secret ~~written~~ ballots that ~~are returned to~~ the association **receives by physical or electronic means** may be counted to determine the outcome of the election.

- (e) ~~The secret written ballots must be opened and counted at~~ **At** the meeting of the units' owners held pursuant to subsection 1 of NRS 116.3108 ~~[-]~~ , **the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.** A quorum is not required to be present when the secret ~~written~~ ballots

physically received by the association are opened and counted *or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record* at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret ~~written~~ ballots that ~~are returned to~~ the association *physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means*, before those secret ~~written~~ ballots have been opened and counted *or reviewed, announced and entered into the record, as applicable*, at a meeting of the association.

16. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

17. A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(1) Must be no longer than a single, typed page;

(2) Must not contain any defamatory, libelous or profane information; and

(3) May be sent with ~~the~~ a secret ballot mailed pursuant to subsection 15 or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than \$5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material

provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

➔ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

18. An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 17.

19. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 2. NRS 116.31036 is hereby amended to read as follows:

116.31036 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section, the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. A removal election may be called by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. To call a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If a removal election is called pursuant to this subsection and:

(a) The voting rights of the units' owners will be exercised through the use of secret ~~written~~ ballots pursuant to this section:

(1) The secret ~~written~~ ballots for the removal election must be ~~sent~~ **mailed, provided or made available** in the manner required by this section not less than 15 days or more than 60 days after the date on which the petition is received. ~~and~~

(2) The executive board shall set the date for the meeting to open and count the secret ~~written~~ ballots **physically received by the association and to review, announce and enter into the record the results of the secret ballots received by the association by electronic means** so that the meeting is held not more than 15 days after the deadline for returning the secret ~~written~~ ballots **by physical or electronic means** and not later than 90 days after the date on which the petition was received.

(3) Upon written request submitted to the community manager, president or secretary of the association by a member of the executive board who is the subject of the removal election, the secretary or other officer specified in the bylaws of the association shall cause notice of a meeting of the executive board to be given to the units' owners not later than 5 days after receipt of the written request. The notice must include the date, time and location of the meeting, as requested by the member of the executive board who is the subject of the removal election, and identify the removal of the member from the executive board as an agenda item listed for discussion. A meeting requested pursuant to this subparagraph must occur before the date for the meeting set by the executive board pursuant to subparagraph (2).

(b) The voting rights of the owners of time shares will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 90 days after the date on which the petition is received.

➡ The association shall not adopt any rule or regulation which prevents or unreasonably interferes with the collection of the required percentage of signatures for a petition pursuant to this subsection.

3. Except as otherwise provided in NRS **116.311** or 116.31105, the removal of any member of the executive board must be conducted by secret ~~written~~ ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret **paper or electronic** ballot **to be provided to each unit's owner** and :

(1) If a paper ballot is provided, shall send the ballot and a return envelope, ~~to be sent,~~ prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner ~~it~~ ; **or**

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~written~~ ballot is mailed, ***provided or made available*** to the unit's owner to return the secret ~~written~~ ballot to the association ~~by physical or electronic means~~.

(c) Only the secret ~~written~~ ballots that ~~are returned to~~ the association ***receives by physical or electronic means*** may be counted to determine the outcome.

(d) ~~The secret written ballots must be opened and counted at~~ ***At*** a meeting of the association ~~by physical or electronic means~~, ***the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record***. A quorum is not required to be present when the secret ~~written~~ ballots ***physically received by the association*** are opened and counted ***or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record*** at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret ~~written~~ ballots that ~~are returned to~~ the association ***physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means***, before those secret ~~written~~ ballots have been opened and counted ***or reviewed, announced and entered into the record, as applicable***, at a meeting of the association.

Sec. 2.5. NRS 116.31068 is hereby amended to read as follows:

116.31068 1. Except as otherwise provided in ~~subsection 3 and unless a unit's owner opts out of receiving electronic communications or has not designated an electronic mail address,~~ **subsections 2, 3 and 6,** an association shall deliver any notice required to be given by the association under this chapter ~~and any communication from or other information provided by the association~~ to the ~~mailing or~~ electronic mail ~~addresses~~ **address** a unit's owner designates.

2. Except as otherwise provided in subsection ~~3,~~ **6,** if a unit's owner has opted out of receiving electronic ~~communications or has not designated an electronic mail address to which a notice, communication or other information can be delivered,~~ **notices,** the association may deliver notices ~~of communications and other information~~ by:

- (a) Hand delivery to each unit's owner;
- (b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit; or
- (c) Any other method reasonably calculated to provide notice to the unit's owner.

~~2.~~ **3. Except as otherwise provided in subsection 6, if a unit's owner has not opted out of receiving electronic notices, but has not designated an electronic mail address at which to receive notices pursuant to this section,**

the association may deliver any notice required to be given by the association pursuant to this chapter by:

(a) Electronic means, including, without limitation, by electronic mail to an electronic mail address that a unit's owner has provided to the association but has not designated as the electronic mail address at which to receive notices pursuant to this section; or

(b) Any of the methods specified in subsection 2.

4. A unit's owner is entitled to designate only one electronic mail address at which to receive notices pursuant to this section.

5. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

~~12-1~~ **6.** The provisions of this section do not apply:

(a) To a notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive; or

(b) If any other provision of this chapter specifies the manner in which a notice ~~or communication or other information~~ must be given by an association.

Sec. 3. NRS 116.311 is hereby amended to read as follows:

116.311 1. Unless prohibited or limited by the declaration or bylaws and except as otherwise provided in this section, units' owners may vote at a meeting in person, by absentee ballot pursuant to paragraph (d) of subsection 2, by a proxy pursuant to subsections 3 to 8, inclusive, or, when a vote is conducted without a meeting, by electronic or paper ballot pursuant to subsection 9.

2. At a meeting of units' owners, the following requirements apply:

(a) Units' owners who are present in person may vote by voice vote, show of hands, standing or any other method for determining the votes of units' owners, as designated by the person presiding at the meeting.

(b) If only one of several owners of a unit is present, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.

(c) Unless a greater number or fraction of the votes in the association is required by this chapter or the declaration, a majority of the votes cast determines the outcome of any action of the association.

(d) Subject to subsection 1, a unit's owner may vote by absentee ballot without being present at the meeting. The association promptly shall deliver an absentee ballot to an owner who requests it if the request is made at least 3 days before the scheduled meeting. Votes cast by absentee ballot must be included in the tally of a vote taken at that meeting.

(e) When a unit's owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit's owner having the right to do so.

3. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his or her immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

4. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed, and such a designation includes any recessed session of that meeting.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed and any recessed session of that meeting the number of proxies pursuant to which the holder will be casting votes.

5. A proxy terminates immediately after the conclusion of the meeting, and any recessed sessions of the meeting, for which it is executed.

6. Except as otherwise provided in this subsection, a vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association. A vote may be cast pursuant to a proxy for the election or removal of a member of the executive board of a master association which governs a time-share plan created pursuant to chapter 119A of NRS if the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

7. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

8. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 3 to 7, inclusive.

9. ~~Unless prohibited or limited by the declaration or bylaws, an~~ An association may conduct a vote without a meeting ~~Except as otherwise provided in NRS 116.31034 and 116.31036, if~~, **including, without limitation, a vote for the election or removal of a member of the executive board. If** an association conducts a vote without a meeting, the following requirements apply:

(a) The association shall notify the units' owners that the vote will be taken by ballot.

(b) The association shall deliver a paper or electronic ballot to every unit's owner entitled to vote on the matter ~~and may allow the units' owners to vote by using a voting machine. Any such voting machine must be a mechanical voting system that has been approved by the Secretary of State in accordance with chapter 293B of NRS and, once voting begins, must be available~~ :

(1) Located in a prominent place within the common elements of the association; and

(2) Available for use between the hours of 8 a.m. and 8 p.m. each day for a period of 15 consecutive days.

(c) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(d) When the association delivers the ballots, it shall also:

(1) Indicate the number of responses needed to meet the quorum requirements;

(2) State the percentage of votes necessary to approve each matter other than election of directors;

(3) Specify the time and date by which a ballot must be delivered to the association to be counted, which time and date may not be fewer than 3 days after the date the association delivers the ballot; and

(4) Describe the time, date and manner by which units' owners wishing to deliver information to all units' owners regarding the subject of the vote may do so.

(e) Except as otherwise provided in the declaration or bylaws, a ballot is not revoked after delivery to the association by death or disability of or attempted revocation by the person who cast that vote.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the vote is for the election or removal of a member of the executive board and the association allows the executive board chooses to use ~~off~~ electronic voting:

(1) ~~Upon the request of a unit's owner, an association shall provide a form to the unit's owner that allows the unit's owner to opt out of receiving electronic ballots and instead receive paper ballots.~~ If the vote is for the election of a member of the executive board, the association must send or provide, in the manner and time that ballots are sent or provided pursuant

to paragraph (a) of subsection 15 of NRS 116.31034 or paragraph (a) of subsection 7 of NRS 116.31105:

(I) A paper ballot and a return envelope, prepaid by United States mail, to any unit's owner who has opted out of receiving electronic notices pursuant to subsection 2 of NRS 116.31068; and

(II) An electronic ballot to any unit's owner who has designated an electronic mail address at which to receive notices pursuant to subsection 3 of NRS 116.31068.

(2) If ~~the~~ a unit's owner has not given the association an electronic mail address or has opted out of using electronic ballots by returning to the association the form provided pursuant to subparagraph (1) at any time not less than 5 days before the date of the meeting when the votes will be counted, the vote is for the removal of a member of the executive board, the association ~~shall~~ must send ~~to~~ or provide, in the manner and time that ballots are sent or provided pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 116.31036:

(I) A paper ballot and a return envelope, prepaid by United States mail, to ~~the mailing address of the unit's owner or to any other mailing address designated in writing by the~~ any unit's owner ~~who has opted out of receiving electronic notices pursuant to subsection 2 of NRS 116.31068;~~ and

(II) An electronic ballot to any unit's owner who has designated an electronic mail address at which to receive notices pursuant to subsection 3 of NRS 116.31068.

(3) If the association allows units' owners to vote by using a voting machine, the association must provide to each unit's owner, not less than 15 days before the date on which voting begins, a notice of the opportunity to vote by using a voting machine that provides the location at which the voting machine will be available for use and the days and times during which the voting machine will be available for use. The association shall also provide with the notice a form that allows a unit's owner to opt out of voting by using a voting machine and instead receive a paper ballot. If a unit's owner returns the form to the association within 15 days after receiving the notice, the association shall send a paper ballot and a return envelope, prepaid by United States mail, to the mailing address of the unit's owner or to any other mailing address designated in writing by the unit's owner.

(4) A meeting of the units' owners must be held in the manner set forth in NRS 116.31034 or 116.31036 to open and count the paper ballots and review and announce the results obtained from the electronic ballots or voting machine, as applicable, and enter the results into the meeting record. Any paper ballots must be opened and counted in a manner that may be readily observed by the units' owners in attendance at the meeting and must not occur privately behind closed doors or in an area that is not open to observation by the units' owners in attendance.

(5) Any electronic voting must be conducted by an independent third-party through the use of an online voting system, a voting machine, or both an online voting system and a voting machine. The independent third-party shall be deemed to be a data collector pursuant to NRS 603A.030 and is subject to the obligations and liabilities of chapter 603A of NRS with regard to the security and privacy of any personal information, as that term is defined in NRS 603A.040, that is provided or maintained through the use of an online voting system or voting machine. The independent third-party conducting the electronic voting may not be any of the following persons and may not share voting results or information with any of the following persons before the meeting held pursuant to subparagraph (4):

(I) A candidate for or member of the executive board or an officer of the association;

(II) A person who resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is a member of the executive board or an officer of the association or performs the duties of a community manager for the association;

(III) An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit or a fiduciary of an estate that owns a unit if the unit is also owned by another person who is a member of the executive board or an officer of the association or serves as the community manager for the association;

(IV) A person who performs the duties of a community manager for the association, an affiliate of the community manager, an employee of the company by whom the community manager is employed or an affiliate of the company, the spouse of any such person or the parent or child of any such person by blood, adoption or marriage;

(V) The declarant of the association or an affiliate of the declarant;

(VI) A unit's owner or resident of the association; or

(VII) Any person who stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association other than payment only for conducting voting services for the association.

10. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) This section applies to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

11. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

12. As used in this section, "online voting system" means an Internet-based voting system with a process that has the ability:

(a) To authenticate:

(1) The identity of a unit's owner; and

(2) The validity of each electronic vote to ensure that the vote is not altered in transit;

(b) To enable a unit's owner to transmit an electronic ballot to the online voting system in a way that ensures the secrecy and integrity of the ballot;

(c) To transmit an electronic receipt to each unit's owner who casts an electronic vote;

(d) To separate any authenticating or identifying information from an electronic ballot, thereby rendering it impossible to match an electronic ballot to a specific unit's owner;

(e) To store electronic votes and keep them accessible to units' owners and the Office of the Ombudsman for the purposes of recounts, inspections and reviews;

(f) To count all lawful votes; and

(g) To identify, reject and record the basis for rejection of all unlawful votes, including, without limitation, a vote by a unit's owner whose voting rights have been suspended, a vote by a person who is not a unit's owner and duplicate votes.

Sec. 4. NRS 116.31105 is hereby amended to read as follows:

116.31105 1. Except as otherwise provided in subsection 8, if the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

2. Except as otherwise provided in subsection 8, in addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

3. In addition to a common-interest community identified in subsections 1 and 2, if the declaration so provides, the voting rights of the owners of time shares within a time-share plan created pursuant to chapter 119A of NRS which is governed by a master association may be exercised by delegates or representatives.

4. For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to NRS 116.2105 and for which developmental rights exist must be counted in determining the number of units in a common-interest community.

5. For the purposes of subsection 3, each time share that a developer has reserved the right to create pursuant to paragraph (g) of subsection 2 of NRS 119A.380 must be counted in determining the number of time shares in a time-share plan.

6. Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret ~~written~~ ballot.

7. When an election of a delegate or representative is conducted by secret ~~written~~ ballot:

(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret ~~written~~ **paper or electronic** ballot **to be provided to each unit's owner** and :

(1) If a paper ballot is provided, shall send the ballot and a return envelope , ~~to be sent,~~ prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner ~~it~~ ; **or**

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~written~~ ballot is mailed , **provided or made available** to the unit's owner to return the secret ~~written~~ ballot to the association ~~it~~ **by physical or electronic means.**

(c) Only the secret ~~written~~ ballots that ~~are returned to~~ the association ~~in the manner prescribed on the ballot~~ **receives by physical or electronic means** may be counted to determine the outcome of the election.

(d) ~~The secret written ballots must be opened and counted at~~ **At** a meeting called for the purpose of electing delegates or representatives ~~it~~ , **the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.** A quorum is not required to be present when the secret ~~written~~ ballots **physically received by the association** are opened and counted **or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record** at the meeting.

(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret ~~written~~ ballots that ~~are returned to~~ the association ~~in the manner prescribed on the ballot~~ **physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means,** before those secret ~~written~~ ballots have been opened and counted **or reviewed, announced and entered into the record, as applicable,** at a meeting called for that purpose.

8. Except as otherwise provided in subsection 9, the voting rights of the units' owners in the association for a common-interest community may be exercised by delegates or representatives only during the period that the declarant is in control of the association and during the 2-year period after the declarant's control of the association is terminated pursuant to NRS 116.31032.

9. The provisions of subsection 8 do not apply to:

(a) A time-share plan created pursuant to chapter 119A of NRS which is governed by a master association; or

(b) A condominium or cooperative containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted.

Sec. 5. NRS 116.31153 is hereby amended to read as follows:

116.31153 1. Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. Except as otherwise provided in subsection 3, money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.

3. Money in the operating account of an association may be withdrawn without the signatures required pursuant to subsection 2 to:

(a) Transfer money to the reserve account of the association at regular intervals;

(b) Make automatic payments for utilities;

(c) ***Make automatic payments for the cost of any insurance policies maintained pursuant to NRS 116.3113;***

(d) ***Make automatic payments for telecommunications services maintained by the association, including, without limitation, telephone, cable, satellite and Internet services;***

(e) ***Make automatic payments for any services to the association that are billed on a monthly, quarterly or annual basis;***

(f) ***Make annual payments to the Office of the Ombudsman;***

(g) Make an electronic transfer of money to a state agency pursuant to NRS 353.1467; or

~~[(d)]~~ (h) Make an electronic transfer of money to the United States Government, or any agency thereof, pursuant to any federal law requiring transfers of money to be made by an electronic means authorized by the United States Government or the agency thereof.

4. An association may use electronic signatures to withdraw money in the operating account of the association if:

(a) The electronic transfer of money is made pursuant to a written agreement entered into between the association and the financial institution where the operating account of the association is maintained;

(b) The executive board has expressly authorized the electronic transfer of money; and

(c) The association has established internal accounting controls which comply with generally accepted accounting principles to safeguard the assets of the association.

5. As used in this section, “electronic transfer of money” has the meaning ascribed to it in NRS 353.1467.

Sec. 6. NRS 116A.620 is hereby amended to read as follows:

116A.620 1. Any management agreement must:

(a) Be in writing and signed by all parties;

(b) Be entered into between the client and the community manager or the employer of the community manager if the community manager is acting on behalf of a corporation, partnership, limited partnership, limited-liability partnership, limited-liability company or other entity;

(c) State the term of the management agreement;

(d) State the basic consideration for the services to be provided and the payment schedule;

(e) Include a complete schedule of all fees, costs, expenses and charges to be imposed by the community manager, whether direct or indirect, including, without limitation:

(1) The costs for any new client or start-up costs;

(2) The fees for special or nonroutine services, such as the mailing of collection letters, the recording of liens and foreclosing of property;

(3) Reimbursable expenses;

(4) The fees for the sale or resale of a unit or for setting up the account of a new member; and

(5) The portion of fees that are to be retained by the client and the portion to be retained by the community manager;

(f) State the identity and the legal status of the contracting parties;

(g) State any limitations on the liability of each contracting party;

(h) Include a statement of the scope of work of the community manager;

(i) State the spending limits of the community manager;

(j) Include provisions relating to the grounds and procedures for termination of the community manager;

(k) Identify the types and amounts of insurance coverage to be carried by each contracting party, including, without limitation:

(1) A requirement that the community manager or his or her employer shall maintain insurance covering liability for errors or omissions, professional liability or a surety bond to compensate for losses actionable pursuant to this chapter in an amount of \$1,000,000 or more;

(2) An indication of which contracting party will maintain fidelity bond coverage; and

(3) A statement as to whether the client will maintain directors and officers liability coverage for the executive board;

(l) Include provisions for dispute resolution;

(m) Acknowledge that all records and books of the client are the property of the client, except any proprietary information and software belonging to the community manager;

(n) State the physical location, including the street address, of the records of the client, which must be within 60 miles from the physical location of the common-interest community;

(o) State the frequency and extent of regular inspections of the common-interest community; and

(p) State the extent, if any, of the authority of the community manager to sign checks on behalf of the client in an operating account.

2. In addition to any other requirements under this section, a management agreement may:

(a) Provide for mandatory binding arbitration; or

(b) Allow the provisions of the management agreement to apply month to month following the end of the term of the management agreement, but the management agreement may not contain an automatic renewal provision.

3. Not later than 10 days after the effective date of a management agreement, the community manager shall provide each member of the executive board evidence of the existence of the required insurance, including, without limitation:

(a) The names and addresses of all insurance companies;

(b) The total amount of coverage; and

(c) The amount of any deductible.

4. After signing a management agreement, the community manager shall provide a copy of the management agreement to each member of the executive board. Within 30 days after an election or appointment of a new member to the executive board, the community manager shall provide the new member with a copy of the management agreement.

5. Any changes to a management agreement must be initialed by the contracting parties. If there are any changes after the execution of a management agreement, those changes must be in writing and signed by the contracting parties.

6. ~~Except~~ ***Until the regulations adopted by the Commission pursuant to subsection 8 become effective, and except*** as otherwise provided in the management agreement, upon the termination or assignment of a management agreement, the community manager shall, within 30 days after the termination or assignment, transfer possession of all books, records and other papers of the client to the succeeding community manager, or to the client if there is no succeeding community manager, regardless of any unpaid fees or charges to the community manager or management company.

7. Notwithstanding any provision in a management agreement to the contrary, a management agreement may be terminated by the client without

penalty upon 30 days' notice following a violation by the community manager of any provision of this chapter or chapter 116 of NRS.

8. *The Commission shall adopt regulations establishing the requirements relating to the transfer of all books, records and other papers of the client upon the termination or assignment of a management agreement.*

Sec. 7. NRS 116A.620 is hereby amended to read as follows:

116A.620 1. Any management agreement must:

- (a) Be in writing and signed by all parties;
- (b) Be entered into between the client and the community manager or the employer of the community manager if the community manager is acting on behalf of a corporation, partnership, limited partnership, limited-liability partnership, limited-liability company or other entity;
- (c) State the term of the management agreement;
- (d) State the basic consideration for the services to be provided and the payment schedule;
- (e) Include a complete schedule of all fees, costs, expenses and charges to be imposed by the community manager, whether direct or indirect, including, without limitation:
 - (1) The costs for any new client or start-up costs;
 - (2) The fees for special or nonroutine services, such as the mailing of collection letters, the recording of liens and foreclosing of property;
 - (3) Reimbursable expenses;
 - (4) The fees for the sale or resale of a unit or for setting up the account of a new member; and
 - (5) The portion of fees that are to be retained by the client and the portion to be retained by the community manager;
- (f) State the identity and the legal status of the contracting parties;
- (g) State any limitations on the liability of each contracting party;
- (h) Include a statement of the scope of work of the community manager;
- (i) State the spending limits of the community manager;
- (j) Include provisions relating to the grounds and procedures for termination of the community manager;
- (k) Identify the types and amounts of insurance coverage to be carried by each contracting party, including, without limitation:
 - (1) A requirement that the community manager or his or her employer shall maintain insurance covering liability for errors or omissions, professional liability or a surety bond to compensate for losses actionable pursuant to this chapter in an amount of \$1,000,000 or more;
 - (2) An indication of which contracting party will maintain fidelity bond coverage; and
 - (3) A statement as to whether the client will maintain directors and officers liability coverage for the executive board;
- (l) Include provisions for dispute resolution;

(m) Acknowledge that all records and books of the client are the property of the client, except any proprietary information and software belonging to the community manager;

(n) State the physical location, including the street address, of the records of the client, which must be within 60 miles from the physical location of the common-interest community;

(o) State the frequency and extent of regular inspections of the common-interest community; and

(p) State the extent, if any, of the authority of the community manager to sign checks on behalf of the client in an operating account.

2. In addition to any other requirements under this section, a management agreement may:

(a) Provide for mandatory binding arbitration; or

(b) Allow the provisions of the management agreement to apply month to month following the end of the term of the management agreement, but the management agreement may not contain an automatic renewal provision.

3. Not later than 10 days after the effective date of a management agreement, the community manager shall provide each member of the executive board evidence of the existence of the required insurance, including, without limitation:

(a) The names and addresses of all insurance companies;

(b) The total amount of coverage; and

(c) The amount of any deductible.

4. After signing a management agreement, the community manager shall provide a copy of the management agreement to each member of the executive board. Within 30 days after an election or appointment of a new member to the executive board, the community manager shall provide the new member with a copy of the management agreement.

5. Any changes to a management agreement must be initialed by the contracting parties. If there are any changes after the execution of a management agreement, those changes must be in writing and signed by the contracting parties.

6. ~~Until the regulations adopted by the Commission pursuant to subsection 8 become effective, and except as otherwise provided in the management agreement, upon the termination or assignment of a management agreement, the community manager shall, within 30 days after the termination or assignment, transfer possession of all books, records and other papers of the client to the succeeding community manager, or to the client if there is no succeeding community manager, regardless of any unpaid fees or charges to the community manager or management company.~~

~~7.1~~ Notwithstanding any provision in a management agreement to the contrary, a management agreement may be terminated by the client without penalty upon 30 days' notice following a violation by the community manager of any provision of this chapter or chapter 116 of NRS.

~~{8.}~~ 7. The Commission shall adopt regulations establishing the requirements relating to the transfer of all books, records and other papers of the client upon the termination or assignment of a management agreement.

Sec. 8. NRS 116B.445 is hereby amended to read as follows:

116B.445 1. Not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members. At least a majority of the members of the executive board must be residential unit owners and at least one member of the executive board must be a duly authorized representative of the hotel unit owner. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant or the hotel unit owner. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

- (a) Members of the executive board who are appointed by the declarant;
- (b) Members of the executive board who are appointed by the hotel unit owner; and
- (c) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or charges that are required to be paid to the association.

➡ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information.

The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of the association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. ~~The~~ **Except as otherwise provided in NRS 116B.550, the** election of any member of the executive board must be conducted by secret ~~written~~ ballot as follows:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret **paper or electronic** ballot **to be provided to each unit's owner** and :

(1) If a paper ballot is provided, shall send the ballot and a return envelope, ~~to be sent,~~ prepaid by United States mail, to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit's owner ~~;~~ **;** or

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~written~~ ballot is mailed, **provided or made available** to the unit's owner to return the secret ~~written~~ ballot to the association ~~;~~ **by physical or electronic means.**

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret ~~written~~ ballots that ~~are returned to~~ the association **receives by physical or electronic means** may be counted to determine the outcome of the election.

(e) ~~The secret written ballots must be opened and counted at~~ **At** a meeting of the association ~~;~~ **, the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.** A quorum is not required to be present when the secret

~~{written}~~ ballots are opened and counted ***or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record*** at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret ~~{written}~~ ballots that ~~{are returned to}~~ the association ***physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means***, before those secret ~~{written}~~ ballots have been opened and counted ***or reviewed, announced and entered into the record, as applicable***, at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of the member's ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116B.625.

Sec. 9. NRS 116B.450 is hereby amended to read as follows:

116B.450 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant or elected by the hotel unit owner, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section, the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. A removal election may be called by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. To call a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If a removal election is called pursuant to this subsection and the voting rights of the units' owners will be exercised through the use of secret ~~{written}~~ ballots pursuant to this section:

(a) The secret ~~{written}~~ ballots for the removal election must be ~~{sent}~~ ***mailed, provided or made available*** in the manner required by this section not less than 15 days or more than 60 days after the date on which the petition is received. ~~{and}~~

(b) The executive board shall set the date for the meeting to open and count the secret ~~{written}~~ ballots ***physically received by the association and to***

review, announce and enter into the record the results of the secret ballots received by the association by electronic means so that the meeting is held not more than 15 days after the deadline for returning the secret ~~written~~ ballots *by physical or electronic means* and not later than 90 days after the date on which the petition was received.

(c) *Upon written request submitted to the community manager, president or secretary of the association by a member of the executive board who is the subject of the removal election, the secretary or other officer specified in the bylaws of the association shall cause notice of a meeting of the executive board to be given to the units' owners not later than 5 days after receipt of the written request. The notice must include the date, time and location of the meeting, as requested by the member of the executive board who is the subject of the removal election, and identify the removal of the member from the executive board as an agenda item listed for discussion. A meeting requested pursuant to this paragraph must occur before the date for the meeting set by the executive board pursuant to paragraph (b).*

3. ~~The~~ *Except as otherwise provided in NRS 116B.550, the removal of any member of the executive board must be conducted by secret ~~written~~ ballot as follows:*

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret *paper or electronic* ballot *to be provided to each unit's owner* and :

(1) *If a paper ballot is provided, shall send the ballot and a return envelope , ~~to be sent,~~ prepaid by United States mail, to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit's owner ~~it~~ ; or*

(2) *If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.*

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~written~~ ballot is mailed , *provided or made available* to the unit's owner to return the secret ~~written~~ ballot to the association ~~it~~ *by physical or electronic means.*

(c) Only the secret ~~written~~ ballots that ~~are returned to~~ the association *receives by physical or electronic means* may be counted to determine the outcome.

(d) ~~The secret written ballots must be opened and counted at~~ *At a meeting of the association ~~it~~ , the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.* A quorum is not required to be present when the secret ~~written~~ ballots *physically received by the association* are opened and counted *or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record* at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be

given access to or participate in the opening or counting of the secret ~~[written]~~ ballots that ~~[are returned to]~~ the association ***physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means,*** before those secret ~~[written]~~ ballots have been opened and counted ***or reviewed, announced and entered into the record, as applicable,*** at a meeting of the association.

Sec. 9.5. NRS 116B.513 is hereby amended to read as follows:

116B.513 1. Except as otherwise provided in ~~[subsection 3.]~~ **subsections 2, 3 and 6,** an association or a hotel unit owner, as applicable, shall deliver any notice required to be given by the association or the hotel unit owner under this chapter to ~~[any mailing or]~~ **the** electronic mail address a unit's owner designates.

2. Except as otherwise provided in subsection ~~[3.]~~ **6,** if a unit's owner has ~~[not designated a mailing or]~~ **opted out of receiving** electronic ~~[mail address to which a notice must be delivered,]~~ **notices,** the association or hotel unit owner may deliver notices by:

- (a) Hand delivery to the unit's owner;
- (b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of the unit of the unit's owner; or
- (c) Any other method reasonably calculated to provide notice to the unit's owner.

~~[2.]~~ **3. Except as otherwise provided in subsection 6, if a unit's owner has not opted out of receiving electronic notices, but has not designated an electronic mail address at which to receive notices pursuant to this section, the association may deliver any notice required to be given by the association pursuant to this chapter by:**

(a) Electronic means, including, without limitation, by electronic mail to an electronic mail address that a unit's owner has provided to the association but has not designated as the electronic mail address at which to receive notices pursuant to this section; or

(b) Any of the methods specified in subsection 2.

4. A unit's owner is entitled to designate only one electronic mail address at which to receive notices pursuant to this section.

5. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

~~[3.]~~ **6.** The provisions of this section do not apply:

- (a) To a notice required to be given pursuant to NRS 116B.630 to 116B.665, inclusive; or
- (b) If any other provision of this chapter specifies the manner in which a notice must be given by an association or hotel unit owner.

Sec. 10. NRS 116B.550 is hereby amended to read as follows:

116B.550 1. Unless prohibited or limited by the declaration or bylaws and except as otherwise provided in this section, the units' owners may vote at a meeting in person, by absentee ballot pursuant to paragraph (d) of subsection

2, by a proxy pursuant to subsections 3 to 8, inclusive, or, when a vote is conducted without a meeting, by paper or electronic ballot pursuant to subsection 9.

2. At a meeting of the units' owners, the following requirements apply:

(a) Units' owners who are present in person may vote by voice vote, show of hands, standing or any other method for determining the votes of the units' owners, as designated by the person presiding at the meeting.

(b) If only one of several owners of a unit is present, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.

(c) Unless a greater number or fraction of the votes in the association is required by this chapter or the declaration, a majority of the votes cast determines the outcome of any action of the association.

(d) Subject to the provisions of subsection 1, a unit's owner may vote by absentee ballot without being present at the meeting. The association promptly shall deliver an absentee ballot to a unit's owner who requests it if the request is made at least 3 days before the scheduled meeting. Votes cast by absentee ballot must be included in the tally of a vote taken at that meeting.

(e) When a unit's owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit's owner having the right to do so.

3. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his or her immediate family, a tenant of the unit's owner who resides in the condominium hotel, the hotel unit owner or another unit's owner who resides in the condominium hotel. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

4. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed, and such a designation includes any recessed session of the meeting.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or

more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed and any recessed session of that meeting the number of proxies pursuant to which the holder will be casting votes.

5. A proxy terminates immediately after the conclusion of the meeting, and any recessed sessions of the meeting, for which it is executed.

6. A vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association.

7. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

8. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 3 to 7, inclusive.

9. ~~{Unless prohibited or limited by the declaration or bylaws, an}~~ **An** association may conduct a vote without a meeting ~~{. Except as otherwise provided in NRS 116B.445 and 116B.450, if}~~ **, including, without limitation, a vote for the election or removal of a member of the executive board. If** an association conducts a vote without a meeting, the following requirements apply:

(a) The association shall notify the units' owners that the vote will be taken by ballot.

(b) The association shall deliver a paper or electronic ballot to every unit's owner entitled to vote on the matter ~~{}~~ **and may allow the units' owners to vote by using a voting machine. Any such voting machine must be a mechanical voting system that has been approved by the Secretary of State in accordance with chapter 293B of NRS and, once voting begins, must be ~~available~~ :**

(1) Located in a prominent place within the common elements of the condominium hotel; and

(2) Available for use between the hours of 8 a.m. and 8 p.m. each day for a period of 15 consecutive days.

(c) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(d) When the association delivers the ballots, it shall also:

(1) Indicate the number of responses needed to meet the quorum requirements;

(2) State the percentage of votes necessary to approve each matter other than election of directors;

(3) Specify the time and date by which a ballot must be delivered to the association to be counted, which time and date may not be fewer than 3 days after the date the association delivers the ballot; and

(4) Describe the time, date and manner by which units' owners wishing to deliver information to all units' owners regarding the subject of the vote may do so.

(e) Except as otherwise provided in the declaration or bylaws, a ballot is not revoked after delivery to the association by death or disability of or attempted revocation by the person who cast that vote.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the vote is for the election or removal of a member of the executive board and the ~~association allows the~~ executive board chooses to use ~~for~~ electronic voting:

(1) ~~Upon the request of a unit's owner, an association shall provide a form to the unit's owner that allows the unit's owner to opt out of receiving electronic ballots and instead receive paper ballots.~~ If the vote is for the election of a member of the executive board, an association shall send or provide, in the manner and time that ballots are sent or provided pursuant to paragraph (a) of subsection 8 of NRS 116B.445:

(I) A paper ballot and a return envelope, prepaid by United States mail, to any unit's owner who has opted out of receiving electronic notices pursuant to subsection 2 of NRS 116B.513; and

(II) An electronic ballot to any unit's owner who has designated an electronic mail address at which to receive notices pursuant to subsection 3 of NRS 116B.513.

(2) ~~If a unit's owner has not given the association an electronic mail address or has opted out of using electronic ballots by returning to the association the form provided pursuant to subparagraph (1) at any time not less than 5 days before the date of the meeting when the votes will be counted,~~ the vote is for the removal of a member of the executive board, the association ~~shall~~ must send ~~to~~ or provide, in the manner and time that ballots are sent or provided pursuant to paragraph (a) of subsection 2 of NRS 116B.450:

(I) A paper ballot and a return envelope, prepaid by United States mail, to ~~the mailing address of the unit's owner or to any other mailing address designated in writing by the~~ any unit's owner ~~for~~ who has opted out of receiving electronic notices pursuant to subsection 2 of NRS 116B.513; and

(II) An electronic ballot to any unit's owner who has designated an electronic mail address at which to receive notices pursuant to subsection 3 of NRS 116B.513.

(3) If the association allows units' owners to vote by using a voting machine, the association must provide to each unit's owner, not less than 15

days before the date on which voting begins, a notice of the opportunity to vote by using a voting machine that provides the location at which the voting machine will be available for use and the days and times during which the voting machine will be available for use. The association shall also provide with the notice a form that allows a unit's owner to opt out of voting by using a voting machine and instead receive a paper ballot. If a unit's owner returns the form to the association within 15 days after receiving the notice, the association shall send a paper ballot and a return envelope, prepaid by United States mail, to the mailing address of the unit's owner or to any other mailing address designated in writing by the unit's owner.

(4) A meeting of the units' owners must be held in the manner set forth in NRS 116B.445 or 116B.450 to open and count the paper ballots and review and announce the results obtained from the electronic ballots or voting machine, as applicable, and enter the results into the meeting record. Any paper ballots must be opened and counted in a manner that may be readily observed by the units' owners in attendance at the meeting and must not occur privately behind closed doors or in an area that is not open to observation by the units' owners in attendance.

(5) Any electronic voting must be conducted by an independent third-party through the use of an online voting system, a voting machine, or both an online voting system and a voting machine. The independent third-party shall be deemed to be a data collector pursuant to NRS 603A.030 and is subject to the obligations and liabilities of chapter 603A of NRS with regard to the security and privacy of any personal information, as that term is defined in NRS 603A.040, that is provided or maintained through the use of an online voting system or voting machine. The independent third-party conducting the electronic voting may not be any of the following persons and may not share voting results or information with any of the following persons before the meeting held pursuant to subparagraph (4):

(I) A candidate for or member of the executive board or an officer of the association;

(II) A person who resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is a member of the executive board or an officer of the association or performs the duties of a community manager for the association;

(III) An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit or a fiduciary of an estate that owns a unit if the unit is also owned by another person who is a member of the executive board or an officer of the association or serves as the community manager for the association;

(IV) A person who performs the duties of a community manager for the association, an affiliate of the community manager, an employee of the

company by whom the community manager is employed or an affiliate of the company, the spouse of any such person or the parent or child of any such person by blood, adoption or marriage;

(V) The declarant of the association or an affiliate of the declarant;

(VI) A unit's owner or resident of the association; or

(VII) Any person who stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association other than payment only for conducting voting services for the association.

10. If the declaration requires that votes on specified matters affecting the condominium hotel must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) This section applies to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in this chapter, of all meetings at which the lessees are entitled to vote.

11. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

12. *As used in this section, "online voting system" means an Internet-based voting system with a process that has the ability:*

(a) To authenticate:

(1) The identity of a unit's owner; and

(2) The validity of each electronic vote to ensure that the vote is not altered in transit;

(b) To enable a unit's owner to transmit an electronic ballot to the online voting system in a way that ensures the secrecy and integrity of the ballot;

(c) To transmit an electronic receipt to each unit's owner who casts an electronic vote;

(d) To separate any authenticating or identifying information from an electronic ballot, thereby rendering it impossible to match an electronic ballot to a specific unit's owner;

(e) To store electronic votes and keep them accessible to units' owners and the Office of the Ombudsman for the purposes of recounts, inspections and reviews;

(f) To count all lawful votes; and

(g) To identify, reject and record the basis for rejection of all unlawful votes, including, without limitation, a vote by a unit's owner whose voting rights have been suspended, a vote by a person who is not a unit's owner and duplicate votes.

Sec. 11. NRS 116B.615 is hereby amended to read as follows:

116B.615 **1.** Money in the reserve account of an association required by NRS 116B.590 may not be withdrawn without the signatures of at least two

members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. *Except as otherwise provided in subsection 3, money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.*

3. *Money in the operating account of an association may be withdrawn without the signatures required pursuant to subsection 2 to:*

(a) *Transfer money to the reserve account of the association at regular intervals;*

(b) *Make automatic payments for utilities;*

(c) *Make automatic payments for the cost of any insurance policies maintained pursuant to NRS 116.3113;*

(d) *Make automatic payments for telecommunications services maintained by the association, including, without limitation, telephone, cable, satellite and Internet services;*

(e) *Make automatic payments for any services to the association that are billed on a monthly, quarterly or annual basis;*

(f) *Make annual payments to the Office of the Ombudsman;*

(g) *Make an electronic transfer of money to a state agency pursuant to NRS 353.1467; or*

(h) *Make an electronic transfer of money to the United States Government, or any agency thereof, pursuant to any federal law requiring transfers of money to be made by an electronic means authorized by the United States Government or the agency thereof.*

4. *An association may use electronic signatures to withdraw money in the operating account of the association if:*

(a) *The electronic transfer of money is made pursuant to a written agreement entered into between the association and the financial institution where the operating account of the association is maintained;*

(b) *The executive board has expressly authorized the electronic transfer of money; and*

(c) *The association has established internal accounting controls which comply with generally accepted accounting principles to safeguard the assets of the association.*

5. *As used in this section, “electronic transfer of money” has the meaning ascribed to it in NRS 353.1467.*

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Section 6 of this act becomes effective:

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

(b) On October 1, 2023, for all other purposes.

3. Sections 1 to 5, inclusive, and 8 to 11, inclusive, of this act become effective on October 1, 2023.

4. Section 7 of this act becomes effective on the effective date of the regulations adopted by the Commission for Common-Interest Communities and Condominium Hotels establishing the requirements relating to the transfer of all books, records and other papers of a client upon the termination or assignment of a management agreement pursuant to that section.

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. 312.

Bill read second time.

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

Amendment No. 510.

AN ACT relating to environmental justice; creating the ~~{Commission on}~~ Environmental Justice ~~{,}~~ **Advisory Council**; setting forth certain duties of the ~~{Commission; establishing various requirements for agencies to determine the environmental impact of a proposed regulation on historically underserved communities;}~~ **Council; authorizing the Council to establish a program to award grants of money;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Minority Health and Equity within the Department of Health and Human Services to: (1) improve the quality of health care services for members of minority groups; (2) increase access to health care services for members of minority groups; (3) disseminate information to and educate the public on matters concerning health care issues of interest to members of minority groups; and (4) develop recommendations for changes in policy and advocate on behalf of minority groups on certain issues. (NRS 232.474) **Section 6** of this bill creates within the Office the ~~{Commission on}~~ Environmental Justice ~~{,}~~ **Advisory Council**, which consists of nine members who must be selected by the Governor from a list of persons submitted by the Office.

Section 7 of this bill ~~{requires the Commission to: (1) make recommendations to the Governor and}~~ **sets forth the duties of the Council, which include providing advice to** the Legislature **and the Division of Environmental Protection of the State Department of Conservation and Natural Resources and, upon request, the Governor or any other state agency,** on matters relating to environmental justice. ~~{, and (2) adopt regulations setting forth a process and metrics to be used by agencies of this State in determining whether a proposed regulation will have a disproportionate environmental impact on historically underserved~~

communities in this State. Section 18 of this bill requires the Commission to: ~~(1) develop such a process and metrics; and (2) submit a report to the 83rd Session of the Legislature of its findings relating to such a process and metrics.~~ **Section 7 also requires the Council to submit a biennial report to the Legislature describing the work of the Council during the biennium and any recommendations for legislation.**

Section 7.3 of this bill authorizes the Council to establish, by regulation, a program to award grants of money to eligible entities for projects which: (1) maximize climate health, public health and environmental, workforce and economic benefits; and (2) prioritize disadvantaged communities in this State.

Sections ~~3, 4 and 5~~ **4-5** of this bill define certain terms relating to the ~~[Commission.]~~ **Council.**

~~[Existing law requires any agency of this State, with certain exceptions, to determine whether a proposed regulation is likely to impose a direct and significant economic burden on small business or directly restrict the formation, operation or expansion of a small business. If so, the agency must engage in certain actions and analysis and prepare a small business impact statement. (NRS 233B.0608) Sections 9-17 of this bill set forth a similar process to require an agency to prepare an environmental justice impact statement for proposed regulations.~~

~~—Section 11 of this bill requires an agency to determine whether a proposed regulation is likely to impose a direct, indirect or cumulative environmental impact and whether that environmental impact is likely to disproportionately affect a historically underserved community. If so, section 11 requires the agency to: (1) consult with members of the historically underserved community; (2) conduct an analysis of the likely impact on the historically underserved community; (3) consider methods to reduce or mitigate the environmental impact on the historically underserved community; and (4) prepare an environmental justice impact statement.~~

~~—Section 11 requires an agency to submit an environmental justice impact statement to the Commission for review. Section 8 of this bill requires the Commission to review all environmental justice impact statements and, within 45 days, prepare and send the agency a letter indicating whether the Commission believes that the environmental justice impact statement has been prepared properly and is accurate.~~

~~—Section 12 of this bill authorizes a resident or representative of a historically underserved community to file a petition objecting to a regulation if the environmental justice impact statement is: (1) not prepared by the agency; or (2) inaccurate, incomplete or does not adequately consider or significantly underestimates the environmental impact on historically underserved communities.~~

~~—Section 14 of this bill requires a notice of intent to act upon a regulation to include: (1) a statement of any estimated environmental impact of a proposed regulation on historically underserved communities and the public; and (2) the~~

~~methods used by the agency to identify the environmental impact on historically underserved communities. (NRS 233B.0603)~~

~~Section 15 of this bill requires each adopted regulation submitted to the Legislative Counsel to include a description of how comment was solicited from affected historically underserved communities, a summary of their response and an explanation of how interested persons may obtain a copy of the summary. (NRS 233B.066)~~

~~Section 16 of this bill provides that if a regulation for adoption submitted to the Legislative Counsel Bureau is not accompanied by an environmental justice impact statement, the Legislative Counsel is required to return the regulation to the agency and will not submit the regulation to the Legislative Commission or Subcommittee to Review Regulations until the environmental justice impact statement is supplied. (NRS 233B.0665)~~

~~Section 17 of this bill provides that if, after a regulation is submitted to the Legislative Commission or Subcommittee, either the Commission or Subcommittee objects to the regulation because the environmental justice impact statement is not included or is inaccurate, incomplete or does not adequately consider or significantly underestimates the environmental impact on historically underserved communities, the Legislative Counsel is required to attach a written notice of the objection and return the regulation to the agency. (NRS 233B.067)~~

~~Section 19 of this bill provides that sections 8-17 governing environmental justice impact statements do not take effect until the Commission on Environmental Justice adopts regulations setting forth the process and metrics for environmental justice impact statements.]~~

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 ~~18,~~ 7.3, inclusive, of this act.

Sec. 2. *As used in sections 2 to ~~18,~~ 7.3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~13,~~ 4 ~~and~~ to 5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. ~~“Agency” has the meaning ascribed to it in NRS 233B.031.~~
(Deleted by amendment.)

Sec. 4. ~~“Commission”~~ **“Council”** means the ~~{Commission on}~~
Environmental Justice Advisory Council created by section 6 of this act.

Sec. 4.2. “Environmental justice” means, with respect to the development, implementation and enforcement of environmental laws, regulations and policies, the fair treatment and meaningful involvement of all people, regardless of color, national origin or income.

Sec. 4.4. “Fair treatment” means that no group of people bear a disproportionate share of the negative consequences resulting from industrial, governmental or commercial operations or policies.

Sec. 4.6. “Meaningful involvement” means:

1. All persons have the opportunity to participate in decisions about activities that may affect the health and environment of the public;

2. The concerns of the public are considered during the decision making process of the state agency; and

3. The state agency seeks out and facilitates the involvement of any persons potentially affected by a decision when making decisions.

Sec. 5. “Office” means the Office of Minority Health and Equity of the Department of Health and Human Services created by NRS 232.474.

Sec. 6. 1. The ~~{Commission on}~~ Environmental Justice Advisory Council is hereby created within the Office.

2. The ~~{Commission}~~ Council consists of nine members appointed by the Governor from a list of persons recommended by the Office ~~to~~ as follows:

(a) Two members who reside in census tracts in this State that are identified as having poor air quality by the environmental justice screening and mapping tool of the United States Environmental Protection Agency;

(b) One member who represents a tribal community;

(c) One member who represents a community impacted by mining and who may not be an employee of a mining company;

(d) One member who is a member or officer of a union representing workers in the building and construction trades;

(e) One member who works in the field of environmental science and climate change;

(f) One member who has expertise in public health;

(g) One member who represents the natural resource industry; and

(h) One member who represents the agricultural industry.

3. The Governor shall ensure that members appointed pursuant to subsection 2 also reflect the geographic diversity of this State such that:

(a) Five members are residents of a county whose population is 700,000 or more;

(b) Two members are residents of a county whose population is 100,000 or more but less than 700,000; and

(c) Two members are residents of a county whose population is less than 100,000.

4. A person seeking to serve on the ~~{Commission}~~ Council must submit his or her application to the Office for consideration.

~~{4.}~~ 5. Each member of the ~~{Commission}~~ Council serves a term of 4 years. Members may be reappointed for additional terms of 4 years. Any vacancy occurring in the membership of the ~~{Commission}~~ Council must be filled in the same manner as the original appointment.

~~{5.}~~ 6. At the first regular meeting of each odd-numbered year, the members of the ~~{Commission}~~ Council shall elect a Chair by majority vote who shall serve until the next Chair is elected.

~~{6.}~~ 7. A majority of the members of the ~~{Commission}~~ Council constitutes a quorum for the transaction of business, and a majority of those

members present at any meeting is sufficient for any official action taken by the ~~{Commission,}~~ Council.

~~{7,}~~ 8. While engaged in the business of the ~~{Commission,}~~ Council, each member is entitled to receive:

(a) A salary of not more than \$80 per day, as established by the ~~{Commission,}~~ Council; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

~~{8,}~~ 9. The Office shall provide administrative support to the ~~{Commission}~~ Council as necessary to carry out the duties of the ~~{Commission,}~~ Council.

Sec. 7. 1. The ~~{Commission}~~ Council shall:

(a) Advise the ~~{Governor and the}~~ Legislature ~~{on proposed legislation and make recommendations,}~~ and the Division of Environmental Protection of the State Department of Conservation and Natural Resources and, upon request, the Governor or any other state agency, with respect to all matters relating to environmental justice in this State; and

(b) ~~{Adopt regulations setting forth a process and metrics for use by an agency to evaluate whether a proposed regulation will have a disproportionate environmental impact on a historically underserved community in this State.}~~ Evaluate strategic, scientific, technological, regulatory, community engagement and economic issues relating to environmental justice;

(c) Create and strengthen partnerships with other state governments, tribal governments and local governments relating to environmental justice;

(d) Engage all stakeholders on matters concerning environmental justice, including, without limitation, this State, state agencies, local governments and tribal governments; and

(e) Hold conversations with communities throughout this State to discuss the environmental justice concerns of such communities. Such conversations must be held in locations that are geographically accessible to communities throughout this State.

2. ~~{As used in this section, "historically underserved community" has the meaning ascribed to it in NRS 445B.834.}~~ On or before February 1 of each odd-numbered year, the Council shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature concerning the work of the Council on the matters described in subsection 1 and any recommendations for legislation on matters relating to environmental justice.

3. The Council may accept gifts, grants, donations, bequests and devises from any source to carry out the provisions of sections 2 to 7.3, inclusive, of this act.

Sec. 7.3. 1. The Council may, within the limits of legislative appropriations and other available money, establish a program to award grants of money through a competitive process to eligible entities for projects

which maximize climate health, public health and environmental, workforce and economic benefits and which prioritize disadvantaged communities in this State.

2. The Council may adopt regulations to carry out the provisions of this section.

Sec. 8. ~~{In addition to the requirements of section 7 of this act, the Commission shall:~~

~~—1. Review environmental justice impact statements prepared by agencies pursuant to section 11 of this act; and~~

~~—2. Within 45 days after receiving an environmental justice impact statement, prepare and send the agency a letter stating that the Commission has reviewed the statement and whether the Commission believes that the statement has been prepared properly and is accurate. If the Commission does not believe the statement has been prepared properly or is inaccurate, the letter must include reasons for that belief. }~~ (Deleted by amendment.)

Sec. 9. ~~{Chapter 233B of NRS is hereby amended by adding thereto the provisions set forth as sections 10, 11 and 12 of this act. }~~ (Deleted by amendment.)

Sec. 10. ~~{“Historically underserved community” has the meaning ascribed to it in NRS 445B.834. }~~ (Deleted by amendment.)

Sec. 11. ~~{1. Before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall, in accordance with the regulations adopted by the Commission on Environmental Justice pursuant to section 7 of this act, make a concerted effort to determine whether the proposed regulation is likely to:~~

~~—(a) Impose a direct, indirect or cumulative environmental impact; and~~

~~—(b) Whether an environmental impact identified pursuant to paragraph (a) will disproportionately affect a historically underserved community.~~

~~—2. If an agency determines pursuant to subsection 1 that a proposed regulation is likely to impose a direct, indirect or cumulative environmental impact and such an impact will disproportionately affect a historically underserved community, the agency shall:~~

~~—(a) Consult with members of the historically underserved community that are likely to be affected by the proposed regulation and ensure that the community is meaningfully informed and involved in the process for developing the regulation.~~

~~—(b) Conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on the historically underserved community. Insofar as practicable, the analysis must be conducted by the employee of the agency who is most knowledgeable about the subject of the proposed regulation and its likely environmental impact on the historically underserved community or by a consultant or other independent contractor who has such knowledge and is retained by the agency.~~

~~—(c) Consider methods to reduce or mitigate the environmental impact on the historically underserved community.~~

~~(d) Prepare an environmental justice impact statement. The environmental justice impact statement must be submitted to the Commission on Environmental Justice for review in accordance with section 8 of this act. Following the review by the Commission on Environmental Justice, copies of the environmental justice impact statement must be made available to the public along with the letter prepared by the Commission on Environmental Justice pursuant to section 8 of this act not less than 15 days before the workshop conducted and the public hearing held pursuant to NRS 233B.061. A copy of the environmental justice impact statement and the Commission's letter must accompany the notice required pursuant to subsection 2 of NRS 233B.061 and the agenda for the public hearing held pursuant to that section.~~

~~3. The agency shall prepare a statement identifying the methods used by the agency in determining the environmental impact of a proposed regulation on a historically underserved community and the reasons for the conclusion of the agency. The director, executive head or other person who is responsible for the agency shall sign the statement certifying that, to the best of his or her knowledge or belief, a concerted effort was made to determine the environmental impact of the proposed regulation on historically underserved communities and that the information contained in the statement was prepared properly and is accurate.~~

~~4. Each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by a copy of the environmental justice impact statement, the letter from the Commission on Environmental Justice and the statement prepared pursuant to subsection 3. If the agency revises a regulation after preparing the environmental justice impact statement and submitting the environmental justice impact statement to the Commission on Environmental Justice, the agency must include an explanation of the revision and the effect of the change on any environmental impact to historically underserved communities.~~ (Deleted by amendment.)

Sec. 12. ~~{1. A resident of a historically underserved community or a representative of a historically underserved community that is aggrieved by a regulation adopted by an agency on or after the effective date of this section, may object to all or a part of the regulation by filing a petition with the agency that adopted the regulation within 90 days after the date on which the regulation is adopted. An agency which receives such a petition shall transmit a copy of the petition to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.~~

~~2. A petition filed pursuant to subsection 1 may be based on the following grounds:~~

~~(a) The agency failed to prepare an environmental justice impact statement as required pursuant to section 11 of this act; or~~

~~(b) The environmental justice impact statement prepared by the agency pursuant to section 11 of this act is inaccurate, incomplete or did not adequately consider or significantly underestimated the environmental impact of the regulation on a historically underserved community.~~

~~3. After receiving a petition pursuant to subsection 1, an agency shall determine whether the petition has merit. If the agency determines that the petition has merit, the agency may, pursuant to this chapter, take action to amend the regulation to which the resident or representative objected.~~
(Deleted by amendment.)

Sec. 13. ~~[NRS 233B.030 is hereby amended to read as follows:
233B.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233B.031 to 233B.0385, inclusive, and section 10 of this act have the meanings ascribed to them in those sections.]~~
(Deleted by amendment.)

Sec. 14. ~~[NRS 233B.0603 is hereby amended to read as follows:
233B.0603 1. The notice of intent to act upon a regulation required pursuant to NRS 233B.060 must:~~

~~(a) Include:~~

~~— (1) A statement of the need for and purpose of the proposed regulation.~~

~~— (2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.~~

~~— (3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.~~

~~— (4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:~~

~~— (I) Both adverse and beneficial effects; and~~

~~— (II) Both immediate and long term effects.~~

~~— (5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.~~

~~— (6) The estimated cost to the agency for enforcement of the proposed regulation.~~

~~— (7) A statement of any estimated environmental impact of the regulation on historically underserved communities and on the public. These must be stated separately and in each case must include:~~

~~— (I) Both adverse and beneficial effects; and~~

~~— (II) Both immediate and long term effects.~~

~~— (8) A statement identifying the methods used by the agency in determining the environmental impact on historically underserved communities prepared pursuant to subsection 3 of section 11 of this act.~~

~~— (9) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement~~

explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

~~— [(9)] (10) If the regulation is required pursuant to federal law, a citation and description of the federal law.~~

~~— [(9)] (11) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.~~

~~— [(10)] (12) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.~~

~~— (b) If the proposed regulation is a temporary regulation, state each address at which the text of the proposed regulation may be inspected and copied.~~

~~— (c) Include an exact copy of the provisions of subsection 2 of NRS 233B.064.~~

~~— (d) Include a statement indicating whether the regulation establishes a new fee or increases an existing fee.~~

~~— (e) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the agency for that purpose.~~

~~— (f) Be submitted to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations created pursuant to NRS 233B.065. The publication of a notice of intent to act upon a regulation in the Register does not satisfy the requirements for notice set forth in paragraph (e).~~

~~— 2. The Attorney General may by regulation prescribe the form of notice to be used.~~

~~— 3. In addition to distributing the notice to each recipient of the agency's regulations, the agency shall also solicit comment generally from the public and from businesses **and historically underserved communities** to be affected by the proposed regulation.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 233B.066 is hereby amended to read as follows:~~

~~— 233B.066 1. Except as otherwise provided in subsection 2, each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 or filed with the Secretary of State pursuant to subsection 2 or 3 of NRS 233B.070 must be accompanied by a statement concerning the regulation which contains the following information:~~

~~— (a) A clear and concise explanation of the need for the adopted regulation.~~

~~— (b) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.~~

~~— (c) The number of persons who:~~

~~— (1) Attended each hearing;~~

~~— (2) Testified at each hearing; and~~

~~— (3) Submitted to the agency written statements.~~

~~— (d) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing:~~

~~— (1) Name;~~

- ~~— (2) Telephone number;~~
- ~~— (3) Business address;~~
- ~~— (4) Business telephone number;~~
- ~~— (5) Electronic mail address; and~~
- ~~— (6) Name of entity or organization represented.~~
- ~~— (e) A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.~~
- ~~— (f) A description of how comment was solicited from affected historically underserved communities, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.~~
- ~~— (g) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.~~
- ~~— [(g)] (h) The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:~~
 - ~~— (1) Both adverse and beneficial effects; and~~
 - ~~— (2) Both immediate and long term effects.~~
- ~~— [(h)] (i) The estimated environmental impact of the regulation on affected historically underserved communities and on the public, if any. These must be stated separately, and in each case must include:~~
 - ~~— (1) Both adverse and beneficial effects; and~~
 - ~~— (2) Both immediate and long term effects.~~
- ~~— (j) The estimated cost to the agency for enforcement of the proposed regulation.~~
- ~~— [(i)] (k) A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.~~
- ~~— [(j)] (l) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.~~
- ~~— [(k)] (m) If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.~~

~~— 2. The requirements of paragraphs (b) to [(f)], (g), inclusive, of subsection 1 do not apply to emergency regulations.] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 233B.0665 is hereby amended to read as follows:~~

~~— 233B.0665 If a regulation submitted to the Legislative Counsel Bureau pursuant to NRS 233B.067 is not accompanied by an informational statement which complies with the requirements of NRS 233B.066, [or] a small business impact statement which complies with the requirements of NRS 233B.0608 and 233B.0609 [,] or an environmental justice impact statement which~~

~~complies with the requirements of section 11 of this act, the Legislative Counsel shall return the regulation to the agency with a note indicating the statement which is missing. Unless the missing statement is supplied, the Legislative Counsel shall not submit the regulation to the Legislative Commission or the Subcommittee to Review Regulations, as applicable, and the regulation never becomes effective. (Deleted by amendment.)~~

Sec. 17. ~~[NRS 233B.067 is hereby amended to read as follows:~~

~~233B.067 1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the Legislative Counsel for review by the Legislative Commission to determine whether to approve the regulation. The Legislative Counsel shall endorse on the original and the copy of each adopted regulation the date of their receipt. The Legislative Counsel shall maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.~~

~~2. If an agency submits an adopted regulation to the Legislative Counsel pursuant to subsection 1 that:~~

~~(a) The agency is required to adopt pursuant to a federal statute or regulation; and~~

~~(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State;~~

~~it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.~~

~~3. Except as otherwise provided in subsection 4, the Legislative Commission shall:~~

~~(a) Review the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting; or~~

~~(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6.~~

~~4. If an agency determines that an emergency exists which requires a regulation of the agency submitted pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations. The Subcommittee shall meet to review the regulation as soon as practicable.~~

~~5. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred, approves the regulation, the Legislative Counsel shall promptly file the regulation with the Secretary of State and notify the agency of the filing. If the Commission or Subcommittee objects to the regulation after determining that:~~

~~(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;~~

~~(b) The regulation does not conform to statutory authority;~~

~~—(c) The regulation does not carry out legislative intent;~~

~~—(d) The small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses; [or]~~

~~—(e) The environmental justice impact statement prepared pursuant to section 11 of this act is inaccurate, incomplete or did not adequately consider or significantly underestimated the environmental impact of the regulation on historically underserved communities; or~~

~~—(f) The agency has not provided a satisfactory explanation of the need for the regulation in its informational statement as required pursuant to NRS 233B.066, or the informational statement is insufficient or incomplete;~~

~~— the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the agency;~~

~~— 6. As soon as practicable after each regular legislative session, the Legislative Commission shall appoint a Subcommittee to Review Regulations consisting of at least three members or alternate members of the Legislative Commission. (Deleted by amendment.)~~

~~Sec. 18. [1. The Commission on Environmental Justice created by section 6 of this act shall:~~

~~—(a) In coordination with the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the Department of Health and Human Services, develop a process and metrics for use by an agency, as defined in NRS 233B.031, to evaluate whether a proposed regulation will have a disproportionate environmental impact on a historically underserved community in this State; and~~

~~—(b) On or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau, for transmittal to the 83rd Session of the Legislature, a report of its activities pursuant to subsection 1, which must include, without limitation:~~

~~—(1) Characteristics of communities that are at heightened risk of disproportionate environmental justice impacts;~~

~~—(2) Available options to screen for communities at heightened risk of disproportionate environmental justice impacts; and~~

~~—(3) Factors that contribute to environmental inequities in this State, including, without limitation, any health risks.~~

~~— 2. As used in this section, “historically underserved community” has the meaning ascribed to it in NRS 445B.834. (Deleted by amendment.)~~

~~Sec. 18.5. 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. 19. [1.] This [section, sections 2 to 7, inclusive, and section 18 of this] act [become] becomes effective on July 1, 2023.~~

~~[2. Sections 8 to 17, inclusive, of this act become effective on the date that the permanent regulations required to be adopted by the Commission on~~

~~Environmental Justice pursuant to section 7 of this act are filed with the Secretary of State pursuant to NRS 232B.070.~~

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. 322.

Bill read second time.

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

Amendment No. 433.

AN ACT relating to public health; prohibiting a person from ~~preparing, distributing, advertising,~~ selling or offering to sell a kratom product to an end user unless the kratom product has been registered with the State ~~Board~~ Department of ~~Oriental Medicine;~~ Agriculture; setting forth requirements for the registration of a kratom product with the ~~Board;~~ authorizing the Board to take certain actions relating to kratom products offered for sale that are not registered with the Board; Department; requiring a person who registers a kratom product to pay certain expenses and report certain information relating to the kratom product to the Department; authorizing the ~~Board~~ Department to adopt certain regulations governing kratom products; revising provisions establishing certain prohibited acts relating to kratom products; exempting a person who engages in certain acts relating to kratom products from certain criminal or legal penalties if certain substances in those products are designated as controlled substances; prohibiting the State Board of Pharmacy from including certain substances on a schedule of controlled substances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "kratom product" to mean, in general, any product or ingredient containing any part of the leaf of the *Mitragyna Speciosa* plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine, or any synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine. Existing law prohibits a person from: (1) selling or offering to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years; (2) preparing, distributing, advertising, selling or offering to sell a kratom product that is adulterated with certain substances; and (3) selling a kratom product that does not have a label that meets certain requirements. Existing law provides for the imposition of a civil penalty of not more than \$1,000 against a person who violates those prohibitions. (NRS 597.998)

Section 5 of this bill revises the definition of kratom product to mean food containing any part of the leaf of the *Mitragyna Speciosa* plant. **Section 9** revises the prohibited acts relating to kratom products set forth under existing

law to revise: (1) requirements relating to the type of kratom products that a person is prohibited from preparing, distributing, advertising, selling or offering to sell; and (2) the information that must be included on a label for a kratom product. **Section 9 eliminates the civil penalty imposed for engaging in such prohibited acts and instead provides ~~[that a person who engages in such prohibited acts is guilty of a misdemeanor.]~~ for the imposition of administrative fines by the State Department of Agriculture for certain violations relating to kratom products.**

Section 6 of this bill prohibits a person from ~~[preparing, distributing, advertising,]~~ selling or offering to sell a kratom product **to an end user** unless the kratom product has been registered with the ~~[State Board of Oriental Medicine. Section 6 authorizes the Board to: (1) impose an administrative fine for a violation of that prohibition; and (2) seize and destroy a kratom product which is offered for sale and which has not been registered.]~~ **Department.** **Section 6** sets forth certain requirements for a person to register a kratom product with the ~~[Board.]~~ **Department.**

Sections 6.5 and 8 of this bill set forth circumstances under which the Department may require a person who registers a kratom product to submit the kratom product to a laboratory for certain additional testing. Section 7.5 of this bill requires a person who registers a kratom product to submit to the Department a copy of certain reports concerning the kratom product that are required to be submitted to the United States Food and Drug Administration.

Section 7 of this bill authorizes the Board to adopt certain regulations to carry out the provisions of this bill. ~~[, which may impose certain additional requirements relating to kratom products.]~~

Existing law authorizes the State Board of Pharmacy to adopt regulations to add, delete or reschedule substances as controlled substances in schedules I, II, III, IV or V pursuant to the Uniform Controlled Substances Act. (NRS 453.146) Existing law prohibits certain substances from being included on such a schedule. (NRS 453.2186) Section ~~[8]~~ 9.5 of this bill ~~[creates a civil cause of action for a person injured by any violation of this bill.]~~ prohibits the Board from including mitragynine or any of its constituent alkaloids on any schedule unless the substance is designated as a controlled substance pursuant to federal law. Section 8.3 of this bill provides that if mitragynine or any of its constituent alkaloids is added to a schedule of controlled substances, a person who engages in the possession, delivery, production, sale or use of a kratom product that meets the requirements of this bill and who confines his or her activities to those authorized by this bill does not commit a violation of any law, ordinance, rule or regulation of this State or any political subdivision of this State and any such conduct must not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.

Sections ~~[3 and 4]~~ 2.5-4.5 of this bill define certain other words and terms for the purposes of this bill.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[9,]~~ 8.7, inclusive, of this act.

Sec. 2. *As used in NRS 597.998 and sections 2 to ~~[9,]~~ 8.7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[3, 4 and]~~ 2.5 to 5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.5. *“Certificate of analysis” means a document produced by a laboratory describing the results of the laboratory’s testing of a kratom product.*

Sec. 3. ~~“Board”~~ *“Department” means the State ~~[Board]~~ Department of ~~[Oriental Medicine,]~~ Agriculture.*

Sec. 4. *“Food” means any food, ~~[drink, confection]~~ food product, food ingredient, dietary ingredient, dietary supplement or beverage ~~f, or any component in the preparation or manufacture thereof,~~ intended for ultimate human consumption.*

Sec. 4.5. *“Kratom extract” means a kratom product containing any part of the leaf of the Mitragyna Speciosa plant that has been extracted and concentrated to provide a dosage that is more standardized.*

Sec. 5. *“Kratom product” means food containing any part of the leaf of the Mitragyna Speciosa plant ~~f,~~ , or an extract thereof, which is manufactured as a powder, capsule, pill or other edible form.*

Sec. 6. 1. A person shall not ~~knowingly prepare, distribute, advertise,~~ sell or offer to sell a kratom product to an end user unless the kratom product has been registered with the ~~[Board]~~ Department pursuant to this section.

2. A person who wishes to register a kratom product must submit to the ~~[Board]~~ Department:

(a) An application on a form prescribed by the ~~[Board]~~ Department;
(b) A fee in an amount established by the ~~[Board]~~ Department by regulation; ~~and~~

(c) A certificate of analysis for the kratom product which:
(1) Is produced by an independent laboratory that meets any requirements set forth in regulations adopted by the Department pursuant to section 7 of this act; and

(2) Provides sufficient information about the kratom product to enable the Department to determine whether the kratom product complies with the provisions of NRS 597.998 and sections 2 to 8.7, inclusive, of this act; and

(d) Any other information and documentation that the ~~[Board]~~ Department deems necessary to ensure that the kratom product meets the

requirements of NRS 597.998 and sections 2 to ~~§8,~~ 8.7, inclusive, of this act and the regulations adopted pursuant thereto.

~~3. A person who violates subsection 1 is subject to an administrative fine, imposed by the Board, in an amount established by the Board by regulation.~~

~~4. The Board may, in accordance with procedures adopted by the Board by regulation, seize and destroy any kratom product offered for sale which has not been registered with the Board pursuant to this section.~~

~~5. The Board shall adopt regulations governing the registration of kratom products. Such regulations must, without limitation:~~

~~(a) Prescribe the form and any additional required content for an application to register a kratom product;~~

~~(b) Establish the amount of the fee for the registration of a kratom product;~~

~~(c) Establish the amount of the administrative fine that the Board may impose for a violation of this section;~~

~~(d) Establish procedures for the seizure and destruction of a kratom product offered for sale which has not been registered with the Board; and~~

~~(e) Address such other matters concerning the registration of kratom products as the Board determines to be necessary.~~ registration issued pursuant to this section expires 1 year after issuance and may be renewed by submitting to the Department an application for renewal and the same fees and materials required by paragraphs (b), (c) and (d) of subsection 2 for an initial registration.

Sec. 6.5. 1. If the Department has reasonable cause to believe that the information contained on the label of, or the certificate of analysis for, a kratom product is inaccurate, the Department may require the person who registered the kratom product to send the kratom product to a laboratory selected by the Department to conduct testing on the kratom product.

2. After the testing conducted pursuant to subsection 1 is completed, the Department shall send the person who registered the kratom product a bill for the costs of the testing. If the person fails to pay those costs within a period of time after the receipt of the bill established by the Department by regulation, the Department shall revoke the registration of the kratom product.

Sec. 7. The ~~Board~~ Department may adopt regulations as it determines to be necessary or advisable to carry out the provisions of NRS 597.998 and sections 2 to ~~§8,~~ 8.7, inclusive of this act. ~~Such regulations may include, without limitation:~~

~~1. Requirements for the testing of kratom products to ensure that such products meet the requirements set forth in NRS 597.998 and sections 2 to 8, inclusive, of this act and are safe for human consumption;~~

~~2. Additional requirements for the labeling of kratom products; and~~

~~3. Any other matters the Board deems to be appropriate for the safe preparation, distribution and sale of kratom products.~~

Sec. 7.5. 1. If a person submits to the United States Food and Drug Administration a report pursuant to 21 U.S.C. § 379aa-1 concerning a serious adverse event involving a kratom product that the person has registered pursuant to section 6 of this act, the person shall send a copy of that report to the Department by certified mail within a period of time established by the Department by regulation.

2. Failure to send to the Department a copy of the report described in subsection 1 within the time required by subsection 1, constitutes grounds for the revocation of the registration of the kratom product about which the report relates.

Sec. 8. ~~In addition to any other remedy, a~~

1. Any person ~~(aggrieved by)~~ may report to the Department on a form prescribed by the Department a suspected violation of NRS 597.998 ~~and~~ or sections 2 to ~~8.7,~~ 8.7, inclusive, of this act. ~~It may bring a civil action in a court of competent jurisdiction against~~

2. If the Department determines that the allegations in a complaint are credible and relate to the content or labeling of, or a certificate of analysis for, a kratom product, the Department shall require the person who committed the alleged violation to ~~recover damages including, without limitation, economic damages, noneconomic damages and consequential damages,~~ obtain and provide to the Department, within a period of time prescribed by the Department by regulation, a new certificate of analysis which complies with paragraph (c) of subsection 2 of section 6 of this act for the kratom product.

3. If a person fails to provide the Department with a certificate of analysis pursuant to subsection 2, the Department shall revoke the registration for the kratom product.

Sec. 8.3. Notwithstanding any other provision of law, if mitragynine or any of its constituent alkaloids are added to schedule I, II, III, IV or V by the State Board of Pharmacy by regulation pursuant to NRS 453.146, a person who engages in the possession, delivery, production, sale or use of a kratom product that meets the requirements of NRS 597.998 and sections 2 to 8.7, inclusive, of this act and who confines his or her activities to those authorized by NRS 597.998 and sections 2 to 8.7, inclusive, of this act does not violate any law, ordinance, rule or regulation of this State or any political subdivision of this State and such conduct may not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.

Sec. 8.7. 1. A person who violates any provision of NRS 597.998 and sections 2 to 8.7, inclusive, of this act is subject to an administrative fine in an amount not to exceed \$500 for a first offense and \$1,000 for a second or subsequent offense.

2. Upon the request of a person to whom an administrative fine is issued, the Department shall provide notice of and conduct a hearing in accordance with the provisions of chapter 233B of NRS.

Sec. 9. NRS 597.998 is hereby amended to read as follows:

597.998 1. A person shall not knowingly **distribute**, sell or offer to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years.

2. A person shall not knowingly prepare, distribute, advertise, sell or offer to sell a kratom product that ~~is~~ :

(a) **Is combined, packaged or** adulterated with ~~it~~ :

(1) **A controlled substance or a dangerous drug, as defined in chapter 454 of NRS, or any poisonous or deleterious substance; or**

(2) Any substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer ~~it~~;

(b) **Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than ~~it~~ 1 percent of the alkaloid composition of the kratom product;**

(c) **Contains a synthetic alkaloid, including, without limitation, synthetic mitragynine, synthetic 7-hydroxymitragynine or any synthetically derived compound of the Mitragyna Speciosa plant; ~~for~~**

(d) Does not include a label that clearly sets forth:

(1) **The ~~ingredients of the kratom product;~~ recommended size of an individual serving;**

(2) **The ~~amount of mitragynine and 7 hydroxymitragynine contained in the kratom product; and~~ maximum limits for individual servings per day;**

(3) **The number of servings equal to the size of one recommended individual serving that are contained in the package; and**

~~_____~~ (4) **Directions for the safe and effective use of the kratom product.**

~~3. A person has not violated the provisions of this subsection 2 if he or she can show by a preponderance of evidence that he or she relied in good faith upon the representations of a manufacturer, processor, packer or distributor of the kratom product.~~

~~3. A person shall not sell a kratom product that does not have a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product.~~

~~4. A person who violates any provision of this section is subject to a civil penalty ~~guilty~~ of not more than \$1,000 for each violation.~~

~~5. As used in this section, "kratom product" means any product or ingredient containing:~~

~~(a) Any part of the leaf of the Mitragyna Speciosa plant if the plant contains the alkaloid mitragynine or 7 hydroxymitragynine; or~~

~~(b) A synthetic material that contains the alkaloid mitragynine or 7 hydroxymitragynine;~~

~~regardless of whether the product or ingredient is labeled or sold for human consumption. ~~a misdemeanor for each violation.~~~~

(e) A kratom extract which contains levels of residual solvents that exceed the levels authorized by chapter 467 of the United States Pharmacopeia-

National Formulary, published by the United States Pharmacopeial Convention.

Sec. 9.5. NRS 453.2186 is hereby amended to read as follows:

453.2186 1. Authority to control pursuant to NRS 453.146, 453.218, 453.2182 and 453.2184 does not extend to distilled spirits, wine, malt beverages or tobacco.

2. **The Board shall not include mitragynine or any of its constituent alkaloids on any schedule unless the substance is designated as a controlled substance pursuant to federal law.**

3. The Board shall not include any nonnarcotic substance on any schedule if that substance is in a form suitable for final dosage and has been approved by the Food and Drug Administration for sale over the counter without a prescription, unless the Board affirmatively finds that:

(a) The substance itself or one or more of its active ingredients is an immediate precursor of a controlled substance; and

(b) The substance is materially misbranded or mislabeled, or the public interest requires the scheduling of the substance as a controlled substance in schedule I, II, III or IV.

~~3.~~ 4. In determining whether the public interest requires the scheduling of the substance, the Board shall consider:

(a) Whether the customary methods of marketing and distributing the substance are likely to lead to its unlawful distribution or use, including any relevant information with regard to a manufacturer or distributor of the substance concerning:

(1) His or her record of compliance with applicable federal, state and local statutes, ordinances and regulations;

(2) His or her past experience in the manufacture and distribution of controlled substances, and the existence in his or her establishment of effective controls against the unlawful distribution or use of the substance;

(3) Whether he or she has ever been convicted under any federal or state law relating to a controlled substance; and

(4) Whether he or she has ever furnished materially falsified or fraudulent material in any application filed pursuant to NRS 453.011 to 453.552, inclusive;

(b) Whether the substance is controlled under the federal Controlled Substances Act;

(c) The status of any pending proceeding to determine whether the substance should be controlled or exempted from control;

(d) Any history of abuse or misuse of the substance in this State; and

(e) Any other factors which are relevant to the public health and safety.

~~4.~~ 5. In determining whether a substance is misbranded or mislabeled, the Board shall consider the requirements of the federal Food, Drug, and Cosmetic Act and the Code of Federal Regulations concerning indications for its use and any advertising for a use not so indicated.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~19~~ 9.5, 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 Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 323.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 376.

AN ACT relating to education; requiring the Superintendent of Public Instruction to develop a strategic plan for the recruitment of teachers and other licensed educational personnel; requiring the Commission on Professional Standards in Education to adopt certain regulations concerning the licensing of teachers and other educational personnel; authorizing a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned for training purposes as a student teacher, counselor, student social worker or trainee in a library; authorizing a school district ~~for~~ and the governing body of a charter school to provide certain professional development training; ~~for creating the Incentivizing Pathways to Teaching Account in the State General Fund; establishing the Incentivizing Pathways to Teaching Program;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the duties of the Superintendent of Public Instruction. (NRS 385.175) **Section 1** of this bill requires the Superintendent to develop a strategic plan for the recruitment of teachers and other licensed educational personnel and establishes requirements for the contents of the strategic plan.

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel, including regulations governing examinations for the initial licensing of teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. (NRS 391.019, 391.021) **Section 3** of this bill requires the Commission to adopt regulations that authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics prescribed by the Commission if the applicant completes a course of study approved by the Department of Education with a grade of B or better in each subject area of the competency test that the applicant previously did not pass.

Existing law requires the Commission to adopt regulations prescribing course work on parental involvement and family engagement ~~for~~ **and multicultural education.** (NRS ~~391.019~~ **Section 391.019, 391.0347**) **Sections 2 and 4.5** of this bill ~~requires~~ **require** the Commission to establish standards for professional development training which may be used to satisfy such course work requirements. **Section 6** of this bill ~~authorizes~~ **requires** a school district ~~for~~ **and** the governing body of a charter school to provide professional development training on **: (1) parental involvement and family engagement in accordance with the standards adopted by the Commission, for ; and (2) multicultural education in accordance with the standards adopted by the Commission. Section 6 requires that such training be provided at no cost to the employee.** **Section 7** of this bill makes a conforming change to indicate the proper placement of **section 6** in the Nevada Revised Statutes.

Existing law requires the Commission to adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State. (NRS 391.032) **Section 4** of this bill requires the Commission to adopt regulations that require the Superintendent of Public Instruction to issue a provisional license to teach pending receipt of academic transcripts of certain applicants who are otherwise qualified for a license.

Existing law requires the Board of Regents of the University of Nevada to establish a program of student teaching and practicum which allows students to be assigned to a school district as student teachers, counselors or trainees in a library. (NRS 396.519) Existing law authorizes school districts to enter into agreements with certain institutions of higher education for the assignment of students to schools as student teachers, counselors or trainees in a library. (NRS 391.095) **Section 5** of this bill authorizes **: (1) a governing body of a charter school or university school for profoundly gifted pupils to similarly enter into agreements; and (2) a school district or governing body of a charter school or university school for profoundly gifted pupils** to compensate a student who is assigned within the school district for training purposes as a student teacher, counselor **, student social worker** or trainee in a library.

~~During the 81st Session of the Nevada Legislature, the Legislature appropriated money for the Department of Education to implement the Incentivizing Pathways to Teaching Program to provide stipends and tuition assistance to students in teacher preparation programs. (Section 1 of chapter 434, Statutes of Nevada 2021, at page 2765) Section 10 of this bill creates a permanent Incentivizing Pathways to Teaching Program which is administered by the Board of Regents of the University of Nevada. Section 10 authorizes a university or state college which offers a teacher preparation program to apply to the Board of Regents for a grant to award scholarships and stipends to eligible students of the university or state college. Section 10 establishes the eligibility requirements for students to whom a university or state college is~~

~~authorized to award a scholarship or stipend under the Program. Section 9 of this bill creates the Incentivizing Pathways to Teaching Account in the State General Fund to be used to distribute money to the Board of Regents for awarding of such grants.]~~

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

Section 1. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.
2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.
3. Organize the Department in a manner which will assure efficient operation and service.
4. Maintain liaison and coordinate activities with other state agencies performing educational functions.
5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.
6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.
7. Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

8. ***Develop a strategic plan for the recruitment of teachers and other licensed educational personnel which includes, without limitation:***

(a) A strategy to decrease the processing times of applications for licensure pursuant to chapter 391 of NRS.

(b) A plan to provide for the translation of academic transcripts which are in a language other than English of applicants for licensure pursuant to chapter 391 of NRS. The Department shall post the process for the translation of academic transcripts on its Internet website.

9. Perform such other duties as are prescribed by law.

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall ~~work~~:

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 3. NRS 391.021 is hereby amended to read as follows:

391.021 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. ***The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.***

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 4. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. *The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach pending receipt of any academic transcripts of an applicant if:*

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant ~~holds~~:

(1) Holds a valid license or certificate to teach issued by another state for which completion of a bachelor's or higher degree and professional education course work through a college or university accredited by a regional accrediting association is necessary ~~for~~; or

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 4.5. NRS 391.0347 is hereby amended to read as follows:

391.0347 1. Any licensed teacher who is initially licensed on or after July 1, 2019, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; ~~and~~

(c) **That establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this section; and**

~~(d)~~ As otherwise necessary to carry out the requirements of this section.

Sec. 5. NRS 391.095 is hereby amended to read as follows:

391.095 1. A school district **or a governing body of a charter school or university school for profoundly gifted pupils** may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the Commission pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district **, charter school or university school for profoundly gifted pupils, as applicable,** for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district **or governing body of a charter school or university school for profoundly gifted pupils, as applicable,** for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. **Except as otherwise provided in the agreement entered into pursuant to subsection 1 and to the extent not inconsistent with NRS 391.096, a school district or governing body of a charter school or university school for profoundly gifted pupils, as applicable, may compensate a student assigned within the school district charter school or university school for profoundly gifted pupils for training purposes as a student teacher, counselor, student social worker or trainee in a library.**

3. As used in this section:

(a) “Accredited” has the meaning ascribed to it in NRS 394.006.

(b) “Postsecondary educational institution” has the meaning ascribed to it in NRS 394.099.

Sec. 6. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school district and the governing body of a charter school ~~may~~ shall provide professional development training on ~~parental~~ :

(a) Parental involvement and family engagement that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.019 to teachers who have not yet completed the course

work on parental involvement and family engagement prescribed by NRS 391.019. ~~Such~~

(b) Multicultural education that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.0347 to teachers who have not yet completed the course work on multicultural education prescribed by NRS 391.0347.

2. Any professional development training ~~may~~ provided pursuant to subsection 1:

(a) May be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.

(b) Must be provided at no cost to the employee.

Sec. 7. NRS 391A.345 is hereby amended to read as follows:

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, **and section 6 of this act**, unless the context otherwise requires, “professional development training” has the meaning ascribed to “professional development” in 20 U.S.C. § 7801(42).

Sec. 8. ~~[Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.] (Deleted by amendment.)~~

Sec. 9. ~~[1. The Incentivizing Pathways to Teaching Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.~~

~~2. The interest and income earned on:~~

~~(a) The money in the Account, after deducting any applicable charges; and~~

~~(b) Unexpended appropriations made to the Account from the State General Fund,~~

~~must be credited to the Account.~~

~~3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, 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 State Treasurer may accept gifts and grants of money from any source for deposit in the Account.~~

~~5. The money in the Account may only be used to distribute money to the Board of Regents for the purpose of awarding grants to universities and state colleges to provide scholarships and stipends to eligible students pursuant to the Incentivizing Pathways to Teaching Program created by section 10 of this act.] (Deleted by amendment.)~~

Sec. 10. ~~[1. The Incentivizing Pathways to Teaching Program is hereby created for the purpose of awarding scholarships and stipends to eligible students.~~

~~2. The Board of Regents shall administer the Program. The Board of Regents may adopt any regulations necessary to carry out the Program.~~

~~3. A university or state college which offers a teacher preparation program is eligible to apply to the Board of Regents for a grant from the Incentivizing Pathways to Teaching Account created by section 9 of this act to award scholarships and stipends to eligible students pursuant to subsections 5 and 6.~~

~~4. The Board of Regents shall:~~

~~(a) Establish the number of grants that will be available each year based upon the amount of money available in the Account.~~

~~(b) Review all applications submitted pursuant to subsection 3 and award a grant of money from the Account to an approved university or state college to the extent that money is available in an amount determined by the Board of Regents.~~

~~(c) Prescribe the maximum amount of a scholarship or stipend that may be awarded to a student pursuant to this section.~~

~~5. A university or state college may award a scholarship to a student of the university or state college only if the student:~~

~~(a) Is enrolled in his or her final three semesters in a teacher preparation program.~~

~~(b) Completes the application for a scholarship through the Program in accordance with regulations prescribed by the Board of Regents.~~

~~(c) Submits all information deemed necessary by the Board of Regents to determine the student's eligibility for a scholarship.~~

~~(d) Enters into an agreement with the university or state college containing such terms as are prescribed by the Board of Regents, including, without limitation, a requirement for the student to repay the amount of the scholarship if the student:~~

~~(1) Does not complete the teacher preparation program; or~~

~~(2) Does not, within 5 years after graduation, obtain a license to teach issued pursuant to chapter 391 of NRS and maintain employment at a public school in this State for not less than 2 years.~~

~~6. A university or state college may award a stipend to a student of the university or state college only if the student:~~

~~(a) Is enrolled in a program of student teaching through the university or state college.~~

~~(b) Completes the application for a stipend through the Program in accordance with regulations prescribed by the Board of Regents.~~

~~(c) Submits all information deemed necessary by the Board of Regents to determine the student's eligibility for a stipend.~~

~~(d) Enters into an agreement with the university or state college containing such terms as are prescribed by the Board of Regents, including, without limitation, a requirement for the student to repay the amount of the stipend if the student:~~

~~(1) Does not complete the teacher preparation program; or~~

~~(2) Does not, within 5 years after graduation, obtain a license to teach issued pursuant to chapter 391 of NRS and maintain employment at a public school in this State for not less than 2 years.~~

~~7. As used in this section, “teacher preparation program” means a course of study or training designed to provide the education required for the licensure of teachers, including, without limitation, an alternative route to licensure program prescribed pursuant to NRS 391.019.] (Deleted by amendment.)~~

Sec. 10.3. The Commission on Professional Standards in Education shall:

1. Conduct a study during the 2023-2024 interim concerning the Praxis II and pedagogy examinations;
2. Present its recommendations to the Standing Committee on Education during the 83rd Session of the Nevada Legislature; and
3. Adopt regulations pursuant to NRS 391.019, 391.021 and 391.023 as it deems necessary and appropriate based on its findings and recommendations as they relate to the Praxis II and pedagogy examinations.

Sec. 10.6. The Department of Education and the Nevada System of Higher Education shall jointly:

1. Develop a plan to expand awareness of and eliminate barriers for access to any scholarship programs that are intended to increase the number of persons licensed pursuant to chapter 391 of NRS; and
2. Present the plan to the Joint Interim Standing Committee on Education on or before June 30, 2024.

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

2. Sections 1 to ~~10.1~~ 10.6, 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 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. 330.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 377.

AN ACT relating to education; requiring a suspension or expulsion in a charter school or a university school for profoundly gifted pupils to be consistent with such punishments in certain public schools; requiring a plan for restorative discipline for public schools to include consideration of certain data relating to pupil discipline; authorizing the Superintendent of Public

Instruction to require implementation of an alternative plan for restorative discipline if a public school fails to take certain actions relating to disproportionality in pupil discipline; requiring a plan for restorative discipline to reflect the authority to temporarily remove a pupil from the classroom; ~~authorizing a principal to place limitations on the ability of certain staff to remove certain pupils from the classroom;~~ requiring certain actions by a school at the time of a suspension or expulsion of a pupil for committing certain acts; revising ~~provisions regarding the suspension or expulsion of certain homeless pupils and pupils in foster care;~~ **the persons to whom the appeals of certain disciplinary determinations may be made;** revising requirements for policies for the appeal of suspensions and expulsions; ~~repealing the requirement that the Department of Education, to the extent money is available, develop a statewide framework for restorative justice;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions relating to the behavior and discipline of pupils. (NRS 392.4601-392.472) **Sections 2 and 3** of this bill apply these provisions to charter schools and university schools for profoundly gifted pupils.

Section 3.3 of this bill establishes: (1) requirements for proper notification to a pupil and the parent or legal guardian of the pupil, if the pupil is less than 18 years of age, of the policy to appeal a suspension or expulsion; (2) a 5-day timeline for a pupil or, if the pupil is less than 18 years of age, the parent or guardian of the pupil to appeal the suspension or expulsion; (3) a 5-day timeline for a hearing to be scheduled upon receipt of such an appeal; (4) the method for determining whether a pupil who is suspended or expelled or is being considered for suspension or expulsion may be considered for temporary alternative placement; and (5) that education services are required to be provided to the pupil to prevent the pupil from losing academic credit or being disengaged from school during the period the pupil is suspended or expelled. Sections 3.5 and 3.7 of this bill make conforming changes to indicate the proper placement of section 3.3 in the Nevada Revised Statutes.

__ Under existing law, the board of trustees of each school district is required to establish a plan to provide for the restorative discipline of pupils, which must be developed with the input of certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law also requires each public school to collect and submit data on the discipline of pupils and categorize such data by various subgroups of pupils. (NRS 392.462) ~~Section 6 of this bill removes the reference to a statewide framework for restorative justice developed by the Department of Education, the development of which is repealed by section 15 of this bill.~~ **Section 4** of this bill requires that the data be reported to the superintendent of the school district or to the administrative head of a charter school. **Section 6** also requires the Superintendent of Public Instruction to review data on the disproportionality

of punishments and provide a corrective period for any deficient schools to make progress in addressing any disproportionalities or any insufficiency in such data. ~~[Section 7 of this bill authorizes a principal to restrict the ability of a teacher or staff member to temporarily remove a pupil from a classroom if the principal determines such removal to be unnecessary.]~~

Existing law requires a plan to provide for the restorative discipline of pupils to provide for the temporary removal of a pupil from a classroom or other premises of a public school under certain circumstances. (NRS 392.4645) **Section 7** instead authorizes the temporary removal of a pupil from a classroom or other premises of a public school under such circumstances, and **section 6** requires a plan to provide for the restorative discipline of pupils to include provisions for such a temporary removal.

Existing law requires that a pupil who has been removed from the classroom or other premises of a public school must have a conference within 3 days after removal, with certain exceptions. If such a conference is not held within 3 days, the pupil is required to be allowed to return to the classroom or other premises, with certain exceptions. (NRS 392.4646) **Section 8** of this bill removes the requirement if, in the judgment of the principal, the pupil continues to pose a threat and the superintendent has authorized an extension of the removal.

Existing law provides certain requirements concerning the determination that a pupil is deemed a habitual disciplinary problem. (NRS 392.4655) **Section 9** of this bill ~~removes the presumption that the behavior of the pupil was caused by homelessness, and instead requires the principal to review available information and make such a determination.]~~ **revises the persons to whom a pupil or parent or legal guardian of a pupil may appeal such a determination.**

Under existing law, certain pupils may be suspended or expelled from school for: (1) committing a battery which results in the bodily injury of an employee of the school; or (2) selling or distributing any controlled substance in certain circumstances. (NRS 392.466) **Section 10** of this bill ~~requires a pupil who commits such an act to be: (1) expelled for the first occurrence; and~~ **: (1) revises the circumstances under which a pupil is expelled or assigned to a temporary alternative placement; and (2) requires the pupil to be permanently expelled for the second occurrence.** **Section 10** also requires a school to develop and implement a reentry plan based on restorative justice practices following the first occurrence. **Sections 10 and 11** of this bill **: (1) prohibit the permanent expulsion of a pupil who is less than 6 years of age; and (2) authorize a homeless pupil or a pupil in foster care of any age to be suspended or expelled for not more than 5 days if the principal determines that the conduct of the pupil poses an ongoing threat.**

Existing law provides that a pupil may not be suspended or expelled unless the pupil is given the opportunity for a hearing. (NRS 392.467) **Section 11** removes the hearing requirement before suspension or expulsion for certain pupils who: (1) pose a danger to other persons or property; (2) threaten to

disrupt the academic process; (3) are selling or distributing a controlled substance; or (4) are in possession of a firearm or other dangerous weapon.

Existing law provides certain requirements concerning the process for appealing a suspension or expulsion. (NRS 392.4671) **Section 12** of this bill makes these requirements applicable to significant suspensions, expulsions or permanent expulsions.

Existing law requires that, with certain exceptions, a public school must provide a plan of action based on restorative justice to a pupil before removing, suspending or expelling the pupil. (NRS 392.472) **Section 13** of this bill allows a pupil to be temporarily removed in certain circumstances without first providing such a plan.

~~Existing law requires the Department, to the extent money is available, to develop a statewide framework for restorative justice. (NRS 388.1333) Section 15 repeals that provision.~~

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

Section 1. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) Requirements and methods for restorative disciplinary practices that align with the statewide framework for restorative justice if such a framework is developed pursuant to NRS 388.1333; ~~and~~

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

3. As used in this section, “restorative justice” has the meaning ascribed to it in NRS 392.472.

Sec. 2. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~¶¶~~ ***A pupil enrolled in a charter school shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.***

3. ***Except as otherwise provided in NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, ~~before~~ at the time of the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, ~~has been~~ are given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is significantly suspended , ~~for~~ expelled ~~or~~ permanently expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the significant suspension , expulsion or permanent expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is significantly suspended , ~~for~~ expelled or permanently expelled and is appealing the significant suspension , expulsion or permanent expulsion or a pupil who is being considered for significant suspension , expulsion or permanent expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.***

~~[3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.]~~

4. ~~{A pupil with a disability who is at least 11 years of age and who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~—(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~—(b) Expelled from school pursuant to this section.~~

~~—(c) Permanently expelled from school pursuant to this section.~~

~~—5.} A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:~~

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

~~{6.} 5.~~ The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~{7.} 6.~~ As used in this section:

(a) “Expel” or “expulsion” has the meaning ascribed to it in NRS 392.4603.

(b) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) ~~“Pupil with a disability” has the meaning ascribed to it in NRS 388.417.}~~ ***“Significantly suspended” has the meaning ascribed to “significant suspension” in NRS 392.4655.***

(d) “Suspend” or “suspension” has the meaning ascribed to it in NRS 392.4607.

Sec. 3. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~{A pupil enrolled in a university school for profoundly gifted pupils shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public~~

school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.

3. *Except as otherwise provided in NRS 392.467, if* suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, ~~before~~ **at the time of** the suspension or expulsion, the pupil ~~has been~~ **is** given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is **significantly** suspended, ~~or~~ expelled ~~or~~ **or permanently expelled**, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the **significant** suspension, **expulsion** or **permanent** expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is **significantly** suspended, ~~or~~ expelled **or permanently expelled** and is appealing the **significant** suspension, **expulsion** or **permanent** expulsion or a pupil who is being considered for **significant** suspension, **expulsion** or **permanent** expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

~~{3.—A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.}~~

4. ~~{A pupil with a disability who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~—(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~—(b) Expelled from school pursuant to this section.~~

~~—(c) Permanently expelled from school pursuant to this section.~~

~~—5.}~~ A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

~~{6.}~~ 5. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~{7.}~~ 6. As used in this section:

(a) “Expel” or “expulsion” has the meaning ascribed to it in NRS 392.4603.

(b) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

~~(c) [“Pupil with a disability” has the meaning ascribed to it in NRS 388.417.]~~ “Significantly suspended” has the meaning ascribed to “significant suspension” in NRS 392.4655.

(d) “Suspend” or “suspension” has the meaning ascribed to it in NRS 392.4607.

Sec. 3.3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a pupil is suspended or expelled from a public school, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils in which the pupil is enrolled or the designee of the board of trustees or governing body, as applicable, shall provide, on the same day that the pupil is suspended or expelled, a notice of the policy for appealing a suspension or expulsion of a pupil adopted by the board of trustees or governing body, as applicable, pursuant to NRS 392.4671, to the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil. A notice provided pursuant to this subsection must:

(a) Include information regarding the timelines for appealing the suspension or expulsion, as applicable, pursuant to subsection 2;

(b) Be written clearly and in a manner that allows the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil, to understand each provision of the policy; and

(c) To the extent practicable, be provided in as many languages as possible.

2. Not later than 5 school days after receiving notification of the suspension or expulsion of the pupil pursuant to NRS 392.4671, the pupil or, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil may file an appeal pursuant to the policy adopted by the board of trustees of the school district or the governing body of the charter school or

university school for profoundly gifted pupils, as applicable, pursuant to NRS 392.4671.

3. Not later than 5 school days after receiving notification of an appeal of a suspension or expulsion made pursuant to the policy adopted pursuant to NRS 392.4671, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, must schedule a hearing.

4. A pupil who is suspended or expelled or is being considered for suspension or expulsion:

(a) May be considered for temporary alternative placement pursuant to NRS 392.4645 if, in the judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the pupil:

(1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to NRS 392.4673; and

(2) The pupil does not pose a serious threat to the safety of the school.

(b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period of suspension or expulsion.

5. As used in this section, “principal” means the lead administrator of a public school, including, without limitation, such an administrator who is referred to by another title.

Sec. 3.5. NRS 392.4601 is hereby amended to read as follows:

392.4601 As used in NRS 392.4601 to 392.472, inclusive, **and section 3.3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 392.4603, 392.4605 and 392.4607 have the meanings ascribed to them in those sections.

Sec. 3.7. NRS 392.4609 is hereby amended to read as follows:

392.4609 The Department shall adopt any regulations necessary to carry out the provisions of NRS 392.4601 to 392.472, inclusive, **and section 3.3 of this act**, including, without limitation, regulations which establish timelines for the purposes of subsection 1 of NRS 392.4671.

Sec. 4. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall collect data on the discipline of pupils. Such data must include, without limitation, the number of expulsions and suspensions of pupils and the number of placements of pupils in another school. Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;
2. Report the data to the ~~board of trustees~~ **superintendent** of the school district **or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable**, each quarter; and

3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 5. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. ~~{Except as otherwise provided in subsection 3, a}~~ A pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

- (a) Simulating a firearm or dangerous weapon while playing; or
- (b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms,
↪ unless it substantially disrupts the educational environment ~~{-}~~ , **creates a risk of harm to another person or places another person in reasonable fear of harm.**

2. Simulating a firearm or dangerous weapon includes, without limitation:

- (a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;
- (b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;
- (c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;
- (d) Using a finger or hand to simulate a firearm or dangerous weapon;
- (e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and
- (f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. ~~{A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:~~

- ~~—(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;~~
- ~~—(b) Causes bodily harm to another person; or~~
- ~~—(c) Places another person in reasonable fear of bodily harm.~~

~~—4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.~~

~~—5.}~~ The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

~~{6.}~~ 4. As used in this section:

- (a) “Dangerous weapon” has the meaning ascribed to it in NRS 392.466.
- (b) “Firearm” has the meaning ascribed to it in NRS 392.466.

Sec. 6. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The ~~{board of trustees}~~ **superintendent** of each school district ~~{-}~~ **and the administrative head of each charter school and university**

school for profoundly gifted pupils shall establish a plan to provide for the restorative discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, pupils who are enrolled in schools within the school district and the parents and guardians of pupils who are enrolled in schools within the school district.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.

(d) Provide restorative disciplinary practices which include, without limitation:

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil.

(e) ~~Provide for~~ ***Include provisions that authorize*** the temporary removal of a pupil from a classroom or other premises of a public school ~~in accordance with~~ ***pursuant to*** NRS 392.4645.

(f) Provide for the placement of a pupil in a different school ~~within the school district~~ in accordance with NRS 392.466.

(g) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(h) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333 . ~~including, without limitation, by addressing~~

(i) Include consideration of the results of the data collected and reported pursuant to NRS 392.462 and include methods for addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

~~[(i) Be posted on the Internet website maintained by the school district.]~~

2. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators and other educational personnel and support personnel who are employed at the school , ~~and~~ the parents and guardians of pupils and the pupils who are enrolled in the school ~~;~~ ***and, if applicable, the organizational team established pursuant to NRS 388G.700;***

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; ***and***

(c) Based upon the review, recommend to the board of trustees of the school district ***or governing body of the charter school or university school for profoundly gifted pupils, as applicable***, revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel, ~~and~~ the parents and guardians of pupils and the pupils who are enrolled in the school ~~}; and, if applicable, the organizational team established pursuant to NRS 388G.700, if necessary . }~~

~~—(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~—(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.}~~

3. ***On or before September 30 of each year, the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, other educational personnel and support personnel and, if applicable, organizational teams pursuant to subsection 2.***

4. ***Not more than 14 days after the receipt of the revised plan issued pursuant to subsection 3, the principal of each school shall:***

(a) ***Post a copy of the plan or the revised plan on the Internet website maintained by the school; and***

(b) ***Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school and, if applicable, the organizational team a written or electronic copy of the plan or the revised plan.***

5. On or before November 15 of each year, the board of trustees of each school district ***and the governing body of each charter school or university school for profoundly gifted pupils*** shall:

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(b) Post a copy of the report on the Internet website maintained by the school district ~~};~~

~~—4. As used in this section, “restorative justice” has the meaning ascribed to it in NRS 392.472.}~~ ***, charter school or university school for profoundly gifted pupils, as applicable.***

6. ***If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to***

the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific corrective period shall be at least 12 months and not more than 36 months, and shall include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, following the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:

(a) Make measurable progress in addressing the disproportionality or insufficiency listed in the notice received pursuant to this subsection; or

(b) Provide the required progress reports,
↪ *the Superintendent of Public Instruction may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.*

Sec. 7. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. ~~{Except as otherwise provided in subsection 5, the plan established pursuant to NRS 392.4644 must provide for the temporary removal of a}~~ A pupil **may be temporarily removed** from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. ~~{The plan must provide that, upon}~~ **Upon** the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➔ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must offer a pupil who is removed from a classroom or any other premises of the public school pursuant to this section for more than 2 school days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. ~~Before~~ **When** removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

6. ~~If, in the reasonable judgment of the principal, a teacher or other staff member has unnecessarily removed a pupil from the classroom pursuant to subsection 1, the principal may limit the ability of the teacher or staff member to temporarily remove any pupil from the classroom. If such a determination is made, the:~~

~~—(a) Teacher or staff member may temporarily remove a pupil from the classroom with the prior approval of the principal;~~

~~—(b) Principal shall provide written notice to the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee regarding the limitation imposed on the teacher or staff member, the term of the limitation and the plan of corrective action to be taken by the school, principal and teacher or staff member; and~~

~~—(c) Teacher or staff member whose ability to temporarily remove a pupil from the classroom has been limited shall have the ability to appeal the decision to the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.~~

~~7.1~~ As used in this section, “homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

Sec. 8. NRS 392.4646 is hereby amended to read as follows:

392.4646 1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom or any other premises of a public school pursuant to NRS 392.4645, a conference must be held with:

- (a) The pupil;
- (b) A parent or legal guardian of the pupil, unless the pupil is an unaccompanied pupil;
- (c) The principal of the school; and
- (d) The teacher or other staff member who removed the pupil.

➔ The principal shall give an oral and written notice of the conference to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom or other premises of the public school from which the pupil was removed before the conference is held. If the conference is not held within 3 school days after the removal of the pupil, the pupil, including, without limitation, an unaccompanied pupil or a pupil in foster care, must be allowed to return to the classroom or other premises unless:

(a) The parent or legal guardian of the pupil refuses to attend the conference;

(b) The failure to hold a conference is attributed to the action or inaction of the pupil, including, without limitation, an unaccompanied pupil or a pupil in foster care, or the parent or legal guardian of the pupil; ~~or~~

(c) The parent or legal guardian requested that the date of the conference be postponed ~~to~~ ; *or*

(d) *If:*

(1) In the judgment of the principal, there is a reasonable expectation that the pupil poses a threat to employees of the school or other pupils enrolled at the school; and

(2) The principal has received written authorization from the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, to extend the period for which the pupil is removed from the classroom or other premises of the public school.

5. During the conference, the teacher who removed the pupil from the classroom, the staff member who removed the pupil from the other premises of the public school or the principal shall provide the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom or other premises. The pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom or other premises was appropriate in their opinion based upon the behavior of the pupil. If the pupil is a homeless pupil, the conference must include consideration of and interventions to mitigate the impact of homelessness on the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom or other premises of a public school ~~or~~ **or such period as deemed appropriate by the superintendent or administrative head, as applicable, pursuant to paragraph (d) of subsection 4,** the principal shall recommend whether to return the pupil to the classroom or other premises or continue the temporary alternative placement of the pupil if the pupil has been assigned to a temporary alternative placement.

7. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 9. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 6; and

(c) The behavior of the pupil was not caused by homelessness, as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker.

2. ~~A~~ ~~Following an assessment of all available information, a~~ principal of a school shall presume that ~~make a reasonable determination whether~~

the behavior of the pupil was caused by homelessness unless the principal determines the behavior was not caused by homelessness pursuant to subsection 1.

3. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the ~~board of trustees~~ **superintendent** of the school district ~~or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable.~~ Upon receipt of such a request, the ~~board of trustees~~ **superintendent or administrative head** shall review the initial request and determination pursuant to the procedure established by the board of trustees **of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,** for such matters.

4. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 6, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 6.

5. A school shall provide the notice required by subsection 4 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

6. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil

or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

7. If a pupil commits the same act for which notice was provided pursuant to subsection 4 after he or she enters into a plan of behavior pursuant to subsection 6, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

8. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

9. The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the ~~board of trustees~~ **superintendent** of the school district **or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable**, a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the ~~board of trustees~~ **superintendent** of the school district **or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable**, shall review the determination in accordance with the procedure established by the board of trustees **of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable**, for such matters.

10. As used in this section:

(a) "Significant suspension" means the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

(b) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).

Sec. 10. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may, for the first occurrence, be suspended or expelled from the school, in which case the pupil shall;~~ **or be assigned to a temporary alternative placement pursuant to subsection 2 of NRS 392.4645. Following such a removal, the school must develop a reentry plan for the pupil that is based on restorative justice practices and, if the pupil is not an unaccompanied pupil, provide such a plan to the parent or legal guardian of the pupil. For the second occurrence, the pupil shall be permanently expelled from the school and:**

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil with a disability who committed the battery, the board of trustees of the school district **or governing body of the charter school or university school for profoundly gifted pupils, as applicable**, or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil of any age, including, without limitation, a pupil with a disability, who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus

must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The ~~school district of the~~ current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655 ~~if the pupil is at least 11 years of age~~ and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

(a) Suspended from the school; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district ***or the administrative head of a charter school or university school for profoundly gifted pupils*** may, for good cause shown in a particular case, ~~in that school district,~~ allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. ~~if the superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.~~

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district ~~or~~ ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable.***

9. Except as otherwise provided in this subsection and subsection 3 ~~11~~ ~~or 10~~, **11.** a pupil who is at least 6 years of age but less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the ~~board of trustees~~ **superintendent** of the school district ~~11~~ **or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable.** A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section ~~only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.~~ **only if the suspension, expulsion or permanent expulsion is conducted consistent with policies adopted by the board of trustees or governing body, as applicable, pursuant to NRS 392.467.**

10. **A pupil who is less than 6 years of age must not be permanently expelled from school.**

11. Except as otherwise provided in subsection 3, a pupil with a disability ~~who is at least 11 years of age~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district **or governing body of the charter school or university school for profoundly gifted pupils, as applicable,** for such matters and only after ~~the board of trustees of the school district or its designee has reviewed~~ **an administrative review of** the circumstances and ~~determined~~ **a determination** that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than ~~5~~ **10** days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~11~~ **12.** A homeless pupil or a pupil in foster care ~~who is at least 11 years of age~~ may be suspended ~~for expelled~~ from school pursuant to this section ~~only~~ **for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and** if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A ~~make a reasonable~~ determination that the behavior was not caused by homelessness must be made in consultation ~~following:~~

~~(a) A review of all relevant information;~~

~~(b) Consultation]~~ with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation ~~with~~ and

~~(c) Consultation]~~ with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~{12.}~~ **13. The principal of a public school may, at his or her discretion, reduce or eliminate the period of suspension, convert an expulsion to a suspension or otherwise reduce, eliminate or alter a disciplinary action imposed upon a pupil who commits a battery which results in the bodily injury of an employee of the school.**

14. The principal of a public school may reduce the period of suspension or convert an expulsion to a suspension for a pupil who distributes a controlled substance while on the premises of a public school, at an activity sponsored by a public school or on a school bus if:

- (a) The pupil is less than 11 years of age;**
- (b) The pupil has not engaged in such proscribed conduct before; and**
- (c) After a thorough review of the facts and circumstances, the principal determines that the pupil did not know that the substance being distributed was a controlled substance.**

~~{13.}~~ **15.** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~{13.}~~ ~~{14.}~~ **16.** As used in this section:

(a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(e) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

(f) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(g) “Restorative justice” has the meaning ascribed to it in NRS 392.472.

(h) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).

~~14.1~~ **17.** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 11. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~15 and~~ **6 and 7**, ~~and NRS 392.466,~~ the board of trustees of a school district **or governing body of a charter school or university school for profoundly gifted pupils, as applicable**, or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from ~~any~~ **a public school**. ~~Within the school district,~~ Except as otherwise provided in ~~this subsection and subsection 3 of~~ NRS 392.466, a pupil who is **at least 6 years of age but** less than 11 years of age must not be permanently expelled from school ~~if, in~~ **absent** extraordinary circumstances. ~~If a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.~~

2. **A pupil who is less than 6 years of age must not be permanently expelled from school.**

3. Except as otherwise provided in subsection ~~16,~~ **7,** no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity ~~for~~ **to** **schedule** a hearing, except that a pupil who ~~is~~ **is** :

(a) ***Poses a continuing danger to persons or property;***

(b) ***Is an ongoing threat of disrupting the academic process;***

(c) ***Is selling or distributing any controlled substance; or***

(d) ***Is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466,***

➡ may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to

be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

~~{2.}~~ **4.** The board of trustees of a school district *or governing body of a charter school or university school for profoundly gifted pupils, as applicable*, or its designee may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

- (a) Conducts an independent investigation of the conduct of the pupil; and
- (b) Gives notice of the charges brought against the pupil by the school to the pupil.

~~{4.}~~ **5.** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~{5.}~~ **6.** The board of trustees of a school district *or governing body of a charter school or university school for profoundly gifted pupils, as applicable*, or its designee shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~{6.}~~ **7.** A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district *or governing body of the charter school or university school for profoundly gifted pupils, as applicable*, for such matters and only after ~~{the board of trustees of the school district or its designee has reviewed}~~ **an administrative review** of the circumstances and ~~{determined}~~ **a determination** that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

- (a) Suspended from school pursuant to this section for not more than ~~{5}~~ **10** days for each occurrence of proscribed conduct.
- (b) Expelled from school pursuant to this section.
- (c) Permanently expelled from school pursuant to this section.

~~{7.}~~ **8.** A homeless pupil or a pupil in foster care ~~{who is at least 11 years of age}~~ may be suspended ~~{or expelled}~~ from school pursuant to this section ~~{only}~~ **for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and** if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. ~~A {make a reasonable}~~

determination that the behavior was not caused by homelessness must be made in consultation ~~following:~~

~~—(a) A review of all relevant information;~~

~~—(b) Consultation~~ with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation ~~it and~~

~~—(c) Consultation~~ with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~18.1~~ 9. As used in this section:

(a) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

(c) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 12. NRS 392.4671 is hereby amended to read as follows:

392.4671 1. The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils, as applicable, shall adopt a policy for appealing the **significant** suspension , **expulsion** or **permanent** expulsion of a pupil enrolled in the school district, charter school or university school, as applicable. The policy must provide, without limitation, that:

(a) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may authorize the **significant** suspension , **expulsion** or **permanent** expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609;

(b) Within the timeline established by the Department pursuant to NRS 392.4609, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall notify the pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil who is ~~suspended~~ **given a significant suspension, expelled** or **permanently** expelled of:

(1) The **significant** suspension , **expulsion** or **permanent** expulsion;

(2) The right to appeal the **significant** suspension , **expulsion** or **permanent** expulsion; and

(3) Information on the appeal policy adopted by the board of trustees of the school district or the governing body of the charter school or university school, as applicable;

(c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, who is ~~is suspended~~ **given a significant suspension, expelled or permanently expelled** may file an appeal with the board of trustees of the school district, the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, within the timeline established by the Department pursuant to NRS 392.4609;

(d) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall schedule a hearing on an appeal of a **significant suspension, expulsion or permanent** expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609; and

(e) After conducting a hearing pursuant to this subsection, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may not increase the initial **significant** suspension or expulsion of a pupil.

2. The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall post the appeal policy on the Internet website of the school district and each school within the district or of the charter school or university school, as applicable.

3. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

4. As used in this section:

(a) “Permanently expelled” has the meaning ascribed to it in NRS 392.466.

(b) “Significant suspension” has the meaning ascribed to it in NRS 392.4655.

Sec. 13. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS **392.4645 and** 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

- (a) Positive behavioral interventions and support;
- (b) A plan for behavioral intervention;
- (c) A referral to a team of student support;
- (d) A referral to an individualized education program team;
- (e) A referral to appropriate community-based services; and

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the statewide framework for restorative justice developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;

(b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;

(c) One or more models of restorative justice and best practices relating to restorative justice;

(d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

(e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. As used in this section:

(a) “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) “Restorative justice” means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 14. 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. 15. ~~NRS 388.1333 is hereby repealed.~~ **(Deleted by Amendment)**

Sec. 16. This act becomes effective upon passage and approval.

‡

~~TEXT OF REPEALED SECTION~~

~~388.1333 Development of statewide framework for restorative justice by Department.~~

~~1. To the extent that money is available, the Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:~~

~~(a) In accordance with NRS 392.472, establish standards for a plan of action based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;~~

~~(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;~~

~~(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;~~

~~—(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information on, without limitation:~~

~~—(1) Multi tiered systems of support;~~

~~—(2) Early warning systems;~~

~~—(3) Positive behavioral interventions and support;~~

~~—(4) The provision of school social workers;~~

~~—(5) Curriculum on social and emotional learning; and~~

~~—(6) Trauma informed practices; and~~

~~—(e) Provide for training for teachers, administrators and other school staff in:~~

~~—(1) Child and adolescent development;~~

~~—(2) Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de escalation techniques; and~~

~~—(3) Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.~~

~~2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.~~

~~3. As used in this section:~~

~~—(a) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.~~

~~—(b) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).~~

~~—(c) “Restorative justice” has the meaning ascribed to it in NRS 392.472.~~

~~—(d) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).~~

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. 332.

Bill read second time.

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

Amendment No. 440.

AN ACT relating to student education loans; providing for the licensing and regulation of student loan servicers by the Commissioner of Financial Institutions; requiring student loan servicers to pay certain assessments and fees; **authorizing the Commissioner to participate in the Nationwide Multistate Licensing System and Registry with respect to the issuance and renewal of a license to engage in student loan servicing; authorizing the Commissioner to take certain actions relating to participation in the Registry;** authorizing and requiring the Student Loan Ombudsman to perform certain acts; providing for the regulation of private education loans and private

education lenders by the Commissioner; requiring the Commissioner to adopt certain regulations; authorizing the Commissioner to engage in certain activities relating to the monitoring of the market for the provision of student loan servicing and student education loans; ~~establishing certain duties and prohibitions applicable to postsecondary educational institutions;~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Financial Institutions to supervise and control various financial institutions, lenders and fiduciaries, including, without limitation, banks, credit unions, payday lenders and trust companies. (Chapter 604A of NRS, title 55 of NRS) **Sections 2-51** of this bill add a new chapter to the Nevada Revised Statutes to provide for the licensing and regulation of student loan servicers by the Commissioner, as well as the regulation of private education loans and private education lenders. **Sections 3-13** of this bill define terms used in the new chapter. **Section 14** of this bill provides for money received pursuant to the new chapter to be accounted for separately and used for the regulation of student loan servicers. **Sections 15-21, 25, 44 and 45** of this bill set forth requirements relating to the licensing of student loan servicers. In particular, **section 15** prohibits a person from acting as a student loan servicer without obtaining a license from the Commissioner to do so, and also sets forth the persons exempted from this licensure requirement. **Section 16** of this bill sets forth various requirements for applying for a license, including, without limitation, the payment of a license fee and an investigation fee and the submission of a surety bond. **Section 45** provides that all fees paid are nonrefundable. **Section 20** of this bill requires the Commissioner to issue a license to persons who engage in student loan servicing in this State only pursuant to certain contracts with the federal government without requiring those persons to comply with the standard requirements for the issuance of a license. **Section 20:** (1) requires persons who are issued such a license to comply with other relevant provisions of law; and (2) provides for the expiration of such a license not later than 37 days after the expiration, revocation or termination of the federal contract that provided the basis for the issuance of the license. **Sections 20.1- 20.8 of this bill authorize the Commissioner: (1) in furtherance of his or her duties with respect to the issuance and renewal of licenses as a student loan servicer, to participate in the Nationwide Multistate Licensing System and Registry; and (2) to take certain actions regarding such participation. Section 20.4: (1) requires the Commissioner to report to the Registry certain information concerning violations of applicable laws by applicants for licensure and licensees; and (2) authorizes the Commissioner to enter into certain agreements with certain entities. Section 20.2 authorizes the Commissioner to: (1) require an applicant for licensure or a licensee seeking to renew a license to submit a complete set of fingerprints when the Commissioner determines necessary; and (2) use the Registry to process and submit the fingerprints to the Federal Bureau of Investigation**

and certain other federal and state agencies for the purposes of conducting a criminal background check. Section 20.6 of this bill requires an applicant for the issuance of a license and certain other persons to submit a complete set of fingerprints and certain other information to the Registry. Section 20.8 authorizes the Commissioner to issue a license as a student loan servicer through the Registry. Section 21 provides for the annual expiration and renewal of a license as a student loan servicer.

Sections 22-24 and 26-30 of this bill set forth requirements governing the business practices and other actions of student loan servicers. Specifically, **section 22** sets forth requirements applicable to a licensee ceasing to engage in the business of student loan servicing in this State. **Section 23** of this bill sets forth requirements applicable to a person who provides a check or other method of payment to the Commissioner which is returned or otherwise dishonored. **Section 24** requires licensees and applicants for licenses to notify the Commissioner of any changes in certain information provided to the Commissioner. **Sections 26 and 28** of this bill set forth requirements concerning business names, business locations and recordkeeping relating to student loan servicers and student education loans. **Section 29** of this bill prohibits a student loan servicer from engaging in certain specified conduct. **Section 30** of this bill authorizes the Student Loan Ombudsman in the Office of the State Treasurer or any member of the public to file a complaint with the Commissioner concerning the actions of a student loan servicer.

Sections 31-37 of this bill establish provisions for a particular type of student education loan, the private education loan, and for private education loan borrowers and private education lenders. In particular, **sections 31 and 32** of this bill establish certain protections for cosigners of private education loans. **Section 32** also prohibits a private education lender from accelerating repayment of a private education loan except in cases of a default in payment. **Section 33** of this bill establishes the rights and duties of private education lenders in cases of the total and permanent disability of a private education loan borrower or his or her cosigner. **Sections 34-36** of this bill set forth requirements and prohibitions governing the business practices and other actions of private education lenders. **Section 37** provides that a private education lender is not exempt from any applicable licensing requirements imposed by any other specific statute.

Sections 38, 39 and 41-43 of this bill: (1) authorize the Commissioner to conduct investigations and examinations relating to student loan servicers and student education loans; (2) require the Commissioner to conduct such investigations and examinations at least annually; (3) require licensees to pay for such investigations and examinations; (4) authorize the Commissioner to retain certain professionals and specialists, enter into certain agreements and use certain resources for the purposes of investigations and examinations; (5) describe the scope of the authority of the Commissioner with regard to investigations and examinations; and (6) prohibit a student loan servicer or other person under examination or investigation from knowingly withholding

or otherwise preventing access to information relating to the examination or investigation.

Existing law requires financial institutions to pay assessments established by the Commissioner to cover: (1) the costs of certain independent audits and examinations; (2) legal services provided by the Attorney General to the Commissioner and the Division of Financial Institutions; and (3) supervision and examinations by the Commissioner or Division. (NRS 658.055, 658.098, 658.101) **Sections 39 and 53** of this bill require a licensed student loan servicer to pay those assessments. **Section 40** of this bill authorizes the Commission to monitor the market for the provision of student loan servicing and student education loans for risks to consumers and to take certain actions relating to such monitoring.

Section 44 sets forth grounds upon which the Commissioner may deny an application for a license or suspend, revoke or refuse to renew a license. **Section 46** of this bill requires a student loan servicer and a private education lender to comply with certain federal laws and regulations, and deems a violation of those federal laws or regulations to be a violation of Nevada law. ~~upon which the Commissioner may act.~~ **Sections 47, 48 and 50** of this bill establish the rights, remedies and penalties available for violations of the new chapter. **Sections 49 and 56** of this bill make confidential any books, records or other information obtained by the Division in connection with an application, complaint, audit, investigation or examination. **Section 51** requires the Commissioner to adopt any regulations necessary to carry out the provisions of the new chapter. **Section 52** of this bill makes a conforming change to indicate the proper placement of the new chapter in the Nevada Revised Statutes.

Existing law establishes the duties of the Student Loan Ombudsman designated by the State Treasurer. Those duties include receiving, reviewing and attempting to resolve complaints from student loan borrowers. (NRS 226.570) **Section 54** of this bill requires the Student Loan Ombudsman to make those complaints available to the Attorney General. **Section 55** of this bill makes a conforming change to indicate the proper placement of **section 54** in the Nevada Revised Statutes.

~~[Section 57 of this bill imposes certain requirements on postsecondary educational institutions with respect to the presentation of accurate information about the institution to the Commission on Postsecondary Education within the Employment Security Division of the Department of Employment, Training and Rehabilitation. Section 57 also requires postsecondary educational institutions to timely notify the Commission on Postsecondary Education if the institution becomes subject to an investigation by an oversight entity. Section 58 of this bill requires that the funds to carry out the provisions of section 57 be provided by legislative appropriation from the General Fund. Section 59 of this bill provides that a person who willfully violates the provisions of section 57 is guilty of a gross misdemeanor.]~~

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

Section 1. Title 55 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 51, 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 13, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 3. 1. *“Control person” means:*

(a) An executive officer, director, general partner, trustee, member, qualified employee or shareholder of a student loan servicer, licensee or applicant for a license; or

(b) A person who is authorized to participate in direct or indirect control of the management or policies of a student loan servicer, licensee or applicant for a license.

2. As used in this section, “executive officer” means an officer, manager, partner or managing member of a student loan servicer, licensee or applicant for a license. The term includes, without limitation, a chief executive officer, president, vice president, chief financial officer, chief operating officer, chief legal officer, controller or compliance officer or a natural person who holds any similar position.

Sec. 4. *“Cosigner” means:*

1. Any person who is liable for the obligation of another without compensation, regardless of how the person is designated in the contract or instrument with respect to that obligation, including, without limitation, an obligation under a private education loan extended to consolidate a borrower’s pre-existing private education loans. The term includes any person whose signature is requested as a condition to grant credit or to forbear on collection.

2. As used in this section, the term does not include a spouse of a person described in subsection 1 whose signature is needed to perfect the security interest in a loan.

Sec. 5. *“License” means a license issued by the Commissioner pursuant to this chapter.*

Sec. 6. *“Licensee” means a student loan servicer licensed by the Commissioner pursuant to this chapter.*

Sec. 6.5. *“Nationwide Multistate Licensing System and Registry” or “Registry” has the meaning ascribed to it in NRS 604A.083.*

Sec. 7. 1. *“Private education lender” means any person engaged in the business of securing, making or extending private education loans, or any holder of a private education loan.*

2. To the extent that state law is not preempted by federal law, the term does not include:

(a) A bank, savings bank, savings and loan association or credit union;

(b) A wholly owned subsidiary of a bank or credit union; ~~for~~

(c) An operating subsidiary if each owner of the operating subsidiary is wholly owned by the same bank or credit union ~~for~~;

(d) The Nevada System of Higher Education; or

(e) The Western Interstate Commission for Higher Education.

Sec. 8. 1. “Private education loan” means an extension of credit that is:

(a) Extended to a consumer expressly, in whole or in part, for postsecondary educational expenses, regardless of whether the loan is provided by the educational institution that the student attends; and

(b) Not made, insured or guaranteed under Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1070 et seq.

2. The term does not include an:

(a) Open-end credit or any loan that is secured by real property or a dwelling; or

(b) Extension of credit in which the covered educational institution is the creditor if:

(1) The term of the extension of credit is 90 days or less; or

(2) An interest rate is not applied to the credit balance and the term of the extension of credit is 1 year or less, even if the credit is payable in more than four installments.

Sec. 9. “Private education loan borrower” means any resident of this State who has received or agreed to pay a private education loan for the borrower’s own educational expenses.

Sec. 10. “Student education loan” means any loan primarily for personal use to finance education or other school-related expenses. The term includes a private education loan.

Sec. 11. “Student loan borrower” means a:

1. Resident of this State who receives or agrees to pay a student education loan; or

2. Person who shares responsibility with such a resident for repaying the student education loan.

Sec. 12. “Student loan servicer” means any person, wherever located, responsible for the servicing of any student education loan to any student loan borrower. The term includes a licensee and a person who engages in student loan servicing without a license pursuant to subsection 2 of section 15 of this act. The term does not include the Nevada System of Higher Education or the Western Interstate Commission for Higher Education.

Sec. 13. “Student loan servicing” or “servicing” means:

1. Receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan or any notification that a student loan borrower made such a scheduled periodic payment and applying the payments to the account of a student loan borrower, as may be required pursuant to the terms of a student education loan or a contract governing the servicing of a student education loan;

2. During a period in which no payment is required on a student education loan, maintaining account records for a student education loan and communicating with the student loan borrower on behalf of the owner of the promissory note for the student education loan; or

3. Interacting with a student loan borrower concerning a student education loan ~~[with the goal of helping the student loan borrower avoid]~~, including activities to prevent default on the student education loan for facilitating, to facilitate the activities described in subsection 1 or 2.

Sec. 14. 1. The Commissioner shall:

(a) Administer and account for separately the money received pursuant to this chapter.

(b) Use the money received pursuant to this chapter for the purposes set forth in this chapter.

2. Any money that remains in the account created pursuant to subsection 1 at the end of the fiscal year does not revert to the State General Fund, and the balance of the account must be carried forward to the next fiscal year.

3. Any interest or income earned on the money in the account created pursuant to subsection 1 must be credited to the account, after deducting any applicable charges. Any claims against the account must be paid as other claims against the State are paid.

Sec. 15. 1. Except as otherwise provided in subsection 2, a person shall not act as a student loan servicer, directly or indirectly, without first obtaining a license from the Commissioner pursuant to this chapter.

2. The following persons may act as a student loan servicer without obtaining a license pursuant to this chapter:

(a) Any bank, savings and loan association, savings bank, thrift company or credit union, whether chartered by this State, another state or the Federal Government.

(b) Any wholly owned subsidiary of any person identified in paragraph (a).

(c) Any operating subsidiary of any person identified in paragraph (a) if each owner of the operating subsidiary is wholly owned by the same person identified in paragraph (a).

Sec. 16. Except as otherwise provided in section 20 of this act, a person may apply for a license as a student loan servicer by submitting a written application to the Commissioner on a form prescribed by the Commissioner. The application must be accompanied by:

1. A financial statement prepared by a certified public accountant or a public accountant, the accuracy of which is sworn to under oath before a notary public by the proprietor, a general partner or a corporate officer or a member authorized to execute such documents;

2. ~~[Written consent authorizing the Commissioner to conduct a background investigation of the applicant and, if applicable, each control~~

~~person of the applicant, including, without limitation, authorization to obtain:~~

~~—(a) An independent credit report from a consumer reporting agency, as defined in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);~~

~~—(b) A criminal history report from the Federal Bureau of Investigation or any criminal history repository of any state, national or international governmental agency or entity; and~~

~~—(c) Information related to any administrative, civil or criminal proceedings in any jurisdiction in which the applicant, or a control person of the applicant, is or has been a party;~~

~~—3. A complete set of fingerprints of the applicant or, if the applicant is not a natural person, a complete set of fingerprints of each control person of the applicant, and written permission authorizing the Division of Financial Institutions 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;~~

~~—4. Any other information requested by the Commissioner or otherwise required in connection with the evaluation and investigation of the applicant's qualifications and suitability for licensure;~~

~~{5.}~~ 3. A nonrefundable license fee of \$1,000;

~~{6.}~~ 4. A nonrefundable investigation fee of \$800; and

~~{7.}~~ 5. A surety bond in an amount determined by the Commissioner.

Sec. 17. Except as otherwise provided in section 20 of this act:

1. In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall:

(a) Include the social security number of the applicant or control person, as applicable, in the application submitted to the Commissioner.

(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

2. The Commissioner 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 Commissioner.

3. A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:

(a) Fails to submit the statement required by subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she 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 or a control person indicates on the statement submitted pursuant to subsection 1 that he or she 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 Commissioner shall advise the applicant or control person, as applicable, to contact the district attorney or other public agency enforcing the order to determine the actions that he or she may take to satisfy the arrearage.

5. If the Commissioner 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 an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant or control person by the district attorney or other public agency pursuant to NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

6. The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 18. ~~[Except as otherwise provided in section 20 of this act:~~

~~1. In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.~~

~~2. The Commissioner 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 Commissioner.~~

~~3. A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:~~

~~(a) Fails to submit the statement required by subsection 1; or~~

~~(b) Indicates on the statement submitted pursuant to subsection 1 that he or she 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 or a control person indicates on the statement submitted pursuant to subsection 1 that he or she 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 Commissioner shall advise the applicant or control person, as applicable, to contact the district attorney or other public agency enforcing the order to determine the actions that he or she may take to satisfy the arrearage.~~

~~5. If the Commissioner 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 an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant or control person by the district attorney or other public agency pursuant to NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~6. The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~ (Deleted by amendment.)

Sec. 19. Except as otherwise provided in section 20 of this act, upon the filing of an application for an initial license and the payment of the license fee and the investigation fee and submission of the surety bond required by section 16 of this act, the Commissioner shall investigate the financial condition and responsibility, financial and business experience, character and general fitness of the applicant. The Commissioner may issue a license if the Commissioner finds that:

1. The applicant's financial condition is sound;
2. The applicant's business will be conducted honestly, fairly, equitably, carefully and efficiently within the purposes and intent of this chapter and in a manner commanding the confidence and trust of the community;
3. If the applicant is:
 - (a) A natural person, the person is in all respects properly qualified and of good character;
 - (b) A partnership, each partner is in all respects properly qualified and of good character;
 - (c) A corporation or association, the president, chairperson of the executive committee, senior officer responsible for the corporation's business and chief financial officer or any other person who performs

similar functions as determined by the Commissioner, each director, each trustee and each shareholder owning 10 percent or more of each class of the securities of such corporation is in all respects properly qualified and of good character; or

(d) A limited liability company, each member is in all respects properly qualified and of good character;

4. No person on behalf of the applicant knowingly has made any incorrect statement of a material fact in the application, or in any report or statement made pursuant to this chapter;

5. No person on behalf of the applicant knowingly has omitted to state any material fact necessary to give the Commissioner any information lawfully required by the Commissioner;

6. The applicant has paid the license fee and the investigation fee and submitted the surety bond required by section 16 of this act; and

7. The applicant has met any other requirements set forth by the Commissioner in regulations adopted pursuant to this chapter.

Sec. 20. 1. A person seeking to act as a student loan servicer is exempt from the application procedures described in subsections 1 ~~to 4, inclusive,~~ and 2 of section 16 of this act and section 20.6 of this act upon a determination by the Commissioner that the person's student loan servicing performed in this State is conducted pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f. The Commissioner shall, by regulation, prescribe the procedure for documenting a person's eligibility for this exemption.

2. Upon payment of the license fee and investigation fee and the submission of the surety bond required by section 16 of this act, the Commissioner shall:

(a) Issue a license to a person determined to be exempt pursuant to this section; and

(b) Deem the person to have satisfied all requirements set forth in ~~section~~ sections 16 and 20.6 of this act.

3. A person issued a license pursuant to this section:

(a) Is exempt from the requirements of sections 17, ~~18 and~~ 19 and 20.2 of this act; and

(b) Shall, except to the extent that those requirements are inconsistent with federal law, comply with all other applicable provisions of this chapter, including, without limitation, the record retention requirements set forth in section 28 of this act.

4. A person issued a license pursuant to this section shall provide the Commissioner with written notice within 7 days after notification of the expiration, revocation or termination of a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f. The person must satisfy all requirements set forth in ~~section~~ sections 16 and 20.6 of this act not later than 30 days after submitting such notice to the Commissioner in order to continue to act as a student loan servicer. At the

expiration of the 30-day period, if the requirements have not been satisfied, the Commissioner shall immediately suspend a license granted to the person pursuant to this section.

5. With respect to student loan servicing not conducted pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f, nothing in this section prevents the Commissioner from issuing or filing a civil action for an order to temporarily or permanently bar a person from acting as a student loan servicer for violating applicable law.

Sec. 20.1. 1. The Commissioner may, in furtherance of his or her duties with respect to the issuance and renewal of licenses, participate in the Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry out his or her duties, including, without limitation:

(a) Facilitating and participating in the establishment and implementation of the Registry;

(b) Establishing relationships or contracts with the Registry or other entities designated by the Registry;

(c) Authorizing the Registry to collect and maintain records of applicants for licenses and licensees;

(d) Authorizing the Registry to, on behalf of the Commissioner, collect and process any fees associated with licensure, examinations, fines, assessments and any other similar fees;

(e) Requiring an applicant for a licensee to use the Registry to:

(1) Apply for the issuance or renewal of a license;

(2) Amend or surrender a license;

(3) Submit any reports or the results of any examination that the Commissioner may require;

(4) Pay any applicable fees; and

(5) Engage in any other activity that the Commissioner may require;
and

(f) Authorizing the Registry to, on behalf of the Commissioner, collect fingerprints in order to receive or contact a background check on the criminal history of an applicant for a license or a licensee.

2. An applicant for a license or a licensee shall, in addition to any other fees associated with the license, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.

3. The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out the provisions of this section. Such regulations may, without limitation, establish additional procedures and requirements for participation in the Registry.

4. The provisions of this section shall not be construed to replace or affect the authority of the Commissioner to grant, deny, suspend, terminate, revoke or refuse to renew a license.

Sec. 20.2. 1. The Commissioner may require an applicant for a license or a licensee to submit a complete set of fingerprints when the Commissioner determines necessary.

2. The Commissioner may use the services of the Registry to process and to submit the fingerprints to the Federal Bureau of Investigation, to the Central Repository for Nevada Records of Criminal History, to any federal or state law enforcement agency or to any other entity authorized to receive such information for the purpose of conducting a background check of the criminal history of an applicant for a license or a licensee.

Sec. 20.4. 1. Subject to any limitations or restrictions contained in federal or state law governing the privacy or confidentiality of records, the Commissioner shall report regularly any violations of applicable laws committed by applicants for a license or licensees, enforcement actions and other relevant information to the Registry.

2. The requirements under any federal or state law, including, without limitation, rules of a federal or state court, regarding the privacy and confidentiality of any information or material provided to the Registry and any privilege arising under federal or state law with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with oversight authority over licensees without the loss of privilege or the loss of confidentiality protections provided by federal or state law.

3. The Commissioner may enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, or other associations representing governmental agencies.

Sec. 20.6. Except as otherwise provided in section 20 of this act, in addition to any other requirements set forth by specific statute, each applicant for the issuance of a license, each control person of the applicant and any other person the Commissioner may require in accordance with guidelines of the Registry or other multistate agreements shall submit to the Registry:

1. A complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national and international background check on the criminal history of the person;

2. Information concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:

(a) An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial

responsibility of the person at the time of the submission of the application; and

(b) Additional independent credit reports and credit scored to confirm that the applicant continues to comply with any applicable requirements concerning financial responsibility;

3. Information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the person; and

4. Any other information concerning the person that the Registry or Commissioner may require.

Sec. 20.8. 1. Each licensee shall register with and maintain a valid unique identifier with the Registry.

2. The Commissioner may issue a license through the Registry.

3. To the extent that the Commissioner has delegated to the Registry any of his or her duties with respect to the issuance and renewal of a licenses as authorized by this chapter, any reference to the Commissioner in this chapter shall be deemed to be a reference to the Registry.

4. As used in this section, “unique identifier” means a number or other identifier assigned by the protocols of the Registry.

Sec. 21. 1. A license issued pursuant to this chapter expires on December 31 of each year following its issuance, unless renewed or earlier surrendered, suspended or revoked pursuant to this chapter.

2. A licensee may renew ~~(the license)~~ a license issued pursuant to section 19 of this act by filing with the Commissioner an application containing the documents and fees set forth in section 16 of this act for an initial license. Such a renewal application shall be deemed to be timely filed if filed on or before November 1 of the year in which the license expires. Any renewal application filed with the Commissioner after November 1 must be accompanied by a late fee of \$100 and, if so, such a filing also shall be deemed to be timely filed. If an application for renewal of a license is timely filed with the Commissioner pursuant to this subsection on or before the date the license expires, the license sought to be renewed continues in full force and effect until the issuance by the Commissioner of the renewed license or until the Commissioner notifies the licensee in writing of the Commissioner’s refusal to issue a renewed license together with the grounds upon which such refusal is based. The Commissioner may refuse to issue a renewed license on any ground on which the Commissioner may refuse to issue an initial license.

3. A licensee may renew a license issued pursuant to section 20 of this act by filing with the Commissioner, before the expiration of the license, an application containing any documents and fees required pursuant to section 20 for an initial license.

4. Annually, on or before April 15, each licensee shall file with the Commissioner and the Nationwide Multistate Licensing System and Registry a report of operations of the licensed business for the immediately preceding calendar year under oath and on a form prescribed by the Commissioner.

Sec. 22. 1. *Not later than 15 days after a licensee ceases to engage in the business of student loan servicing in this State for any reason, including, without limitation, a business decision to terminate operations in this State, license revocation, bankruptcy or voluntary dissolution, the licensee shall provide written notice of surrender to the Commissioner and shall surrender to the Commissioner its license for each location in which the licensee has ceased to engage in such business.*

2. *A written notice of surrender provided pursuant to subsection 1 must identify the location where the records of the licensee will be stored and the name, address and telephone number of a natural person authorized to provide access to the records.*

3. *The surrender of a license does not reduce or eliminate the licensee's civil or criminal liability arising from acts or omissions occurring before the surrender of the license, including, without limitation, any administrative actions undertaken by the Commissioner to revoke or suspend a license, assess a civil penalty, order restitution or exercise any other authority provided to the Commissioner.*

Sec. 23. *If the Commissioner determines that a check or other method of payment which is provided to the Commissioner to pay any fee required pursuant to this chapter has been returned to the Commissioner or otherwise dishonored because the person had insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because the person stopped payment on the check or other method of payment, the Commissioner shall automatically refuse to issue, suspend or refuse to renew the license, as applicable. The Commissioner must give the licensee reasonable advance notice of this automatic action and an opportunity for a hearing.*

Sec. 24. *A licensee or an applicant for a license shall notify the Commissioner, in writing, of any change in the information provided in the initial application for a license or the most recent application for renewal of such a license, as applicable, not later than 10 business days after the occurrence of the event that results in such information becoming inaccurate.*

Sec. 25. *The Commissioner may deem an application for a license abandoned if the applicant fails to respond to any request for information required pursuant to this chapter or any regulations adopted pursuant thereto. The Commissioner shall notify the applicant, in writing, that if the applicant fails to submit such information not later than 60 days after the date on which such a request for information was made, the application shall be deemed abandoned. Any fees paid before the date an application is deemed abandoned pursuant to this section must not be refunded. Abandonment of an application pursuant to this section does not preclude the applicant from submitting a new application for a license pursuant to this chapter.*

Sec. 26. A licensee shall not act as a student loan servicer or engage in student loan servicing under any other name or at any other place of business than that identified in the license. The licensee must notify the Commissioner in advance of any change of location of a place of business of the licensee. Only one place of business may be maintained under one license, but the Commissioner may issue more than one license to the same licensee upon the licensee's application for a license for each place of business. A license is not transferable or assignable.

Sec. 27. 1. ~~Except as otherwise provided by~~ to the extent inconsistent with federal law or regulation, a student loan servicer shall:

(a) Respond to any written inquiry from a student loan borrower or the representative of a student loan borrower by:

(1) Acknowledging receipt of the inquiry within 10 business days; and

(2) Providing information relating to the inquiry, and, if applicable, the action the student loan servicer will take to correct the account or an explanation of the student loan servicer's position that the student loan borrower's account is correct, within 30 business days.

(b) Inquire of a student loan borrower how to apply an overpayment to a student education loan. A student loan borrower's instruction on how to apply an overpayment to a student education loan must stay in effect for any future overpayments during the term of the student education loan unless the student loan borrower provides different instructions. For the purposes of this paragraph, "overpayment" means a payment on a student education loan that is in excess of the monthly amount due from the student loan borrower on the student education loan, commonly referred to as a prepayment.

(c) Apply a partial payment from a student loan borrower on a student education loan in a manner that minimizes late fees and negative credit reporting. If there are multiple loans on a student loan borrower's account at an equal stage of delinquency, a student loan servicer shall satisfy the requirements of this subsection by applying the partial payment to satisfy as many individual loan payments as possible on the student loan borrower's account. For purposes of this subsection, "partial payment" means a payment to a student education loan account that contains multiple individual loans if the payment is in an amount less than the amount necessary to satisfy the outstanding payment due on all loans in the student education loan account, commonly referred to as an underpayment.

2. If the sale, assignment or other transfer of the servicing of a student education loan results in a change in the identity of the person to whom a student loan borrower is required to send payments or direct any communication concerning the student education loan:

(a) As a condition of a sale, an assignment or any other transfer of the servicing of a student education loan, require the new student loan servicer to honor all benefits originally represented as available to the student loan borrower during the repayment of the student education loan and preserve

the availability of those benefits, including, without limitation, any benefits for which the student loan borrower has not yet qualified;

(b) Transfer to the new student loan servicer for the student education loan all information regarding the student loan borrower, the account of the student loan borrower and the student education loan of the student loan borrower. The information must include, without limitation, the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower; and

(c) Complete the transfer of information required by paragraph (b) within 45 calendar days after the sale, assignment or other transfer of the servicing of the student education loan.

3. A student loan servicer who obtains the right to service a student education loan shall adopt policies and procedures to verify that the student loan servicer has received all information regarding the student loan borrower, the account of the student loan borrower and the student education loan of the student loan borrower including, without limitation, the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower.

4. A student loan servicer shall evaluate a student loan borrower for eligibility for an income-driven repayment program before placing the student loan borrower in forbearance or default if an income-driven repayment program is available to the student loan borrower.

Sec. 28. 1. ~~1A~~ Except to the extent inconsistent with federal law or regulation, a student loan servicer shall maintain a record of each transaction relating to a student education loan for not less than 2 years following the final payment on the student education loan or the assignment of the student education loan, whichever occurs first, or such longer period as may be required by any other provision of law.

2. Upon the request of the Commissioner, a person required to maintain records pursuant to subsection 1 shall make such records available to the Commissioner, or send the records to the Commissioner, in the manner required by the Commissioner, not later than 5 business days after requested by the Commissioner. Upon the person's request, the Commissioner may allow additional time to make the records available to the Commissioner or to send the records to the Commissioner.

Sec. 29. A student loan servicer shall not:

1. Directly or indirectly employ any scheme, device or artifice to defraud or mislead a student loan borrower.

2. Engage in any unfair or deceptive practice toward any person or misrepresent or omit any material information in connection with the servicing of a student education loan, including, without limitation, misrepresenting the amount, nature or terms of any fee or payment due or claimed to be due on a student education loan, the terms and conditions of the loan agreement or the student loan borrower's obligations under the loan.

3. Obtain property by fraud or misrepresentation.
4. Misapply student education loan payments to the outstanding balance of a student education loan.
5. Provide inaccurate information to a credit bureau in a manner which may harm a student loan borrower's creditworthiness.
6. Fail to report both the favorable and unfavorable payment history of the student loan borrower to a nationally recognized consumer credit bureau at least annually if the student loan servicer regularly reports information to a credit bureau.
7. Refuse to communicate with an authorized representative of the student loan borrower if the authorized representative:
 - (a) Provides a written authorization signed by the student loan borrower; and
 - (b) Complies with any reasonable procedures which may be adopted by the student loan servicer to verify that the representative is in fact authorized to act on behalf of the student loan borrower.
8. Make any false statement or omission of a material fact in connection with any information or reports filed with a governmental agency or in connection with any investigation conducted by the Commissioner or another governmental agency.
9. Fail to respond within 15 business days to communications from the Commissioner, or within a shorter, reasonable period of time as may be requested by the Commissioner.
10. Fail to respond within 15 business days to a consumer complaint submitted to the student loan servicer by the Commissioner or the Office of the Attorney General. If necessary, the student loan servicer may request additional time to respond to the complaint, up to a maximum of 45 business days, provided that the request is accompanied by an explanation of why additional time is reasonable and necessary.
11. Engage in abusive acts or practices when servicing a student education loan in this State. An act or practice is abusive in connection with the servicing of a student education loan if that act or practice:
 - (a) Materially interferes with the ability of a student loan borrower to understand a term or condition of a student education loan; or
 - (b) Takes unreasonable advantage of any of the following:
 - (1) A lack of understanding on the part of a student loan borrower of the material risks, costs or conditions of the student education loan;
 - (2) The inability of a student loan borrower to protect the interests of the student loan borrower when selecting or using a student education loan or feature, term or condition of a student education loan; or
 - (3) The reasonable reliance by the student loan borrower on a person engaged in servicing a student education loan to act in the interests of the student loan borrower.

Sec. 30. 1. The Student Loan Ombudsman designated pursuant to NRS 226.560 or a member of the public may submit a complaint concerning

a student loan servicer to the Commissioner for investigation pursuant to section 38 of this act.

2. The Division of Financial Institutions shall share a complaint submitted pursuant to this section with the Office of the Attorney General in accordance with section 54 of this act.

Sec. 31. 1. Before the extension of a private education loan that requires a cosigner, a private education lender shall deliver to the cosigner information concerning, without limitation:

(a) How the private education loan obligation will appear on the cosigner's credit;

(b) How the cosigner will be notified if the private education loan becomes delinquent;

(c) How the cosigner can cure a delinquency in order to avoid negative credit furnishing and loss of cosigner release eligibility; and

(d) The eligibility of the cosigner to be released from his or her obligation on the private education loan, including, without limitation, the number of on-time payments and any other criteria required to approve the release of the cosigner from his or her obligation on the private education loan.

2. For any private education loan that obligates a cosigner, a private education lender shall provide the private education loan borrower and the cosigner an annual written notice containing information about the release of the cosigner from his or her obligation on the private education loan, including, without limitation:

(a) Any administrative, non-judgmental criteria the private education lender requires to approve the release of the cosigner from the private education loan obligation; and

(b) The process for applying for cosigner release.

3. If the private education loan borrower has met the applicable payment requirements to be eligible for cosigner release, the private education lender shall send the private education loan borrower and the cosigner a written notification by mail and by electronic mail, if the private education loan borrower or cosigner has elected to receive electronic communications from the private education lender, informing the private education loan borrower and cosigner that the payment requirement to be eligible for cosigner release has been met. The notification must also include information about any additional criteria to qualify for cosigner release and the procedure to apply for cosigner release.

4. A private education lender shall provide written notice to a private education loan borrower who applies for cosigner release but whose application is incomplete. The written notice shall include a description of the information needed to consider the application complete and the date by which the applicant must furnish the missing information.

5. Within 30 days after a private education loan borrower submits a completed application for cosigner release, the private education lender shall send the private education loan borrower and cosigner a written notice that

informs the private education loan borrower and cosigner whether the cosigner release application has been approved or denied. If the private education lender denies a request for cosigner release, the private education loan borrower may request any documents or information used in the determination, including, without limitation, the credit score threshold used by the private education lender, the private education loan borrower's consumer credit report, the private education loan borrower's credit score and any other documents specific to the private education loan borrower. The private education lender shall also provide any notices of adverse action required under applicable federal law if the denial is based in whole or in part on any information contained in a consumer credit report.

6. *In response to a written or oral request for cosigner release, a private education lender shall provide the information described in subsection 2.*

7. *A private education lender shall not impose any restriction that permanently bars a private education loan borrower from qualifying for cosigner release, including, without limitation, restricting the number of times a private education loan borrower may apply for cosigner release.*

8. *A private education lender shall not impose any negative consequences on any private education loan borrower or cosigner during the 60 days following the issuance of the notice provided pursuant to subsection 4 or until the private education lender makes a final determination about a private education loan borrower's cosigner application for release. For the purposes of this subsection, "negative consequences" includes, without limitation, the imposition of additional eligibility criteria, negative credit reporting, lost eligibility for cosigner release, late fees, interest capitalization or other financial injury.*

9. ~~{A}~~ For any private education loan made on or after January 1, 2024, *a private education lender shall not require more than 12 consecutive, on-time payments as criteria for cosigner release. Any private education loan borrower who has paid the equivalent of 12 months of principal and interest payments within any 12-month period shall be deemed to have satisfied the consecutive, on-time payment requirement, even if the private education loan borrower has not made payments monthly during the 12-month period.*

10. *If a private education loan borrower or cosigner requests a change in terms that restarts the count of consecutive, on-time payments required for cosigner release, the private education lender shall notify the private education loan borrower and cosigner in writing of the impact of the change and provide the private education loan borrower or cosigner the right to withdraw or reverse the request to avoid that impact.*

11. *A private education loan borrower has the right to request an appeal of a private education lender's determination to deny a request for cosigner release, and the private education lender shall permit the private education loan borrower to submit additional documentation evidencing the private education loan borrower's ability, willingness and stability to meet the payment obligations. The private education loan borrower may request*

review of the determination made regarding cosigner release by another employee of the private education lender.

12. A private education lender shall establish and maintain a comprehensive record management system reasonably designed to ensure the accuracy, integrity and completeness of data and other information about cosigner release applications and to ensure compliance with applicable state and federal laws, including, without limitation, the federal Equal Credit Opportunity Act, 15 U.S.C. §§ 1691 et seq., and the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq. This system must include the number of cosigner release applications received, the approval and denial rate and the primary reasons for any denial.

13. A private education lender shall provide a cosigner with access to all documents or records related to the cosigned private education loan that are available to the private education loan borrower.

14. If a private education lender provides electronic access to documents and records for a private education loan borrower, the private education lender shall provide equivalent electronic access to the cosigner.

Sec. 32. 1. A private education loan made on or after January 1, 2024, may not include a provision that allows the private education lender to accelerate, in whole or in part, payments on the private education loan, except in cases of payment default. A private education lender shall not place any loan or account into default or accelerate a loan for any reason, other than for payment default.

2. A private education loan made before January 1, 2024, may permit the private education lender to accelerate payments only if the promissory note or loan agreement explicitly authorizes an acceleration and only for the reasons stated in the note or agreement.

3. In the event of the death or bankruptcy of a cosigner:

(a) The private education lender must not attempt to collect against the cosigner's estate or bankruptcy estate, other than for payment default.

(b) Upon receiving notification of the death or bankruptcy of a cosigner, when the private education loan is not more than 60 days delinquent at the time of the notification, the private education lender shall not change any terms or benefits under the promissory note, repayment schedule, repayment terms or monthly payment amount or any other provision associated with the loan.

4. A private education lender shall not place any private education loan or account into default or accelerate a private education loan while a private education loan borrower is seeking a loan modification or enrollment in a flexible repayment plan, except that a private education lender may place a loan or account into default or accelerate a loan for payment default 90 days following the private education loan borrower's default.

Sec. 33. 1. A private education lender, when notified of the total and permanent disability of a private education loan borrower or cosigner, shall release any cosigner from the obligations of the cosigner under a private

education loan. The private education lender shall not attempt to collect a payment from a cosigner following a notification of total and permanent disability of the private education loan borrower or cosigner.

2. A private education lender shall notify a private education loan borrower and cosigner for a private education loan if either a private education loan borrower or cosigner is released from the obligations of the private education loan under this section, within 30 days after the release.

3. A private education lender that extends a private education loan shall provide the private education loan borrower an option to designate an individual to have the legal authority to act on behalf of the private education loan borrower with respect to the loan in the event of the total and permanent disability of the private education loan borrower.

4. If a cosigner is released from the obligations of a private education loan pursuant to section 31 of this act, the private education lender shall not:

(a) Require the private education loan borrower to obtain another cosigner on the private education loan obligation.

(b) Declare a default or accelerate the debt against the private education loan borrower on the sole basis of the release of the cosigner from the private education loan obligation.

5. A private education lender, if notified of the total and permanent disability of a private education loan borrower:

(a) Shall discharge the liability of the private education loan borrower and cosigner on the private education loan; and

(b) Shall not:

(1) Attempt to collect on the outstanding liability of the private education loan borrower or cosigner; or

(2) Monitor the disability status of the private education loan borrower at any point after the date of discharge.

6. As used in this section, “total and permanent disability” means that a person:

(a) Has been determined by the United States Secretary of Veterans Affairs to be unemployable due to a service-connected disability; or

(b) Is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 12 months or can be expected to last for a continuous period of not less than 12 months.

Sec. 34. 1. A private education lender shall, before offering a person a private education loan that is being used to refinance an existing private education loan, provide to the person a disclosure that informs the person that benefits and protections applicable to the existing private education loan may be lost due to the refinancing. The information must be provided on a one-page information sheet in at least 12-point font and must be written in simple, clear, understandable and easily readable language.

2. If a private education lender offers any private education loan borrower flexible repayment options in connection with a private education loan, those flexible repayment options must be made available to all private education loan borrowers of loans by the private education lender. A private education lender shall:

(a) Provide on its Internet website a description of any flexible repayment options offered by the private education lender for private education loans;

(b) Establish and consistently implement policies and procedures that facilitate the evaluation of private education loan flexible repayment option requests, including, without limitation, policies and procedures that provide accurate information regarding any private education loan flexible repayment option that:

(1) May be available to the private education loan borrower through the promissory note; or

(2) May have been marketed to the private education loan borrower through marketing materials; and

(c) If the private education lender offers flexible repayment options, consistently present and offer similar options to private education loan borrowers with similar financial circumstances; and

(d) Annually issue a letter to the private education loan borrower and cosigner that sets forth, without limitation:

(1) The total cumulative principal and interest amount of all private education loans owed by the private education loan borrower or cosigner to the private education lender;

(2) The total payoff amount of the loans listed in subparagraph (1); and

(3) Estimated monthly payment amounts if the private education loan borrower or cosigner were to enroll in a flexible repayment plan offered by the private education lender.

Sec. 35. A private education lender shall not:

1. Offer any private education loan that does not comply with the provisions of sections 31 to 35, inclusive, of this act, or that is in violation of any other state or federal law.

2. Engage in any unfair, deceptive or abusive act or practice.

3. Make a private education loan upon the security of any assignment of or order for the payment of any salary, wages, commissions or other compensation for services earned, or to be earned. No assignment or order to secure a private education loan may be taken by a private education lender in connection with a private education loan, or for the enforcement or repayment thereof. Any assignment or order taken or given to secure any loan made by any lender pursuant to sections 31 to 35, inclusive, of this act is void.

4. Make, advertise, print, display, publish, distribute, electronically transmit, telecast or broadcast in any manner any statement or representation that is false, misleading or deceptive.

Sec. 36. A private education lender shall:

1. *Establish and maintain records and permit the Division of Financial Institutions to access and copy any records required to be maintained pursuant to the provisions of this chapter; and*

2. *Retain a loan file, including, without limitation, any record specified for retention by regulations adopted by the Commissioner, for not less than 6 years after the termination of the private education loan account.*

Sec. 37. *Sections 31 to 37, inclusive, of this act do not exempt a private education lender from complying with any requirement to obtain a license imposed by any other specific statute, including, without limitation, the provisions of chapter 675 of NRS. The Commissioner shall determine the particular license that a private education lender is required to obtain.*

Sec. 38. *In addition to any other authority provided under this title, the Commissioner may conduct investigations and examinations as follows:*

1. *For purposes of initial licensing, license renewal, license suspension, license revocation or termination or general or specific inquiry or investigation to determine compliance with this chapter, the Commissioner may access, receive and use any books, accounts, records, files, documents, information or evidence, including, without limitation:*

(a) Criminal, civil and administrative history information;

(b) Personal history and experience information, including, without limitation, independent credit reports obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a; and

(c) Any other documents, information or evidence the Commissioner deems relevant to the inquiry or investigation regardless of the location, possession, control or custody of such documents, information or evidence.

2. *For the purposes of investigating violations or complaints arising under this chapter or for the purposes of examination, the Commissioner may review, investigate or examine any student loan servicer or other person subject to this chapter as often as necessary in order to carry out the purposes of this chapter. The Commissioner may direct, subpoena or order the attendance of and examine under oath any person whose testimony may be required regarding a student education loan, the business of a student loan servicer or the subject matter of any examination or investigation, and may direct, subpoena or order such a person to produce books, accounts, records, files and any other documents the Commissioner deems relevant to the inquiry.*

3. *In making any examination or investigation authorized by this section, the Commissioner may control access to any documents and records of a student loan servicer or other person under examination or investigation. The Commissioner may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, a person shall not remove or attempt to remove any of the documents and records except pursuant to a court order or with the consent of the*

Commissioner. Unless the Commissioner has reasonable grounds to believe the documents or records of the student loan servicer or other person under examination or investigation have been, or are at risk of being, altered or destroyed for purposes of concealing a violation of this chapter, the student loan servicer, the other person under examination or investigation or the owner of the documents and records must be allowed access to the documents or records as necessary to conduct ordinary business affairs.

4. At least once each year, the Commissioner or his or her authorized representative shall conduct an investigation and examination of each licensee pursuant to this section.

5. In addition to the fees prescribed in section 16 of this act, if it becomes necessary to examine or investigate the books and records of a licensee pursuant to this chapter, the licensee shall be liable for and shall pay to the Commissioner, within 30 days after the presentation of an itemized statement therefor, an amount determined by the Commissioner at the rate for supervision and examination of a financial institution established and, if applicable, adjusted pursuant to NRS 658.101.

Sec. 39. Each licensee shall pay, in addition to any other assessment, fee or cost required pursuant to this chapter:

1. The assessment levied pursuant to NRS 658.055 to cover all the costs related to the employment by the Commissioner of a certified public accountant and the performance by the certified public accountant of independent audits and examinations; and

2. The assessment levied pursuant to NRS 658.098 to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions.

Sec. 40. 1. The Commissioner may monitor the market for the provision of student loan servicing and student education loans, including, without limitation, private education loans, to identify risks to consumers. In conducting such monitoring, the Commissioner may compile and analyze data and other information to assess:

(a) The likely risk and costs to consumers associated with using or repaying a student education loan or with the servicing of a student education loan;

(b) The understanding by consumers of the risks of a student education loan or the servicing of a student education loan;

(c) The legal protections applicable to the offering or provision of a student education loan or the servicing of a student education loan and the adequacy of those legal protections to protect consumers;

(d) The rates of growth in the offering or provision of a student education loan or the servicing of that loan;

(e) The extent, if any, to which the risks of a student education loan or the servicing of a student education loan disproportionately affect traditionally underserved consumers; and

(f) *The type, number and other pertinent characteristics of private education lenders and student loan servicers in this State.*

2. *To the extent that state law is not preempted by federal law, in conducting monitoring or assessment pursuant to this section the Commissioner may gather information regarding the organization, business conduct, markets and activities of private education lenders and student loan servicers in this State. The Commissioner may enter into contracts to perform the activities authorized by this section, as necessary.*

3. *In order to gather information described in subsection 2, the Commissioner may:*

(a) *Gather and compile information from a variety of sources, including, without limitation, consumer complaints, voluntary surveys and voluntary interviews of consumers, surveys and interviews of private education lenders and student loan servicers and available databases; and*

(b) *Require persons engaged in private education lending or student loan servicing in this State to file, under oath or otherwise, in the form and within a reasonable period of time as the Commissioner may prescribe, any annual or special reports or answers in writing to specific questions that the Commissioner deems necessary to carry out the provisions of this section.*

4. *In addition to any other monitoring activities authorized by this section, the Commissioner may gather and compile information from private education lenders and student loan servicers to assemble data concerning the total size of the student education loan market in this State, the servicing of student education loans owed by borrowers at risk of default, the servicing of private education loans owed by borrowers experiencing financial distress and the servicing of federal student education loans for borrowers who seek to repay their loans under an income-driven repayment plan, as described in 20 U.S.C. §§ 1070 et seq.*

5. *The Commissioner may, on a quarterly basis, develop and publicize metrics based on data collected pursuant to this section. Such metrics may include, without limitation, relevant performance metrics concerning specifically identified private education lenders and student loan servicers.*

6. *In conducting the activities authorized by this section, the Commissioner may meet and confer with the Student Loan Ombudsman, designated pursuant to NRS 226.560, the Office of the Attorney General and the Nevada System of Higher Education.*

Sec. 41. *To carry out the purposes of this chapter, the Commissioner may:*

1. *Retain attorneys, accountants or other professionals and specialists as examiners, auditors or investigators to conduct or assist in the conduct of examinations or investigations;*

2. *Enter into agreements or relationships with other governmental officials or regulatory associations to improve efficiency and reduce any regulatory burden by sharing resources, standardizing or making uniform*

any applicable methods or procedures and sharing documents, records, information or evidence obtained pursuant to this chapter;

3. Use, hire, contract or employ publicly or privately available analytical systems, methods or software to examine or investigate a student loan servicer or other person under examination or investigation;

4. Accept and rely on examination or investigation reports made by other governmental officials, within or outside this State; and

5. Accept audit reports made by an independent certified public accountant for a student loan servicer or other person under examination or investigation in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in any report of examination, report of investigation or other writing of the Commissioner.

Sec. 42. The authority of the Commissioner pursuant to this chapter with regard to a student loan servicer or other person under examination or investigation remains in effect, without regard to whether the student loan servicer or other person acts or claims to act under any other licensing or registration law of this State, or claims to act without such authority.

Sec. 43. A student loan servicer or other person under examination or investigation pursuant to this chapter shall not knowingly withhold, abstract, remove, mutilate, destroy or secrete any books, records, computer records or other information related to an investigation or examination conducted pursuant to this chapter.

Sec. 44. The Commissioner may, as applicable, deny an application for a license issued pursuant to this chapter or suspend, revoke or refuse to renew a license issued pursuant to this chapter if the Commissioner finds that:

1. The applicant, licensee or a control person of the applicant or licensee has violated any provision of this chapter or any regulation adopted pursuant thereto;

2. With regard to a licensee or a control person of the licensee, any fact or condition exists which, if it had existed at the time of the original application for the license, would have resulted in a denial of the application; or

3. The licensee has failed to pay, within 30 days after receiving an itemized statement or other demand for payment from the Commissioner, any assessment, fee or cost required pursuant to this chapter.

Sec. 45. All fees paid pursuant to this chapter are nonrefundable, including, without limitation, if a license is surrendered, revoked or suspended before the expiration of the period for which it was issued.

Sec. 46. A student loan servicer and private education lender shall comply with all applicable federal laws and regulations relating to student loan servicing ~~or~~ or lending, including, without limitation, the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., and the regulations promulgated thereunder. In addition to any other remedies provided by law, a violation of

any such federal law or regulation shall be deemed a violation of this chapter ~~and a basis upon which the Commissioner may take action pursuant to this chapter.~~

Sec. 47. 1. A person who suffers damage as a result of the failure of a student loan servicer or private education lender to comply with the provisions of this chapter may bring an action on his or her own behalf and on behalf of a similarly situated class of persons against that student loan servicer or private education lender to recover or obtain:

- (a) Actual damages, but in no case may the total award be less than \$500 per plaintiff, per violation;
- (b) An order enjoining the methods, acts or practices;
- (c) Restitution of property;
- (d) Punitive damages;
- (e) Attorney's fees; and
- (f) Any other relief that the court deems proper.

2. In addition to any other remedies provided by this section or otherwise provided by law, whenever it is proven by a preponderance of the evidence that a student loan servicer or private education lender has engaged in conduct that substantially interferes with a student loan borrower's right to a flexible payment arrangement, right to the forgiveness, cancellation or discharge of a loan or right to any other financial benefit, as established under the terms of a student loan borrower's promissory note or under the Higher Education Act of 1965, 20 U.S.C. §§ 1071 et seq., and the regulations promulgated thereunder, the court shall award treble actual damages to the plaintiff, but in no case may the total award of damages be less than \$1,500 per plaintiff, per violation.

~~3. A person claiming loss in connection with tuition or fees as a result of an unfair business practice by a student loan servicer may file a complaint with the Student Loan Ombudsman designated pursuant to NRS 226.560. The complaint must set forth the alleged violation and include any information required by the Student Loan Ombudsman.~~

Sec. 48. 1. A violation of any provision of this chapter may also be a violation of chapter 598B of NRS, the Nevada Equal Credit Opportunity Law.

2. In addition to any other remedies provided by this section or otherwise provided by law, whenever it is proven by a preponderance of the evidence in a civil action that a person or entity that makes a student education loan, including, without limitation, a private education lender, has filed information required pursuant to this chapter that is false, the court shall award treble damages to the student loan borrower, including, without limitation, a private education loan borrower, but in no case may the total award of damages in action be less than \$1,500.

3. The rights, remedies and penalties provided by this chapter are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity.

Sec. 49. *Except as otherwise provided in this section and NRS 239.0115, any books, records or other information obtained by the Division in connection with an application, complaint, audit, investigation or examination pursuant to this chapter, or in response to a subpoena, are confidential and may be disclosed only to:*

1. *The Division, any authorized employee or representative of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; and*

2. *Any person if the Commissioner, in his or her discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.*

Sec. 50. *The Attorney General may bring an action in the name of the State of Nevada to restrain or prevent any violation of this chapter or any continuance of any such violation.*

Sec. 51. *The Commissioner shall adopt any regulations necessary to carry out the provisions of this chapter.*

Sec. 52. NRS 657.005 is hereby amended to read as follows:

657.005 As used in chapters 657 to 671, inclusive, of NRS, **and the chapter consisting of sections 2 to 51, inclusive, of this act**, unless the context otherwise requires, the words and terms defined in NRS 657.016 to 657.085, inclusive, have the meanings ascribed to them in those sections.

Sec. 53. NRS 658.098 is hereby amended to read as follows:

658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;

(e) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;

(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(h) Thrift company that is supervised pursuant to chapter 677 of NRS; ~~and~~

(i) Credit union that is supervised pursuant to chapter 672 of NRS ; ~~†~~

(j) Consumer litigation funding company that is supervised pursuant to chapter 604C of NRS ~~†~~ ; **and**

(k) Student loan servicer that is supervised pursuant to the chapter consisting of sections 2 to 51, inclusive, of this act.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 54. Chapter 226 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Student Loan Ombudsman shall make all complaints received pursuant to NRS 226.570 available to the Office of the Attorney General.*

2. *The Student Loan Ombudsman and the Attorney General shall enter into an information-sharing agreement for the sharing of complaints between offices.*

Sec. 55. NRS 226.500 is hereby amended to read as follows:

226.500 As used in NRS 226.500 to 226.590, inclusive, **and section 54 of this act**, unless the context otherwise requires, the words and terms defined in NRS 226.510 to 226.550, inclusive, have the meanings ascribed to them in those sections.

Sec. 56. 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, **section 49 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. 57. ~~[Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—A postsecondary educational institution authorized to operate pursuant to this chapter shall:~~

~~—1. Present data about its completion rates, employment rates, loan or indebtedness metrics or its graduates' median hourly or annual earnings that is consistent with any applicable data published by the Commission or the United States Department of Education.~~

~~—2. Disclose to the Commission any pending investigations by an oversight entity, including, without limitation, the nature of that investigation, within 30 days after the postsecondary educational institution's first knowledge of the investigation. For the purposes of this subsection:~~

~~—(a) "Investigation" means any inquiry into possible violations of any applicable laws or accreditation standards.~~

~~—(b) "Oversight entity" means:~~

~~—(1) Any federal or state entity that provides financial aid to students of an institution or approves an institution for participation in a financial aid program.~~

~~—(2) The Attorney General of the United States, the Office of the Attorney General of the State of Nevada or the United States Department of Justice.~~

~~—(3) If applicable, any regulator that approves the operation of the institution.~~

~~—(4) The Consumer Financial Protection Bureau or the Securities and Exchange Commission.~~

~~—(5) Any accrediting agency.~~ (Deleted by amendment.)

Sec. 58. ~~[NRS 394.570 is hereby amended to read as follows:
394.570 Funds to carry out the provisions of NRS 394.201 to 394.610,
inclusive, and section 57 of this act shall be provided by legislative
appropriation from the General Fund, and shall be paid out on claims as other
claims against the State are paid.] (Deleted by amendment.)~~

Sec. 59. ~~[NRS 394.610 is hereby amended to read as follows:
394.610 Unless a specific penalty is otherwise provided, a person who
willfully violates the provisions of NRS 394.005 to 394.560, inclusive, and
section 57 of this act is guilty of a gross misdemeanor. Each day's failure to
comply with the provisions of these sections is a separate offense.] (Deleted
by amendment.)~~

Sec. 60. As soon as practicable after January 1, 2024, the Student Loan Ombudsman designated pursuant to NRS 226.560 and the Attorney General shall enter into the information-sharing agreement required by section 54 of this act.

Sec. 61. ~~[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. 62. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~17, inclusive, and 19 to~~ 61, 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.

3. ~~[Section 18 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

~~—(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or~~

~~—(b) Are in arrears in the payment for the support of one or more children,
are repealed by the Congress of the United States.~~

~~4.]~~ Section 17 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
are repealed by the Congress of the United States.

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. 339.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 378.

AN ACT relating to education; requiring the inclusion of certain information regarding pupil achievement to be included in annual reports of accountability submitted by the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education to prepare and publicly disseminate annual reports of accountability for the quality of schools and the educational achievement of pupils. (NRS 385A.070, 385A.400) Existing law prohibits a separate reporting for a group of pupils if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. (NRS 385A.070) **Sections 1 and 2** of this bill require that, unless this existing prohibition on separate reporting for a group of pupils applies, the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education must include within annual reports of accountability information on pupil achievement among: (1) pupils who have accrued 10 or more absences within the school year; and (2) pupils whose instruction in a core academic subject during the school year involved at least 4 consecutive weeks of instruction provided by someone other than a licensed teacher. Under **sections 1 and 2**, this information is required to be reported separately by gender and separately by certain other groups.

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

Section 1. NRS 385A.200 is hereby amended to read as follows:

385A.200 1. Except as otherwise provided in subsection 2, the annual report of accountability prepared pursuant to NRS 385A.070 must include information on pupil achievement and school performance, including, without limitation, pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610 and shall compare the results of those examinations for the school year for which

the annual report is being prepared with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations and assessments were administered:

(a) The number of pupils who took the examinations and a record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(b) Except as otherwise provided in subsection 2 of NRS 385A.070, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

(c) A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

(d) The percentage of pupils who were not tested.

(e) Except as otherwise provided in subsection 2 of NRS 385A.070, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

(f) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) *Except as otherwise provided in subsection 2 of NRS 385A.070, information on pupil achievement among pupils with at least 10 absences in a school year, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.*

(h) *Except as otherwise provided in subsection 2 of NRS 385A.070, information on pupil achievement among pupils whose instruction in a core academic subject, as designated in NRS 389.018, during the school year involved at least 4 consecutive weeks of instruction by a person other than a licensed teacher, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.*

(i) Except as otherwise provided in subsection 3 of NRS 385A.720, the rating of each public school in the district, including, without limitation, each charter school sponsored by the district, pursuant to the statewide system of accountability for public schools.

~~(h)~~ (j) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 390.125.

~~[(i)]~~ **(k)** Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(i)]~~ **(l)** For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

2. If the Department temporarily waives or otherwise pauses the requirement to administer examinations that comply with 20 U.S.C. § 6311(b)(2) pursuant to subsection 6 of NRS 390.105, the requirement of subsection 1 to include certain information in the annual report of accountability prepared pursuant to NRS 385A.070 does not apply for the period of time that such a waiver or pause is effective.

Sec. 2. NRS 385A.410 is hereby amended to read as follows:

385A.410 Except as otherwise provided in subsection 6 of NRS 390.105, the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on pupil achievement and school performance, including, without limitation:

1. Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. Except as otherwise provided in subsection 2 of NRS 385A.400, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

4. The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

5. Except as otherwise provided in subsection 2 of NRS 385A.400, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each

charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

7. Information on pupil achievement among pupils with at least 10 absences in a school year, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

8. Information on pupil achievement among pupils whose instruction in a core academic subject, as designated in NRS 389.018, during the school year involved at least 4 consecutive weeks of instruction by a person other than a licensed teacher, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

9. Except as otherwise provided in subsection 3 of NRS 385A.720, the rating of each public school, including, without limitation, each charter school, pursuant to the statewide system of accountability for public schools.

~~{8-}~~ **10.** Information on whether each public school, including, without limitation, each charter school, has made progress based upon the model adopted by the Department pursuant to NRS 390.125, if applicable for the grade level of pupils enrolled at the school.

~~{9-}~~ **11.** Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 390.830.

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. This act becomes effective on July 1, 2023.

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. 340.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 88.

AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law authorizes a landlord who seeks to recover possession of a premises from a tenant to do so by filing an unlawful detainer action or an action for summary eviction. (NRS 40.253, 40.254, 40.2542, 40.290-40.420) Existing law prescribes separate summary eviction procedures for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in

the payment of rent; and (3) certain tenants of a commercial premises who default in the payment of rent. (NRS 40.253, 40.254, 40.2542)

In general, the summary eviction procedures prescribed by existing law require a landlord to provide certain written notice to a tenant: (1) informing the tenant that he or she must take certain action or surrender the premises on or before a date specified in the notice; and (2) advising the tenant of his or her right to contest the matter by filing an affidavit with the court that has jurisdiction over the matter. In so doing, the summary eviction procedures prescribed by existing law require a tenant who contests a summary eviction to file an affidavit in court concerning an action for summary eviction before a landlord is required to make any filing concerning the matter. If such an affidavit is filed, a hearing is held. If no such affidavit is filed, upon noncompliance of a tenant with the written notice, existing law authorizes: (1) the landlord to apply by affidavit of complaint for the summary eviction of the tenant; and (2) the court, without holding a hearing, to order the removal of the tenant within a prescribed period. (NRS 40.253, 40.254, 40.2542)

Section 22 of this bill repeals the summary eviction procedures prescribed by existing law ~~for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; and (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. Sections 2-8~~ **2-6.5** of this bill reenact, reorganize and revise these procedures. **Section 2** of this bill establishes a new procedure for the summary eviction of certain tenants who are not tenants of a commercial premises and who default in the payment of rent. **Section 7** **6.5** of this bill establishes a new procedure for the summary eviction of certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. ~~Section 8 of this bill establishes a new procedure for the summary eviction of certain tenants of a commercial premises who default in the payment of rent.~~

The new procedures for summary eviction set forth in **sections 2, 7** and ~~8~~ **6.5** are similar to the procedures repealed by **section 22** except with regard to: (1) the required contents of a written notice; (2) certain requirements relating to filings made with the court; and (3) the period of time before the removal of a tenant. Instead of requiring a tenant who contests a summary eviction to file an affidavit in court before the landlord files a complaint, **sections 2, 7** and ~~8~~ **6.5** require the landlord, upon the expiration of certain notice provided to the tenant, to: (1) apply by affidavit of complaint for the summary eviction of the tenant; and (2) serve the tenant with a file-stamped copy of the affidavit of complaint, **a copy of the summons** and certain notice. **Sections 2, 7** and ~~8~~ **6.5** require the tenant to file an answer to the affidavit of complaint within 10 **calendar** days after the date of service. If a tenant files an answer within the prescribed period, a hearing is held. If no such answer is filed, **sections 2, 7** and ~~8~~ **6.5** authorize the court, without holding a hearing, to order the removal of the tenant within a prescribed period. **Sections 9-20** of

this bill make conforming changes relating to the repeal, revision and reorganization of the procedures for summary eviction.

Existing law requires a court that grants an action for summary eviction for a default in the payment of rent during the COVID-19 emergency to automatically seal the eviction case court file. (NRS 40.2545) Section 11 of this bill removes requirements relating to the COVID-19 emergency, thereby requiring a court that grants an action for summary eviction brought pursuant to section 2 to automatically seal the eviction case court file. Section 11 also requires a court to automatically seal the eviction case court file for an action for summary eviction brought pursuant to section 6.5 if the landlord fails to file an affidavit of complaint for summary eviction within the time prescribed by section 6.5.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. 1. *Except as otherwise provided in subsection ~~11~~ 13, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for a default in the payment of rent using the procedure for summary eviction provided in this section.*

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord's agent must serve upon the tenant a written notice which:

(a) ~~Requires~~ Except as otherwise provided in subsection 11, requires the tenant to pay the past due rent or surrender the premises before the close of business on ~~the~~

~~*(1) The seventh judicial day following the ~~day~~ date of service; for*~~

~~*(2) The fourth judicial day following the day of service, if the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days; and*~~

(b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the ~~tenant~~ landlord may ~~be evicted using the procedure~~ apply by affidavit of complaint for the summary eviction ~~set forth in this section~~ of the tenant.

3. ~~A landlord or the landlord's agent who serves a notice to a tenant pursuant to subparagraph (2) of paragraph (a) of subsection 2 shall attempt to deliver a copy of the notice personally, in the presence of a witness. If the service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness~~

~~is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent~~

~~— (a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and~~

~~— (b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280.~~

~~4.] Upon noncompliance of a tenant with the notice provided pursuant to subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located, for the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle is located, whichever has jurisdiction over the matter.] After the filing of an affidavit of complaint for summary eviction, a summons must be issued.~~

~~{5.} 4. An affidavit of complaint for summary eviction filed pursuant to subsection {4} 3 must {state} :~~

~~(a) Except as otherwise provided in subsection 11, be filed with the court not later than 30 calendar days after the expiration of the notice period described in subsection 2; and~~

~~(b) State or contain:~~

~~{(a)} (1) The date the tenancy commenced;~~

~~{(b)} (2) The amount of periodic rent reserved;~~

~~{(c)} (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;~~

~~{(d)} (4) The date the rental payments became delinquent;~~

~~{(e)} (5) The length of time the tenant has remained in possession without paying rent;~~

~~{(f)} (6) The amount of rent claimed due and delinquent;~~

~~{(g)} (7) A statement that {the} :~~

~~(I) The written notice was served on the tenant pursuant to subsection 2 or 3 or in accordance with NRS 40.280; and~~

~~(II) The tenant failed to comply with such notice;~~

~~{(h)} (8) A copy of the written notice served on the tenant pursuant to subsection 2; and~~

~~{(i)} (9) A copy of the signed written rental agreement, if any.~~

~~{6.} 5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection {4} 3 shall, within 15 calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint {for summary eviction filed pursuant to subsection 4}, a copy of the summons and a notice which must {~~

~~— (a) Identify the court that has jurisdiction over the matter; and~~

~~— (b) Advise the tenant that:~~

~~[(1) The]~~ (a) Except as otherwise provided in subsection 11, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 10 calendar days after service of the affidavit of complaint for summary eviction;

~~[(2)]~~ (b) If the tenant does not file an answer within ~~10 days after service of~~ the ~~affidavit of complaint for summary eviction,~~ period described in paragraph (a), the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant;
~~and]~~

~~[(3)]~~ (c) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS;

~~7. Upon ; and~~

(d) The tenant may request that the court stay the execution of the order of removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

6. Except as otherwise provided in subsection 11, upon being served pursuant to subsection ~~6,~~ 5, the tenant shall, within 10 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection;

~~[(a) The]~~ the court may, without holding a hearing ~~if~~ but after determining that a landlord has complied with the requirements prescribed by this section, issue:

~~[(1)]~~ (a) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and

~~[(2)]~~ (b) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.

~~[(b) Except as provided by NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise;~~

~~8. 7.~~ If a tenant files a written answer pursuant to subsection ~~7,~~

~~[(a) The landlord or the landlord's agent shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise; and~~

~~[(b) The]~~ 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

~~9. 8.~~ If, after a hearing held pursuant to subsection ~~8,~~ 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order

for removal of the tenant or an order providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. Written notices to the tenant prescribed by this section must be served in the manner provided by NRS 40.280.

10. Proof of service of any notice required by this section must be filed with the court before a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

11. For the purposes of this section, if the date on which:

(a) An affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

(b) A tenant must pay any past due rent or surrender the premises falls on a Saturday, Sunday or legal holiday, the tenant must pay the past due rent or surrender the premises before the close of business on the next day the business office of the landlord is open.

12. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.

~~§11.7~~ 13. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

~~§12.7~~ 14. As used in this section ~~is~~

~~(a) "Close of business" means the close of business of the court that has jurisdiction over the matter.~~

~~(b) "Day of service" means:~~

~~(1) The date on which the landlord or the landlord's agent personally delivers the notice required by subsection 2 to the tenant; or~~

~~(2) If the landlord or the landlord's agent is unable to deliver the notice in person:~~

~~(i) The date on which the notice is delivered to the sheriff or constable for service, if the request for service is made before noon.~~

~~(II) The day after the date on which the notice is delivered to the sheriff or constable for service, if the request for service is made after noon.~~

~~(c) “Security”, “security deposit” has the meaning ascribed to it in NRS 118A.240.~~

Sec. 3. ~~1. A sheriff or constable shall not accept a notice for service delivered pursuant to subsection 3 of section 2 of this act or subsection 3 of section 8 of this act unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord’s agent informed the tenant of the provisions of section 2 of this act or section 8 of this act, as applicable, which set forth the lawful procedures for summary eviction from a short-term tenancy.~~

~~2. Upon acceptance of a notice for service delivered pursuant to subsection 3 of section 2 of this act or subsection 3 of section 8 of this act, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord’s agent.~~
(Deleted by amendment.)

Sec. 4. Upon receipt of a summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant issued pursuant to subsection ~~7~~ 6 of section 2 of this act, ~~for subsection 9 of section 8 of this act,~~ the sheriff or constable shall:

1. Post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable.

2. ~~Remove the tenant.~~ As soon as reasonably practicable, but not earlier than 24 hours ~~(but not later than 36 hours)~~ after the posting of the order ~~for~~, remove the tenant.

Sec. 5. 1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act ~~for an order providing for nonadmittance pursuant to section 8 of this act~~ may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460, ~~for 119C.230, as applicable.~~

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 20 days after the later of:

(a) The date on which the summary order for removal or the order providing for nonadmittance was issued.

(b) The date on which the tenant vacated or was removed from the premises.

(c) The date on which a copy of the costs claimed by the landlord was requested by or provided to the tenant.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff,

constable or other process server licensed pursuant to chapter 648 of NRS. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~for 118C.230, as applicable,~~ and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

Sec. 6. 1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act ~~for an order providing for nonadmittance pursuant to section 8 of this act~~ may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the reasonableness of any action taken by the landlord pursuant to subsection 3 of NRS 118A.460.

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 5 days after the date on which the tenant vacated or was removed from the premises.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the tenant to retrieve his or her essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than \$2,500.

4. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 3, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

Sec. 6.5. 1. Except as otherwise provided in subsection 13, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516 using the procedure for summary eviction provided in this section.

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent must serve upon the tenant:

(a) The written notice to surrender required by NRS 40.250, 40.251, 40.2514 or 40.2516, as applicable; and

(b) A written notice which informs the tenant that if the tenant fails to comply with the requirements of written notice to surrender, the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the written notice required by paragraph (a) of subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection 11, be filed with the court not later than 30 calendar days after the expiration of the period described in the written notice to surrender required by paragraph (a) of subsection 2; and

(b) State or contain:

(1) The date the tenancy commenced;

(2) The date when the tenancy or rental agreement allegedly terminated;

(3) A copy of the written notice served on the tenant pursuant to subsection 2;

(4) Any facts supporting the written notice;

(5) A copy of the signed written rental agreement, if any;

(6) A statement that:

(I) The written notice was served on the tenant in accordance with NRS 40.280; and

(II) The tenant failed to comply with such notice;

(7) A copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255, if the property has been purchased in a residential foreclosure; and

(8) A statement that the claim for relief was authorized by law.

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within 15 calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, a copy of the summons and a notice which must advise the tenant that:

(a) Except as otherwise provided in subsection 11, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 10 calendar days after service of the affidavit of complaint for summary eviction;

(b) If the tenant does not file an answer within the period described in paragraph (a), the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant;

(c) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and

(d) The tenant may request that the court stay the execution of the order of removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

6. Except as otherwise provided in subsection 11, upon being served pursuant to subsection 5, the tenant shall, within 10 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section, issue:

(a) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and

(b) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. Written notices to the tenant prescribed by this section must be served in the manner provided by NRS 40.280.

10. Proof of service of any notice required by this section must be filed with the court before a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

11. For the purposes of this section, if the date on which an affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

12. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.

13. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552,

inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 7 wherein the tenant contested the eviction.

14. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

15. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

~~Sec. 7. 1. Except as otherwise provided by this section or specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the procedure for summary eviction set forth in section 2 of this act, except that:~~

~~— (a) The written notice to surrender the premises must:~~

~~— (1) Be given to the tenant in accordance with the provisions of NRS 40.290;~~

~~— (2) Identify the court that has jurisdiction over the matter; and~~

~~— (3) Advise the tenant that the tenant:~~

~~— (I) Must file an answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 10 days after the service of the affidavit of the complaint for summary eviction; and~~

~~— (II) May request that the court stay the execution of the order of removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted; and~~

~~— (b) The affidavit of complaint for summary eviction must state or contain:~~

~~— (1) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.~~

~~— (2) The date when the tenancy or rental agreement allegedly terminated.~~

~~(3) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.~~

~~(4) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.~~

~~(5) A statement that the claim for relief was authorized by law.~~

~~2. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any provision of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of the hearing, if any, held pursuant to subsection 3 of section 2 of this act.~~
(Deleted by amendment.)

Sec. 8. ~~1. In addition to the remedies provided in NRS 40.200 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant of any commercial premises for a default in the payment of rent using the procedure for summary eviction provided in this section.~~

~~2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord's agent must serve upon the tenant a written notice which:~~

~~(a) Requires the tenant to pay the past due rent or surrender the premises before the close of business on:~~

~~(1) The fifth judicial day following the day of service; or~~

~~(2) The fourth judicial day following the day of service, if the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days; and~~

~~(b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the tenant may be evicted using the procedure for summary eviction set forth in this section.~~

~~3. A landlord or the landlord's agent who serves a notice to a tenant pursuant to subparagraph (2) of paragraph (a) of subsection 2 shall attempt to deliver a copy of the notice personally, in the presence of a witness. If the service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent:~~

~~(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and~~

~~(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280.~~

~~4. Upon noncompliance of a tenant with the notice provided pursuant to subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the commercial premises is located or the district court of the county in which the commercial premises is located, whichever has jurisdiction over the matter.~~

~~5. An affidavit of complaint for summary eviction filed pursuant to subsection 4 must state or contain:~~

~~(a) The date the tenancy commenced;~~

~~(b) The amount of periodic rent reserved;~~

~~(c) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;~~

~~(d) The date the rental payments became delinquent;~~

~~(e) The length of time the tenant has remained in possession without paying rent;~~

~~(f) The amount of rent claimed due and delinquent;~~

~~(g) A statement that the written notice was served on the tenant pursuant to subsection 2 or 3 or in accordance with NRS 40.280; and~~

~~(h) A copy of the:~~

~~(1) Written notice served on the tenant pursuant to subsection 2; and~~

~~(2) Signed written rental agreement, if any.~~

~~6. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 4 shall serve upon the tenant a file-stamped copy of the affidavit of complaint for summary eviction filed pursuant to subsection 4 and notice which must:~~

~~(a) Identify the court that has jurisdiction over the matter; and~~

~~(b) Advise the tenant that:~~

~~(1) The tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 10 days after service of the affidavit of complaint for summary eviction; and~~

~~(2) If the tenant does not file an answer within 10 days after service of the affidavit of complaint for summary eviction, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.~~

~~7. Upon being served pursuant to subsection 6, the tenant shall, within 10 days after the date of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection:~~

~~(a) The court may, without a hearing, issue:~~

~~(1) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and~~

~~(2) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.~~

~~(b) The landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~8. If a tenant files an answer pursuant to subsection 7:~~

~~(a) The landlord or the landlord's agent shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise; and~~

~~(b) The court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.~~

~~9. If, after a hearing held pursuant to subsection 8, the court determines that:~~

~~(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.~~

~~(b) There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.200 to 40.420, inclusive.~~

~~10. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.~~

~~11. As used in this section:~~

~~(a) "Close of business" means the close of business of the court that has jurisdiction over the matter.~~

~~(b) "Day of service" means:~~

~~(1) The date on which the landlord or the landlord's agent personally delivers the notice required by subsection 2 to the tenant; or~~

~~(2) If the landlord or the landlord's agent is unable to deliver the notice in person:~~

~~(I) The date on which the notice is delivered to the sheriff or constable for service, if the request for service is made before noon.~~

~~(II) The day after the date on which the notice is delivered to the sheriff or constable for service, if the request for service is made after noon.~~

~~‡ (Deleted by amendment.)~~

Sec. 9. NRS 40.2516 is hereby amended to read as follows:

40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the real property, dwelling unit, recreational vehicle or mobile home is held, other than those mentioned in NRS 40.250 to ~~{40.254,}~~ 40.252, inclusive, **and sections 2 to ~~{7,}~~ 6.5, inclusive, of this act,** and after notice in writing,

requiring in the alternative the performance of the condition or covenant or the surrender of the real property, dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if there is a subtenant in actual occupation of the premises or property, also upon the subtenant, remains uncomplished with for 5 days after the service thereof. Within 5 days after the service, the tenant, or any subtenant in actual occupation of the premises or property, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS ~~40.254 or~~ 40.290 to 40.420, inclusive ~~1~~, **or section ~~7~~ 6.5 of this act.**

Sec. 10. NRS 40.252 is hereby amended to read as follows:

40.252 For the purposes of NRS 40.250 to 40.252, inclusive, and ~~NRS 40.254;~~

sections 2 to ~~7~~ 6.5, inclusive, of this act:

1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.

2. Notice to surrender the premises which was given by one colessor of real property or a mobile home is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.

Sec. 11. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. If a court grants an action for summary eviction pursuant to ~~NRS 40.253~~ **section 2 of this act**, ~~[during the COVID-19 emergency,]~~ the court shall automatically seal the eviction case court file.

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in any action for summary eviction pursuant to NRS ~~40.253, 40.254 or~~ 40.2542 ~~1~~ **or section ~~2, 7 or 8~~ 6.5 of this act**, the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which dismisses the action for summary eviction; ~~for~~

(b) Ten judicial days after the entry of a court order which denies the action for summary eviction ~~1~~ ~~or~~

(c) Thirty-one days after the tenant has filed an affidavit described in subsection 3 of NRS 40.253 or subsection 3 of NRS 40.2542 ~~1~~ ~~if~~; **or**

(d) If the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit.] **for summary eviction on or before 30 days after the date on which the notice required by subsection 2 of section 2 or subsection 2 of section 6.5 of this act expires.**

3. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsections 1 and 2, the court may order the sealing of an eviction case court file for an action for summary eviction pursuant to NRS 40.253, 40.254 or 40.2542 ~~[-] or section 2, 7 or 10~~ **6.5 of this act:**

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

4. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

5. Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, by a sheriff or constable. This subsection does not:

(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.

(b) Prohibit the service of a notice to surrender pursuant to NRS 40.280, and such service of a notice to surrender shall be deemed not to constitute making the notice to surrender available for public inspection as described in this subsection.

6. As used in this section ~~[-]~~

~~— (a) “COVID 19 emergency” means the period of time:~~

~~— (1) Beginning on March 12, 2020, the date on which the Governor issued the Declaration of Emergency for COVID-19; and~~

~~— (2) Ending on the date on which the Governor terminates the emergency described in the Declaration May 20, 2022.~~

~~— (b) “Eviction”~~, **“eviction** case court file” means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada

Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 12. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2, 4 and 9, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and

(c) Upon termination of the previous owner's interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.

3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[NRS 40.253 and 40.254.]~~ **sections 2 and ~~47~~ 6.5 of this act.**

4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

5. During the notice period described in subsection 4:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

6. The notice described in subsection 4 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 4; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[NRS 40.253 and 40.254.]~~ **sections 2 and ~~47~~ 6.5 of this act.**

7. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a

record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 4.

8. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 4 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 4.

9. This section does not apply to the tenant of a mobile home lot in a mobile home park.

10. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 13. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253 and 40.2542, ~~sections 2 and 3 of this act,~~ the notices required by NRS 40.251 to 40.260, inclusive, ~~and sections 2 to 4, 6.5, inclusive, of this act~~ must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a

person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to “Current Occupant.”

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to “Current Occupant.”

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, **and sections 2 to ~~18.1~~ 6.5, inclusive, of this act** must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to ~~NRS 40.253 or 40.254;~~ **section 2 or ~~17.1~~ 6.5 of this act;**

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542, ~~[section 8 of this act.]~~

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, **and sections 2 to ~~18.1~~ 6.5, inclusive, of this act** that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) ~~Except as otherwise provided in paragraph (b):~~

~~(1)~~ If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

~~(1)~~ **(1)** Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive ~~1.1~~, **and sections 2 to ~~18.1~~ 6.5, inclusive, of this act;**

~~(1)~~ **(2)** Reviewed the date and manner of service by the agent; and

~~(1)~~ **(3)** Believes to the best of his or her knowledge that such service complies with the requirements of this section.

~~(2)~~ **(b)** If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or

unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

~~[(2)]~~ **(c)** If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

~~[(b)]~~ For a short-term tenancy, if service of the notice was not delivered in person:

~~— (1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~— (2) The endorsement of a sheriff or constable stating the:~~

~~— (I) Time and date the request for service was made by the landlord or the landlord's agent;~~

~~— (II) Time, date and manner of the service; and~~

~~— (III) Fees paid for the service.]~~

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, **and sections 2 to ~~18~~ 6.5, inclusive, of this act** that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection ~~2~~ ~~18~~ 2 of NRS 40.2542, ~~[section 3 of this act]~~ an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive ~~1~~, **and sections 2 to ~~18~~ 6.5, inclusive, of this act**; and

(b) The agent is acting at the direction and under the direct supervision of the attorney.

Sec. 14. NRS 40.385 is hereby amended to read as follows:

40.385 1. Either party may appeal an order entered pursuant to NRS 40.253, 40.254 or 40.2542 **or section 2 ~~1~~ 7 or ~~18~~ 6.5 of this act** by filing a notice of appeal within 10 judicial days after the date of entry of the order.

2. Except as otherwise provided in this section, a stay of execution may be obtained by filing with the trial court a bond in the amount of \$250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of any unpaid rent claim of the landlord.

3. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS 40.253, 40.254 or 40.2542 **1 or section 2 ~~1~~ 7 or ~~18~~ 6.5 of this act**.

Sec. 15. NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

(a) The address or other location of the property;

(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and

(c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection ~~1~~ 2 of ~~NRS 40.253~~ **section 2 of this act** or subsection ~~1~~ ~~2~~ of NRS 40.2542, ~~section 8 of this act~~, as applicable.

Sec. 16. NRS 118A.460 is hereby amended to read as follows:

118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability in the following manner:

(a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 may be resolved using the procedure provided in ~~subsection 7 of NRS 40.253.~~ **section 5 of this act.**

3. During the 5-day period following the eviction or lockout of a tenant, the landlord shall provide the former tenant a reasonable opportunity to retrieve essential personal effects, including, without limitation, medication, baby formula, basic clothing and personal care items. Any dispute relating to the reasonableness of the landlord's actions pursuant to this section may be resolved using the procedure provided in ~~subsection 9 of NRS 40.253.~~ **section 6 of this act.**

Sec. 17. NRS 118C.230 is hereby amended to read as follows:

118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.2542, ~~section 5 of this act.~~

Sec. 18. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to ~~NRS 40.2541~~ **section 6.5 of this act** within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to ~~NRS 40.2541~~ **section 6.5 of this act,**

↪ the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is

disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

Sec. 19. NRS 453.305 is hereby amended to read as follows:

453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.

2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.

3. The notices required by this section must:

- (a) Be written in language which is easily understood;
- (b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;
- (c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;
- (d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and
- (e) Advise the owner that:

(1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;

(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;

(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and

(4) The provisions of NRS 40.2514 and ~~40.254~~ **section 6.5 of this act** authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.

4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.

5. As used in this section, “tenant” means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

Sec. 20. NRS 645H.520 is hereby amended to read as follows:

645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:

- (a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;
- (b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;
- (c) Cleaning the interior or exterior of real property in foreclosure;
- (d) Providing repair or improvements for real property in foreclosure; and
- (e) Removing trash and debris from real property in foreclosure and the surrounding property.

2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:

(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company’s negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in ~~subsection 7 of NRS 40.253.~~
section 5 of this act.

Sec. 21. The amendatory provisions of sections 2 to 20, inclusive, of this act apply to an action for summary eviction which accrues on or after October 1, 2023.

Sec. 22. NRS 40.253 ~~11~~ and 40.254 ~~11 and 40.25421~~ are hereby repealed.

TEXT OF REPEALED SECTIONS

40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.

1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➡ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

- (a) Identify the court that has jurisdiction over the matter; and
- (b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

- (1) The date the tenancy commenced.
- (2) The amount of periodic rent reserved.
- (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.
- (4) The date the rental payments became delinquent.
- (5) The length of time the tenant has remained in possession without paying rent.
- (6) The amount of rent claimed due and delinquent.
- (7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.
- (8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,
➡ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than \$2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

40.254 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.

1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as

provided in NRS 40.253 except that written notice to surrender the premises must:

- (a) Be given to the tenant in accordance with the provisions of NRS 40.280;
- (b) Advise the tenant of the court that has jurisdiction over the matter; and
- (c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

~~40.2542 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant of commercial premises.~~

~~1. In addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:~~

~~(a) At or before noon of the fifth full day following the day of service; or~~

~~—(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.~~

~~→ As used in this subsection, “day of service” means the day the landlord or the landlord’s agent personally delivers the notice to the tenant. If personal service was not so delivered, the “day of service” means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the “day of service” shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.~~

~~— 2. A landlord or the landlord’s agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver a copy of the notice to the tenant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord’s agent:~~

~~—(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and~~

~~—(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord’s agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord’s agent.~~

~~— 3. A notice served pursuant to subsection 1 or 2 must:~~

~~—(a) Identify the court that has jurisdiction over the matter; and~~

~~—(b) Advise the tenant:~~

~~—(1) Of the tenant’s right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent; and~~

~~—(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order.~~

~~— 4. If the tenant files an affidavit pursuant to paragraph (b) of subsection 3 at or before the time stated in the notice, the landlord or the landlord’s agent,~~

after receipt of a file stamped copy of the affidavit, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

~~5. Upon noncompliance of the tenant with a notice served pursuant to subsection 1 or 2:~~

~~(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the commercial premises is located or to the district court of the county in which the commercial premises is located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:~~

~~(1) The date the tenancy commenced;~~

~~(2) The amount of periodic rent reserved;~~

~~(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;~~

~~(4) The date the rental payments became delinquent;~~

~~(5) The length of time the tenant has remained in possession without paying rent;~~

~~(6) The amount of rent claimed due and delinquent;~~

~~(7) A statement that the written notice was served on the tenant pursuant to subsection 1 or 2 or in accordance with NRS 40.280;~~

~~(8) A copy of the written notice served on the tenant;~~

~~(9) A copy of the signed written rental agreement, if any;~~

~~(b) Except when the tenant has timely filed an affidavit described in paragraph (b) of subsection 3 and a file stamped copy of the affidavit has been received by the landlord or the landlord's agent, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~6. Upon the filing by the tenant of an affidavit pursuant to paragraph (b) of subsection 3, regardless of the information contained in the affidavit and the filing by the landlord of an affidavit pursuant to paragraph (a) of subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord~~

~~thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.~~

~~7. A tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:~~

~~(a) The tenant has vacated or been removed from the premises; and~~

~~(b) A copy of those charges has been requested by or provided to the tenant, whichever is later.~~

~~8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~

~~(a) Determine the costs due, if any, claimed by the landlord pursuant to 118C.230 and any accumulating daily costs; and~~

~~(b) Order the release of the tenant's property upon the payment of the costs determined to be due or if no charges are determined to be due.~~

~~9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks.~~

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblywoman Jauregui moved that the Assembly recess until 3:30 p.m.

Motion carried.

Assembly in recess at 1:16 p.m.

ASSEMBLY IN SESSION

At 3:51 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 348.

Bill read second time.

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

Amendment No. 188.

AN ACT relating to education; creating the Virtual Early Childhood Family Engagement Pilot Program in the Department of Health and Human Services; ~~making an appropriation;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Early Childhood Advisory Council and requires the Council to develop recommendations for: (1) increasing the participation of children in early childhood education programs; and (2) the establishment of statewide standards for early childhood education programs. (NRS 432A.076) **Section 4** of this bill creates the Virtual Early Childhood Family Engagement Pilot Program within the Department of Health and Human Services. **Section 5** of this bill requires the Department to select a nonprofit organization that has demonstrated a record of success in virtual early childhood family engagement programs to administer the Program. **Section 6** of this bill requires the organization selected to administer the Program to: (1) create a plan to recruit parents, guardians and foster parents of children who are ~~4 years of age~~ **eligible to enter kindergarten for the next school year** throughout the State to participate in the Program; ~~and~~ (2) provide programming in reading, math and science to participating children and their parents, guardians or foster parents in their residences through ~~audiovisual communication technology;~~ **computers; and (3) provide the parents, guardians and foster parents of children participating in the Program with information concerning relevant government programs.** **Section 7** of this bill requires the organization selected to administer the Program to submit an annual report to the Department concerning: (1) the demographics of children who are participating in the Program; and (2) the success of the Program in preparing children for kindergarten. **Section 7** also requires the Department to submit similar reports to the Legislature. **Sections 2 and 3** of this bill define certain terms related to the Program. ~~[Section 8 of this bill makes an appropriation to the Department for the support of the Program.]~~

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

Section 1. As used in sections 1 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 3 of this act have the meaning ascribed to them in those sections.

Sec. 2. "Department" means the Department of Health and Human Services.

Sec. 3. "Program" means the Virtual Early Childhood Family Engagement Pilot Program created by section 4 of this act.

Sec. 4. 1. The Virtual Early Childhood Family Engagement Pilot Program is hereby created within the Department.

2. The purposes of the Program are to:

- (a) Provide training and coaching to empower parents and guardians of young children in the education of their child; and
- (b) Increase the readiness of children for kindergarten in every geographic area of this State.

Sec. 5. 1. The Department shall issue a request for proposals from organizations that are recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), to administer the Program.

2. The Department shall review the proposals submitted to the Department pursuant to subsection 1 and select to administer the Program an organization that has a record of success conducting virtual early childhood family engagement programs ~~throughout this State,~~ as demonstrated through independent, valid and reliable evaluations.

Sec. 6. 1. The organization selected to administer the Program pursuant to section 5 of this act shall:

(a) Create a plan to recruit parents, guardians and foster parents of children described in paragraph (a) of subsection 2 who are from diverse backgrounds and all geographic areas of the State to participate in the Program;

(b) Provide the programming described in paragraph (b) of subsection 2 to such children and their parents, guardians or foster parents in their residences through ~~audiovisual communication technology;~~ **a computer or similar device;**

(c) Provide for the installation of a computer or Internet service if the residence of the child or parent, guardian or foster parent lacks such a device or service; ~~and~~

(d) Effectively engage the parents, guardians and foster parents who participate in the Program to empower them in the education of their children ~~;~~ **and**

(e) At least twice during each school year that a child participates in the Program, and upon request of the parent, guardian or foster parent of a child who is participating in the Program, provide such parents, guardians or foster parents information in electronic form or in writing concerning relevant services and resources provided by the State and relevant political subdivisions of this State, including, without limitation:

(1) Any program that provides:

(I) Rental and housing assistance; or

(II) Subsidies for child care;

(2) The Kinship Guardianship Assistance Program established and administered by the Department pursuant to NRS 432B.622;

(3) Preschools that provide in-person instruction;

(4) Registration for kindergarten;

(5) Medicaid and the Children's Health Insurance Program;

(6) Temporary Assistance for Needy Families, as defined in NRS 422A.080;

(7) Supplemental Nutrition Assistance, as defined in NRS 422A.072;

(8) Early intervention services, as defined in NRS 427A.8715; and

(9) Programs for workforce development.

2. The Program must:

(a) Serve children who ~~are 4 years of age at the beginning of the school year,~~ **will be eligible to enter kindergarten for the next school year,** including, without limitation, children:

(1) Whose household has an income which is not more than 200 percent of the federally designated level signifying poverty;

(2) Who are in the foster care system; or

(3) Who reside in rural areas of this State.

(b) Utilize a developmentally appropriate, adaptive curriculum in reading, mathematics and science for the Program that:

(1) Is aligned to the *Head Start Early Learning Outcomes Framework: Ages Birth to Five* published by the Office of Head Start of the Administration for Children and Families of the United States Department of Health and Human Services and any standards of content and performance established for prekindergarten pursuant to NRS 389.520;

(2) Is aligned to the *WIDA Early Language Development Standards* prescribed by *WIDA*;

(3) Is certified as a Certified Autism Resource by the International Board of Credentialing and Continuing Education Standards; and

(4) Is endorsed by the Council of Administrators of Special Education.

(c) Ensure that the time a child is required by the Program to use a digital screen is less than the maximum amount of time recommended by the American Academy of Pediatrics for children who are 4 years of age to use a digital screen.

Sec. 7. 1. On or before July 30, 2024, and July 30, 2025, the organization selected to administer the Program pursuant to section 5 of this act shall submit a report to the Department which includes, without limitation:

(a) The number of children enrolled in the Program during the immediately preceding school year, in total and in each county of this State;

(b) The number and percentage of children described in paragraph (a) who meet each criterion identified in paragraph (a) of subsection 2 of section 6 of this act;

(c) The demographics of the children enrolled in the Program, if known, including, without limitation:

(1) Race;

(2) Ethnicity;

(3) Disability status;

(4) Household income;

(5) County of residence; and

(6) Language spoken at home;

(d) Quantitative data and, to the extent any is available, qualitative data that demonstrates the effectiveness of the Program at improving the abilities of a child in reading, writing and mathematics and the readiness of the children participating in the Program for kindergarten, including, without limitation:

(1) Data concerning the educational development of the children participating in the Program;

(2) The number of children who completed the Program and who are ready for kindergarten; and

(3) Data concerning the level of satisfaction that parents, guardians and foster parents have concerning the Program; and

(e) Any additional information determined by the Department to be necessary to evaluate the Program.

2. On or before September 30, 2024, and September 30, 2025, the Department shall compile a report of the data reported pursuant to subsection 1 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) In 2024, the next regular session of the Legislature; and

(b) In 2025, the Joint Interim Standing Committee on Education and the Joint Interim Standing Committee on Health and Human Services.

Sec. 8. ~~1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services to establish and implement the Virtual Early Childhood Family Engagement Pilot Program created by section 4 of this act the following sums:~~

~~For the Fiscal Year 2023-2024 \$4,000,000~~

~~For the Fiscal Year 2024-2025 \$4,000,000~~

~~2. The Department may allocate not more than 7.5 percent of the appropriated sum for each fiscal year to itself to administer the program.~~

~~3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years 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 must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, 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 20, 2024, and September 19, 2025, respectively.] (Deleted by amendment.)~~

Sec. 9. This act becomes effective on July 1, 2023, and expires by limitation on September 30, 2025.

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. 354.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 320.

AN ACT relating to firearms; prohibiting, under certain circumstances, the possession of a firearm in or within a certain distance of an election site; revising the definition of the term ~~["unfinished frame or receiver"]~~; **"firearms importer or manufacturer"; defining certain terms; prohibiting a person from engaging in certain acts relating to unfinished frames or receivers, ready frames or receivers and market frames or receivers; revising provisions relating to certain acts involving unfinished frames or receivers, ready frames or receivers and market frames or receivers which are not imprinted with a serial number under certain circumstances;** providing penalties; **repealing certain provisions relating to firearms;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from carrying or possessing certain weapons on the property of the Nevada System of Higher Education, a private or public school or a child care facility, or while in a vehicle of a private or public school or child care facility. (NRS 202.265) **Section 1** of this bill additionally prohibits a person from possessing or causing a firearm to be present in, or within 100 ~~yards~~ **feet** of an entrance to, a place the person knows or reasonably should know is an election site, unless the person: (1) is a law enforcement officer engaged in the performance of his or her official duties; (2) is a private guard or security personnel hired by the owner of the facility or property in which the election site is located; (3) possesses the firearm while in a vehicle, so long as the person does not brandish the firearm or remove the firearm from the vehicle; or (4) lawfully possesses a firearm in a place of residence, in a business or on private property that is located within 100 ~~yards~~ **feet** of an entrance to an election site. Under **section 1**, a person who violates this prohibition is guilty of a gross misdemeanor, except that if the person knowingly possesses a firearm or causes a firearm to be present with the specific intent to disrupt, interfere with or monitor the administration of the election, the counting of votes or any person who is voting or attempting to vote, then the person is guilty of a category D felony.

Existing law prohibits a person from selling, offering to sell or transferring an unfinished frame or receiver unless: (1) the person is a firearms importer or manufacturer, and the recipient of the unfinished frame or receiver is a firearms importer or manufacturer; or (2) the unfinished frame or receiver is required by federal law to be imprinted with a serial number issued by an importer or manufacturer, and the unfinished frame or receiver has been imprinted with the serial number. Existing law also prohibits a person from possessing, purchasing, transporting or receiving an unfinished frame or receiver unless: (1) the person is a firearms importer or manufacturer; or (2) the unfinished frame or receiver is required by federal law to be imprinted with a serial

number issued by a firearms importer or manufacturer, and the unfinished frame or receiver has been imprinted with the serial number. (NRS 202.3625, 202.363) Existing law defines the term ~~“unfinished frame or receiver”~~ **“firearms importer or manufacturer”** for the purposes of these prohibitions. (NRS 202.253) **Section 2 of this bill revises the definition of the term ~~“unfinished frame or receiver”~~ “firearms importer or manufacturer” to include a firearms dealer and sections 3-7 of this bill make conforming changes to reflect the changed definition.**

Section 4 of this bill additionally prohibits a person from selling, offering to sell or transferring an unfinished frame or receiver, ready frame or receiver or market frame or receiver unless: (1) the recipient of the unfinished frame or receiver, ready frame or receiver or market frame or receiver is a firearms dealer, importer or manufacturer; or (2) the unfinished frame or receiver, ready frame or receiver or market frame or receiver has been imprinted with a serial number issued by a firearms dealer, importer or manufacturer in accordance with federal law and any regulations adopted thereunder.

Section 5 of this bill prohibits a person from possessing, purchasing, transporting or receiving an unfinished frame or receiver, a ready frame or receiver or a market frame or receiver unless: (1) the recipient of the unfinished frame or receiver, ready frame or receiver or market frame or receiver is a firearms dealer, importer or manufacturer; or (2) the unfinished frame or receiver, ready frame or receiver or market frame or receiver has been imprinted with a serial number issued by a firearms dealer, importer or manufacturer in accordance with federal law and any regulations adopted thereunder.

Section 2 additionally defines the terms “market frame or receiver” and “ready frame or receiver” as used in ~~these~~ the prohibitions in ~~existing law~~ sections 4 and 5.

Section 9 of this bill makes a technical correction by repealing a provision relating to the sale of an unfinished frame or receiver that is no longer necessary.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, a person shall not possess or cause a firearm to be present in, or within 100 ~~yards~~ feet of the entrance of, a place the person knows or reasonably should know is an election site.*

2. *The provisions of subsection 1 do not apply to:*

(a) *A law enforcement officer who is employed by a federal, state or local law enforcement agency and carrying out official duties.*

(b) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the election site is located.

(c) The possession of a firearm in a vehicle that is located within 100 ~~yards~~ feet of an entrance to an election site, so long as the person does not brandish the firearm or remove the firearm from the vehicle.

(d) The otherwise lawful possession of a firearm in a residence, in a business or on private property that is located within 100 ~~yards~~ feet of an entrance to an election site.

3. A person shall not knowingly possess a firearm or cause a firearm to be present at an election site with the specific intent to disrupt, interfere with or monitor the administration of the election, the counting of votes or any person who is voting or attempting to vote.

4. A person who violates subsection 1 is guilty of a gross misdemeanor.

5. A person who violates subsection 3 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

6. As used in this section, “election site” means any:

(a) Polling place;

(b) Central counting place, as defined in NRS 293.0335; or

(c) Place a ballot box, as defined in NRS 293.026, or ballot drop box is present.

Sec. 2. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[-]~~, and section 1 of this act:

1. “Antique firearm” has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. “Explosive or incendiary device” means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. “Firearm” means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. “Firearm capable of being concealed upon the person” applies to and includes all firearms having a barrel less than 12 inches in length.

5. “Firearms dealer, importer or manufacturer” means a person licensed to deal, import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. “Machine gun” means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. “Market frame or receiver” means an object that is marketed or sold to the public to become or to be used as the frame or receiver of a firearm once completed, assembled or converted.

8. “Motor vehicle” means every vehicle that is self-propelled.

~~{9.}~~ **9. “Ready frame or receiver” means any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacturing where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm.**

10. “Semiautomatic firearm” means any firearm that:
(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;
(b) Requires a separate function of the trigger to fire each cartridge; and
(c) Is not a machine gun.

~~{9.}~~ **11. “Unfinished frame or receiver” means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined. ~~market frame or receiver or ready frame or receiver. As used in this subsection:~~**

~~—(a) “Market frame or receiver” means an object that is marketed or sold to the public to become or to be used as the frame or receiver of a firearm once completed, assembled or converted.~~

~~—(b) “Ready frame or receiver” means a forged, cast, printed, extruded or machined body or similar article that has an identifiable fire control cavity, even if that cavity has not been indexed or machined in any way.~~

Sec. 3. NRS 202.275 is hereby amended to read as follows:

202.275 1. Except as otherwise provided in subsection 3, a person who knowingly or willfully possesses, manufactures or disposes of any short-barreled rifle or short-barreled shotgun is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. For purposes of this section:

(a) “Short-barreled rifle” means:
(1) A rifle having one or more barrels less than 16 inches in length; or
(2) Any weapon made from a rifle, whether by alteration, modification or other means, with an overall length of less than 26 inches.

(b) “Short-barreled shotgun” means:
(1) A shotgun having one or more barrels less than 18 inches in length;
or

(2) Any weapon made from a shotgun, whether by alteration, modification or other means, with an overall length of less than 26 inches.

3. This section does not prohibit:

(a) The possession or use of any short-barreled rifle or short-barreled shotgun by any peace officer when authorized to do so in the performance of official duties;

(b) The possession of any short-barreled rifle or short-barreled shotgun by a person who is licensed as a firearms **dealer**, importer, manufacturer, collector or dealer by the United States Department of the Treasury, or by a person to

whom such a rifle or shotgun is registered with the United States Department of the Treasury; or

(c) The possession of any short-barreled rifle or short-barreled shotgun that has been determined to be a collector's item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.

Sec. 4. NRS 202.3625 is hereby amended to read as follows:

202.3625 1. A person shall not sell, offer to sell or transfer an unfinished frame or receiver **, ready frame or receiver or market frame or receiver** unless:

(a) The ~~person is~~

~~— (1) A firearms importer or manufacturer; and~~

~~— (2) The~~ recipient of the unfinished frame or receiver **, ready frame or receiver or market frame or receiver** is a firearms **dealer**, importer or manufacturer; or

(b) The unfinished frame or receiver ~~is required by federal law to be imprinted with a serial number issued by an importer or manufacturer and the unfinished~~ **, ready frame or receiver or market frame or receiver** has been imprinted with ~~the~~ **a serial number issued by a firearms dealer, importer or manufacturer in accordance with federal law and any regulations adopted thereunder.**

2. A person who violates this section:

(a) For the first offense, is guilty of a gross misdemeanor; and

(b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 5. NRS 202.363 is hereby amended to read as follows:

202.363 1. A person shall not possess, purchase, transport or receive an unfinished frame or receiver **, ready frame or receiver or market frame or receiver** unless:

(a) The person is a firearms **dealer**, importer or manufacturer; or

(b) The unfinished frame or receiver ~~is required by federal law to be~~ **, ready frame or receiver or market frame or receiver has been** imprinted with a serial number issued by a firearms **dealer**, importer or manufacturer ~~and the unfinished frame or receiver has been imprinted with the serial number.~~ **in accordance with federal law and any regulations adopted thereunder.**

2. A person who violates this section:

(a) For the first offense, is guilty of a gross misdemeanor; and

(b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 6. NRS 202.3635 is hereby amended to read as follows:

202.3635 1. A person shall not manufacture or cause to be manufactured or assemble or cause to be assembled a firearm that is not imprinted with a serial number issued by a firearms **dealer**, importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless the firearm:

(a) Has been rendered permanently inoperable;

- (b) Is an antique firearm; or
- (c) Has been determined to be a collector's item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.

2. A person who violates this section:

- (a) For the first offense, is guilty of a gross misdemeanor; and
- (b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

- (a) "Assemble" means to fit together component parts.
- (b) "Manufacture" means to fabricate, make, form, produce or construct by manual labor or machinery.

Sec. 7. NRS 202.364 is hereby amended to read as follows:

202.364 1. A person shall not possess, sell, offer to sell, transfer, purchase, transport or receive a firearm that is not imprinted with a serial number issued by a firearms **dealer**, importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless:

- (a) The person is:
 - (1) A law enforcement agency; or
 - (2) A firearms **dealer**, importer or manufacturer; or
- (b) The firearm:
 - (1) Has been rendered permanently inoperable;
 - (2) Was manufactured before 1969;
 - (3) Is an antique firearm; or
 - (4) Has been determined to be a collector's item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.

2. A person who violates this section:

- (a) For the first offense, is guilty of a gross misdemeanor; and
- (b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 239C.065.

Sec. 8. 1. The amendatory provisions of this act do not apply to a person who possesses a ready frame or receiver or a market frame or receiver before October 1, 2023.

2. As used in this section:

- (a) "Market frame or receiver" means an object that is marketed or sold to the public to become or to be used as the frame or receiver of a firearm once completed, assembled or converted.**
- (b) "Ready frame or receiver" means any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacturing where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm.**

Sec. 9. NRS 202.3645 is hereby repealed.

TEXT OF REPEALED SECTION

202.3645 Exception to prohibition on sale of unfinished frame or receiver or firearm without serial number. Nothing in the provisions of NRS 202.3625 to 202.364, inclusive, shall be deemed to prohibit the sale of an unfinished frame or receiver or firearm that is not imprinted with a serial number to a firearms importer or manufacturer or a licensed dealer before January 1, 2022. As used in this section, “licensed dealer” has the meaning ascribed to it in NRS 202.2546.

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. 364.

Bill read second time.

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

Amendment No. 441.

The Sponsor List of Assembly Bill No. 364 is hereby amended as follows:

ASSEMBLYMEN COHEN, O’NEILL; ANDERSON, BROWN- MAY, DICKMAN ,
D’SILVA AND GORELOW

The Title of Assembly Bill No. 364 is hereby amended as follows:

AN ACT relating to physician assistants; prescribing the settings in which a physician assistant is authorized to practice; ~~expanding~~ **revising** the membership of the Board of Medical Examiners; authorizing physician assistants to perform medical services without the supervision of a physician; authorizing a physician assistant to perform certain medical services under certain circumstances; eliminating provisions governing the testing or examination of applicants for licensure as a physician assistant; prescribing certain authority and duties of a physician assistant and an advanced practice registered nurse; authorizing certain unlicensed persons to use the title “inactive physician assistant”; removing the requirement that a rural clinic be supervised by a physician; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel’s Digest will be changed as follows:

Legislative Counsel’s Digest:

Existing law: (1) provides for the licensure and regulation of physician assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; and (2) requires a physician assistant to work under the supervision of a physician or osteopathic physician. (NRS 630.271, 630.275, 633.432-633.469) **Sections 5, 10-12, 24 and 26-28** of this bill remove the requirement that a physician assistant be supervised by a physician or osteopathic physician. **Sections 9, 21, 29, 30, 32, 35, 36, 81-84, 90, 98, 168, 169 and 204** of this bill remove references to supervision of a physician assistant by a physician or osteopathic physician. **Sections 4 and 23** of this bill

require a physician assistant who has practiced for less than ~~4,000~~ **6,000** hours as a physician assistant **or who has changed the field of medicine within which the physician assistant practices** to enter into a collaborative agreement with a physician. **Sections 4 and 23** also prescribe the settings in which a physician assistant is authorized to practice. **Sections 10 and 26** of this bill: (1) require a physician assistant to obtain the informed consent of a patient before providing any medical service; (2) prescribe medical services that a physician assistant is authorized to perform; and (3) require a physician assistant to only perform such services within his or her scope of practice and which he or she has the necessary education, training and experience to competently perform. **Sections 12 and 28** of this bill remove a requirement that the Board of Medical Examiners and the State Board of Osteopathic Medicine adopt regulations governing the testing or examination of applicants for licensure as a physician assistant and the services which a physician assistant may perform. **Section 30** makes a technical revision concerning the renewal of a license as an osteopathic physician assistant. **Sections 1-3, 13-16, 18-20, 22, 25, 31-34, 37-80, 85-89, 91-97, 99-127, 129-167 and 170-201** of this bill make various changes so that physician assistants have similar authority and duties to other providers of health care who provide medical services independently and are otherwise treated in the same manner as other such providers of health care. **Sections 54, 56, 70, 126, 142 and 178** of this bill also add advanced practice registered nurses to certain provisions to ensure that physician assistants and advanced practice registered nurses have similar authority.

Existing law provides that the Board of Medical Examiners consists of: (1) six licensed physicians; (2) one representative of the interests of persons or agencies that regularly provide health care to persons who are indigent, uninsured or unable to afford health care; and (3) two residents of this State who are not affiliated with the healing arts. (NRS 631.050) Existing law also authorizes the Board to select physicians and members of the public to serve as advisory members of the Board. (NRS 630.075) **Sections ~~6, 7~~ and 202** of this bill **revise the membership of the Board to eliminate one member who is a licensed physician and instead** require the appointment of ~~two additional members of the Board who are~~ **one member who is a physician assistant.** **Section 8** of this bill authorizes the Board to select physician assistants to serve as advisory members of the Board.

Existing law prohibits a person who is not licensed as a physician assistant from holding himself or herself out as a physician assistant. (NRS 630.400, 633.741) **Sections 17 and 32** of this bill authorize an unlicensed person who meets the requirements for licensure as a physician assistant to refer to himself or herself as an “inactive physician assistant.”

Existing law requires the State Board of Pharmacy to adopt regulations governing the: (1) administration, possession, dispensing, storage, security, recordkeeping and transportation of controlled substances by a physician assistant; and (2) administration, possession, prescription, dispensing, storage,

security, recordkeeping and transportation of dangerous drugs, poisons and devices by a physician assistant. (NRS 639.1373) **Section 36** removes a requirement that the Board consider the experience and training of the physician assistant when adopting those regulations.

Existing law establishes a rural clinic as a medical facility in a rural area where medical services are provided by a physician assistant or advanced practice registered nurse under the supervision of a physician. (NRS 449.0175) **Section 128** of this bill removes the requirement that a rural clinic be supervised by a physician.

Section 4 of Assembly Bill No. 364 is hereby amended as follows:

Sec. 4. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A physician assistant may practice at:

(a) A medical facility, any facility licensed pursuant to chapter 449 of NRS or any facility that has established a system for evaluating the credentials of and granting practice privileges to physician assistants;

(b) A facility or medical practice owned by a physician or osteopathic physician or a group of physicians or osteopathic physicians;

(c) A federally-qualified health center, as defined in 42 U.S.C. § 1396d(l)(2)(B);

(d) A correctional facility or institution;

(e) A state, county, city or district health department; or

(f) Any other location authorized by regulation of the Board.

2. A physician assistant who has practiced as a physician assistant for less than ~~4,000~~ 6,000 hours shall enter into a written collaborative agreement with a physician that prescribes the manner in which the physician and physician assistant will collaborate. Upon request of the Board, the physician assistant shall provide the collaborative agreement to the Board.

3. A physician assistant who changes the field of medicine within which the physician assistant practices must enter into a written collaborative agreement with a physician pursuant to subsection 2 until the physician assistant has practiced as a physician assistant in that field of medicine for not less than 6,000 hours.

Section 6 of Assembly Bill No. 364 is hereby amended as follows:

Sec. 6. ~~NRS 630.050 is hereby amended to read as follows:~~

~~630.050 1. The Board of Medical Examiners consists of [nine] 11 members appointed by the Governor.~~

~~2. No person may be appointed as a member of the Board to serve for more than two consecutive full terms, but a person may be reappointed after the lapse of 4 years.] (Deleted by amendment.)~~

Section 7 of Assembly Bill No. 364 is hereby amended as follows:

Sec. 7. NRS 630.060 is hereby amended to read as follows:

630.060 1. ~~Six~~ **Five** members of the Board must be persons who are licensed to practice medicine in this State, are actually engaged in the practice

of medicine in this State and have resided and practiced medicine in this State for at least 5 years preceding their respective appointments.

2. ~~{Two members}~~ One member of the Board must be ~~persons}~~ a person who ~~here}~~ is licensed to practice as a physician ~~assistant}~~ assistant in this State, ~~here}~~ is actually engaged in practice as a physician ~~assistant}~~ assistant in this State and ~~have}~~ has resided and practiced as a physician ~~assistant}~~ assistant in this State for at least 5 years preceding ~~their respective appointments}~~ his or her appointment.

3. One member of the Board must be a person who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member must not be licensed under the provisions of this chapter.

~~{3.}~~ 4. The remaining two members of the Board must be persons who have resided in this State for at least 5 years and who:

- (a) Are not licensed in any state to practice any healing art;
- (b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;
- (c) Are not actively engaged in the administration of any facility for the dependent as defined in chapter 449 of NRS, medical facility or medical school; and
- (d) Do not have a pecuniary interest in any matter pertaining to the healing arts, except as a patient or potential patient.

~~{4.}~~ 5. The members of the Board must be selected without regard to their individual political beliefs.

Section 23 of Assembly Bill No. 364 is hereby amended as follows:

Sec. 23. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A physician assistant shall practice at:*

(a) *A medical facility, any other facility licensed pursuant to chapter 449 of NRS or any facility that has established a system for evaluating the credentials of and granting practice privileges to physician assistants;*

(b) *A facility or medical practice owned by a physician or osteopathic physician or a group of physicians or osteopathic physicians;*

(c) *A federally-qualified health center, as defined in 42 U.S.C. § 1396d(l)(2)(B);*

(d) *A correctional facility or institution;*

(e) *A state, county, city or district health department; or*

(f) *Any other location authorized by regulation of the Board.*

2. *A physician assistant who has practiced as a physician assistant for less than ~~{4,000}~~ 6,000 hours shall enter into a written collaborative agreement with an osteopathic physician that prescribes the manner in which the osteopathic physician and physician assistant will collaborate. Upon request of the Board, the physician assistant shall provide the collaborative agreement to the Board.*

3. A physician assistant who changes the field of medicine within which the physician assistant practices must enter into a written collaborative agreement with a physician pursuant to subsection 2 until the physician assistant has practiced as a physician assistant in that field of medicine for not less than 6,000 hours.

Section 202 of Assembly Bill No. 364 is hereby amended as follows:

Sec. 202. ~~{1. On or }~~ **The amendatory provisions of section 7 of this act do not affect the current term of appointment of any person who, before ~~{July 1, 2023,}~~ the effective date of that section, is a member of the Board of Medical Examiners, and each member continues to serve until the expiration of his or her term or until the member vacates his or her office, whichever occurs first. On and after the effective date of section 7 of this act,** the Governor shall ~~{appoint}~~ **make appointments** to the Board of Medical Examiners ~~{the members described in subsection 2 of }~~ **in accordance with** NRS 630.060, as amended by section 7 of this act.

~~{2. In making the appointments described in subsection 2 of NRS 630.060, as amended by section 7 of this act, the Governor shall appoint the new members to staggered terms of 2 and 4 years.}~~

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. 371.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 262.

AN ACT relating to parentage; adopting provisions of the Uniform Parentage Act; revising provisions relating to the establishment of a parent and child relationship and the presumption of parentage; establishing provisions concerning the voluntary acknowledgment of parentage and denial of parentage by certain persons; authorizing the State Board of Health to adopt regulations relating to an acknowledgment of parentage or denial of parentage; establishing provisions governing genetic testing in proceedings to adjudicate parentage; establishing and revising various provisions relating to proceedings to adjudicate parentage; authorizing a person who claims to be a de facto parent of a child to be adjudicated as a parent of the child in certain circumstances; authorizing a court to adjudicate a child to have more than two parents in certain circumstances; establishing and revising provisions relating to assisted reproduction and gestational agreements; providing for the right of a gestational carrier to make all health care decisions regarding the gestational carrier and the pregnancy of the gestational carrier; repealing various provisions relating to parentage; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth provisions governing parentage and the establishment of parent and child relationships. (Chapter 126 of NRS) **Sections 28-91** of this bill generally replace such provisions with provisions modeled after those of the Uniform Parentage Act (hereinafter “UPA”), adopted by the Uniform Law Commission in 2017. **Sections 4-26** of this bill define terms for the purposes of chapter 126 of NRS that are modeled after the definitions of the terms used in the UPA.

Existing law provides the manners in which the legal relationship of a mother and child can be established, including: (1) except in the case of a gestational agreement, proof that a woman gave birth to a child; (2) an adjudication that a woman is the mother of a child; (3) proof that a woman has adopted a child; (4) an un rebutted presumption of a woman’s maternity; (5) the consent of a woman to assisted reproduction that resulted in the birth of a child; or (6) an adjudication confirming a woman as a parent of a child born to a gestational carrier. (NRS 126.041) Existing law also provides the manners in which the legal relationship of a father and child can be established, including: (1) an adjudication that a man is the father of a child; (2) proof that a man has adopted a child; (3) the consent of a man to assisted reproduction that resulted in the birth of a child; (4) an adjudication confirming a man as a parent of a child born to a gestational carrier; (5) a presumption of paternity that arises if a man was married to or cohabiting with the natural mother of a child or resides with and holds out a child as his natural child; (6) genetic testing establishing a man as the father of a child; or (7) a voluntary acknowledgment of paternity by a man. (NRS 126.041, 126.051, 126.053) **Section 34** of this bill uses the gender-neutral language of the UPA to set forth the circumstances in which a parent and child relationship is established between a person and a child. Similarly, **section 37** of this bill uses the gender-neutral language of the UPA to establish the circumstances in which a person is presumed to be a parent of a child.

Sections 38-51 of this bill establish provisions modeled after those of the UPA relating to the voluntary acknowledgment or voluntary denial of parentage by certain persons, including provisions relating to the requirements for, rescission of and challenge to an acknowledgment of parentage or denial of parentage. **Section 42** of this bill provides that, unless an acknowledgment of parentage or denial of parentage is rescinded or challenged, such an acknowledgment of parentage or denial of parentage that meets all requirements of law and is filed with the State Registrar of Vital Statistics is equivalent to an adjudication of the parentage of a child or the nonparentage of a person, respectively. **Section 43** of this bill prohibits the State Registrar of Vital Statistics from charging a fee for filing an acknowledgment of parentage or denial of parentage, and **section 51** of this bill authorizes the State Board of Health to adopt any necessary regulations relating to an acknowledgment of parentage or denial of parentage.

Existing law provides that in an action to determine paternity, a court is authorized or required, depending on the circumstances, to order genetic testing of a mother, child, alleged father or any other person. (NRS 126.121) **Sections 52-68** of this bill establish various provisions modeled after those of the UPA concerning genetic testing, including: (1) the limitation on the use of genetic testing; (2) the authority to order , **facilitate** or deny genetic testing; (3) the requirements of genetic testing; (4) reports and costs of genetic testing; (5) additional genetic testing when a result is contested; (6) genetic testing when a specimen is not available from an alleged genetic parent; and (7) genetic testing of a deceased person or identical sibling. **Section 68** of this bill provides that a person commits a misdemeanor if, without proper authority, he or she intentionally releases an identifiable specimen of another person collected for genetic testing for a purpose not relevant to a proceeding regarding parentage.

Existing law establishes various provisions relating to an action to determine paternity or maternity. (NRS 126.071-126.231) **Sections 69-89** of this bill replace several of those provisions with provisions modeled after those of the UPA governing proceedings to adjudicate parentage. Existing law provides that if an action to determine paternity is brought before the birth of a child, all proceedings are generally required to be stayed until after the birth of the child. (NRS 126.071) **Section 84** of this bill instead authorizes a proceeding to adjudicate parentage to be commenced and an order or judgment to be entered before the birth of a child, but requires enforcement of the order or judgment to be stayed until after the birth of the child.

Existing law does not bar an action to determine paternity until 3 years after a child reaches the age of majority. (NRS 126.081) **Sections 75 and 76** of this bill instead provide that a proceeding to determine whether an alleged genetic parent or presumed parent, respectively, is a parent of a child may be commenced after the child becomes an adult if the child initiates the proceeding.

Existing law requires that an informal hearing be held after an action to determine paternity has been brought and further requires a court to attempt to resolve the issues raised in the action during the pretrial hearing. (NRS 126.111) **Section 136** of this bill repeals the provisions relating to such a pretrial hearing, as the UPA does not require any such pretrial hearing to be conducted.

Section 77 of this bill authorizes a person who claims to be a de facto parent of a child to commence a proceeding to establish parentage of the child if the child is alive and less than 18 years of age. **Section 77** provides that a person who claims to be a de facto parent of a child must be adjudicated as a parent of the child if there is only one other person who is a parent or has a claim to parentage of the child and the person who claims to be a de facto parent can demonstrate certain facts by clear and convincing evidence. **Section 81** of this bill authorizes a court to adjudicate a child to have more than two parents if

the court finds that failure to recognize more than two parents would be detrimental to the child.

Existing law establishes provisions concerning assisted reproduction and gestational surrogacy. (NRS 126.500-126.810) This bill establishes only certain provisions modeled after those of the UPA relating to such matters. **Section 92** of this bill establishes provisions relating to the parental status of certain persons who die before a child is conceived by assisted reproduction. **Section 93** of this bill authorizes a party to a gestational agreement to terminate the agreement at any time before an embryo transfer or, if an embryo transfer does not result in pregnancy, at any time before a subsequent embryo transfer.

Existing law requires that a gestational agreement provide for the express written agreement of the gestational carrier to undergo embryo or gamete transfer and attempt to carry and give birth to any resulting child. (NRS 126.750) **Section 107** of this bill specifies that a gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including whether to: (1) consent to a cesarean section or the transfer of multiple embryos; (2) use the services of a health care practitioner chosen by the gestational carrier; (3) terminate or continue the pregnancy; and (4) reduce or retain the number of fetuses or embryos carried by the gestational carrier. **Section 107** provides that any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Existing law provides that the subsequent marriage or domestic partnership of a gestational carrier after the execution of a gestational agreement does not affect the validity of the agreement. (NRS 126.770) **Section 108** of this bill provides that the subsequent marriage, domestic partnership or divorce of any party to a gestational agreement does not affect the validity of the agreement unless the agreement expressly provides otherwise.

Existing law provides that if a gestational carrier breaches a gestational agreement, a specific performance remedy that would require the gestational carrier to be impregnated is prohibited. (NRS 126.780) **Section 109** of this bill instead provides that specific performance is not an available remedy with regard to a gestational agreement except to enforce any provision in the agreement that is necessary to enable the intended parents to exercise the full rights of parentage immediately upon the birth of the child, if the intended parents are being prevented from exercising such rights.

Sections 98-106 of this bill make various other changes to the provisions of existing law concerning assisted reproduction and gestational surrogacy.

Section 136 repeals provisions of existing law that are not necessary because of the establishment of the provisions modeled after those of the UPA in **sections 28-91**.

Sections 1, 94-97, 110-133 and 136 of this bill make conforming changes to reflect the revisions made to existing law because of the establishment of the provisions modeled after those of the UPA in **sections 28-91** and the repeal of unnecessary provisions in **section 136**.

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

Section 1. NRS 125C.003 is hereby amended to read as follows:

125C.003 ~~{1.}~~ A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:

~~{(a)}~~ **1.** The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;

~~{(b)}~~ A child is born out of wedlock and the provisions of subsection 2 are applicable; or

~~{(c)}~~ **2.** Except as otherwise provided in subsection 6 of NRS 125C.0035 or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this ~~{paragraph}~~ **subsection** is a rebuttable presumption.

~~{2.} A court may award primary physical custody of a child born out of wedlock to:~~

~~—(a) The mother of the child if:~~

~~—(1) The mother has not married the father of the child;~~

~~—(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and~~

~~—(3) The father of the child:~~

~~—(I) Is not subject to any presumption of paternity under NRS 126.051;~~

~~—(II) Has never acknowledged paternity pursuant to NRS 126.053; or~~

~~—(III) Has had actual knowledge of his paternity but has abandoned the child.~~

~~—(b) The father of the child if:~~

~~—(1) The mother has abandoned the child; and~~

~~—(2) The father has provided sole care and custody of the child in her absence.~~

~~3. As used in this section:~~

~~—(a) “Abandoned” means that a mother or father has:~~

~~—(1) Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or~~

~~—(2) Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.~~

~~—(b) “Expedited process” has the meaning ascribed to it in NRS 126.161.]~~

Sec. 2. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 93, inclusive, of this act.

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 26, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Acknowledged parent” means a person who has established a parent and child relationship under sections 38 to 51, inclusive, of this act.*

Sec. 5. *“Adjudicated parent” means a person who has been adjudicated to be a parent of a child by a court with jurisdiction.*

Sec. 6. *“Alleged genetic parent” means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child*

whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother. The term does not include:

- 1. A presumed parent;*
- 2. A person whose parental rights have been terminated or declared not to exist; or*
- 3. A donor.*

Sec. 7. *“Assisted reproduction” means a method of causing pregnancy other than sexual intercourse. The term includes:*

- 1. Intrauterine or intracervical insemination;*
- 2. Donation of gametes;*
- 3. Donation of embryos;*
- 4. In vitro fertilization and transfer of embryos; and*
- 5. Intracytoplasmic sperm injection.*

Sec. 8. *“Birth” includes stillbirth.*

Sec. 9. *“Child” means a person of any age whose parentage may be determined under sections 28 to 91, inclusive, of this act.*

Sec. 10. *“Child support agency” means a governmental entity, public official or private agency authorized to provide parentage-establishment services under Title IV-D of the Social Security Act, 42 U.S.C. §§ 651 to 669, inclusive.*

Sec. 11. *“Custodial parent” means a parent who has been awarded physical custody of a child or, if no award of physical custody has been made by a court, the parent with whom the child resides.*

Sec. 12. *“Determination of parentage” means establishment of a parent and child relationship by a judicial or administrative proceeding or signing of a valid acknowledgment of parentage under sections 38 to 51, inclusive, of this act.*

Sec. 13. *“Donor” means a person who provides gametes intended for use in assisted reproduction, whether or not for consideration. The term does not include:*

- 1. A person who gives birth to a child conceived by assisted reproduction, except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or*

2. A parent or an intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 14. “Gamete” means a sperm or egg.

Sec. 15. “Genetic testing” means an analysis of genetic markers to identify or exclude a genetic relationship.

Sec. 16. “Intended parent” means a person, married or unmarried, or in or not in a domestic partnership, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction.

Sec. 17. “Parent” means a person who has established a parent and child relationship under section 34 of this act.

Sec. 18. “Parentage” or “parent and child relationship” means the legal relationship between a child and a parent of the child.

Sec. 19. “Person” means a natural person of any age.

Sec. 20. “Presumed parent” means a person who under section 37 of this act is presumed to be a parent of a child, unless the presumption is overcome in a judicial proceeding, a valid denial of parentage is made under sections 38 to 51, inclusive, of this act or a court adjudicates the person to be a parent.

Sec. 21. “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 22. “Sign” means, with present intent to authenticate or adopt a record:

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 23. “Signatory” means a person who signs a record.

Sec. 24. “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession under the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

Sec. 25. “Transfer” means a procedure for assisted reproduction by which an embryo is placed in the body of the person who will give birth to the child.

Sec. 26. “Witnessed” means that at least one person who is authorized to sign has signed a record to verify that the person personally observed a signatory sign the record.

Sec. 27. As used in this chapter, unless the context otherwise requires, any reference to the father of a child or the mother of a child includes a parent of any gender, and any reference to paternity is equally applicable to parentage.

Sec. 28. Sections 28 to 91, inclusive, of this act may be cited as the Uniform Parentage Act (2017).

Sec. 29. 1. Sections 28 to 91, inclusive, of this act apply to an adjudication or determination of parentage.

2. Sections 28 to 91, inclusive, of this act do not create, affect, enlarge or diminish parental rights or duties under law of this State other than sections 28 to 91, inclusive, of this act.

Sec. 30. Each district court may adjudicate parentage under sections 28 to 91, inclusive, of this act.

Sec. 31. In any proceeding in which a court of this State has jurisdiction to determine the parentage of a child, the court shall apply the law of this State to adjudicate parentage. The applicable law does not depend on:

1. The place of birth of the child; or
2. The past or present residence of the child.

Sec. 32. A proceeding under sections 28 to 91, inclusive, of this act is subject to law of this State other than sections 28 to 91, inclusive, of this act which governs the health, safety, privacy and liberty of a child or other person who could be affected by disclosure of information that could identify the child or other person, including, without limitation, address, telephone number, digital contact information, place of employment, social security number and the child's day care facility or school.

Sec. 33. To the extent practicable, a provision of sections 28 to 91, inclusive, of this act applicable to a father and child relationship applies to a mother and child relationship and a provision of sections 28 to 91, inclusive, of this act applicable to a mother and child relationship applies to a father and child relationship.

Sec. 34. A parent and child relationship is established between a person and a child if:

1. The person gives birth to the child, except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act;
2. There is a presumption under section 37 of this act of the person's parentage of the child, unless the presumption is overcome in a judicial proceeding or a valid denial of parentage is made under sections 38 to 51, inclusive, of this act;
3. The person is adjudicated a parent of the child by a court of this State or any other state;
4. The person adopts the child;
5. The person acknowledges parentage of the child under sections 38 to 51, inclusive, of this act, unless the acknowledgment is rescinded under section 45 of this act or successfully challenged under sections 38 to 51, inclusive, or sections 69 to 89, inclusive, of this act; or
6. The person's parentage of the child is established under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 35. A parent and child relationship extends equally to every child and parent, regardless of the marital status of the parent.

Sec. 36. Unless parental rights are terminated, a parent and child relationship established under sections 28 to 91, inclusive, of this act applies for all purposes.

Sec. 37. 1. A person is presumed to be a parent of a child if:

(a) Except as otherwise provided under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act or law of this State other than sections 28 to 91, inclusive, of this act:

(1) The person and the person who gave birth to the child are married to or in a domestic partnership with each other and the child is born during the marriage or domestic partnership, whether the marriage or domestic partnership is or could be declared invalid;

(2) The person and the person who gave birth to the child were married to or in a domestic partnership with each other and the child is born not later than 300 days after the marriage or domestic partnership is terminated by death, divorce, dissolution, annulment or declaration of invalidity, or after a decree of separation or separate maintenance, whether the marriage or domestic partnership is or could be declared invalid; or

(3) The person and the person who gave birth to the child married or entered into a domestic partnership with each other after the birth of the child, whether the marriage or domestic partnership is or could be declared invalid, the person at any time asserted parentage of the child, and:

(I) The assertion is in a record filed with the State Registrar of Vital Statistics; or

(II) The person agreed to be and is named as a parent of the child on the birth certificate of the child; or

(b) The person resided in the same household with the child for the first 2 years of the life of the child, including any period of temporary absence, and openly held out the child as the person's child.

2. A presumption of parentage under this section may be overcome, and competing claims to parentage may be resolved, only by an adjudication under sections 69 to 89, inclusive, of this act or a valid denial of parentage under sections 38 to 51, inclusive, of this act.

Sec. 38. A person who gave birth to a child and an alleged genetic parent of the child, intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, or presumed parent may sign an acknowledgment of parentage to establish the parentage of the child.

Sec. 39. 1. An acknowledgment of parentage under section 38 of this act must:

(a) Be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent and child relationship, and the signatures must be attested by an electronic notary public or other notarial officer or signed by at least one witness;

(b) State that the child whose parentage is being acknowledged:

(1) Does not have a presumed parent other than the person seeking to establish the parent and child relationship or has a presumed parent whose full name is stated; and

(2) Does not have another acknowledged parent, adjudicated parent or person who is a parent of the child under NRS 126.500 to 126.810, inclusive,

and sections 92 and 93 of this act other than the person who gave birth to the child; and

(c) State that the signatories understand that the acknowledgement is the equivalent of an adjudication of parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred 2 years after the effective date of the acknowledgment.

2. An acknowledgment of parentage is void if, at the time of signing:

(a) A person other than the person seeking to establish parentage is a presumed parent, unless a denial of parentage by the presumed parent in a signed record is filed with the State Registrar of Vital Statistics; or

(b) A person, other than the person who gave birth to the child or the person seeking to establish parentage, is an acknowledged or adjudicated parent or a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 40. A presumed parent or alleged genetic parent may sign a denial of parentage in a record. The denial of parentage is valid only if:

1. An acknowledgment of parentage by another person is filed under section 42 of this act;

2. The signature of the presumed parent or alleged genetic parent is attested by an electronic notary public or other notarial officer or signed by at least one witness; and

3. The presumed parent or alleged genetic parent has not previously:

(a) Completed a valid acknowledgment of parentage for the same child, unless the previous acknowledgment was rescinded under section 45 of this act or challenged successfully under section 46 of this act; or

(b) Been adjudicated to be a parent of the child.

Sec. 41. 1. An acknowledgment of parentage and a denial of parentage may be contained in a single document or may be in counterparts and may be filed with the State Registrar of Vital Statistics separately or simultaneously. If filing of the acknowledgment and denial both are required under sections 28 to 91, inclusive, of this act, neither is effective until both are filed.

2. An acknowledgment of parentage or denial of parentage may only be signed after the birth of the child.

3. Subject to subsection 1, an acknowledgment of parentage or denial of parentage takes effect on the filing of the document with the State Registrar of Vital Statistics.

4. An acknowledgment of parentage or denial of parentage signed by a person who is a minor is valid if the acknowledgment complies with sections 28 to 91, inclusive, of this act.

Sec. 42. 1. Except as otherwise provided in sections 45 and 46 of this act, an acknowledgment of parentage that complies with sections 38 to 51, inclusive, of this act and is filed with the State Registrar of Vital Statistics is equivalent to an adjudication of parentage of the child and confers on the acknowledged parent all rights and duties of a parent.

2. Except as otherwise provided in sections 45 and 46 of this act, a denial of parentage by a presumed parent or alleged genetic parent which complies with sections 38 to 51, inclusive, of this act and is filed with the State Registrar of Vital Statistics with an acknowledgment of parentage that complies with sections 38 to 51, inclusive, of this act is equivalent to an adjudication of the nonparentage of the presumed parent or alleged genetic parent who signed the denial and discharges the presumed parent or alleged genetic parent who signed the denial from all rights and duties of a parent.

Sec. 43. The State Registrar of Vital Statistics may not charge a fee for filing an acknowledgment of parentage or denial of parentage.

Sec. 44. A court conducting a judicial proceeding or an administrative agency conducting an administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of parentage. A court may determine that a person who signed an acknowledgment of parentage is a parent in a later proceeding based on other grounds.

Sec. 45. 1. A signatory may rescind an acknowledgment of parentage or denial of parentage by filing with the State Registrar of Vital Statistics a rescission in a signed record which is attested by an electronic notary public or notarial officer or signed by at least one witness, before the earlier of:

(a) Sixty days after the effective date under section 41 of this act of the acknowledgment or denial; or

(b) The date of the first hearing before a court in a proceeding, to which the signatory is a party, to adjudicate an issue relating to the child, including a proceeding that establishes support.

2. If an acknowledgment of parentage is rescinded under subsection 1, an associated denial of parentage is invalid, and the State Registrar of Vital Statistics shall notify the person who gave birth to the child and the person who signed a denial of parentage of the child that the acknowledgment has been rescinded. Failure to give the notice required by this subsection does not affect the validity of the rescission.

Sec. 46. 1. After the period for rescission under section 45 of this act expires, but not later than 2 years after the effective date under section 41 of this act of an acknowledgment of parentage or denial of parentage, a signatory of the acknowledgment or denial may commence a proceeding to challenge the acknowledgment or denial only on the basis of fraud, duress or material mistake of fact.

2. A challenge to an acknowledgment of parentage or denial of parentage by a person who was not a signatory to the acknowledgment or denial is governed by section 78 of this act.

Sec. 47. 1. Every signatory to an acknowledgment of parentage and any related denial of parentage must be made a party to a proceeding to challenge the acknowledgment or denial.

2. By signing an acknowledgment of parentage or denial of parentage, a signatory submits to personal jurisdiction in this State in a proceeding to

challenge the acknowledgment or denial, effective on the filing of the acknowledgment or denial with the State Registrar of Vital Statistics.

3. The court may not suspend the legal responsibilities arising from an acknowledgment of parentage, including the duty to pay child support, during the pendency of a proceeding to challenge the acknowledgment or a related denial of parentage, unless the party challenging the acknowledgment or denial shows good cause.

4. A party challenging an acknowledgment of parentage or denial of parentage has the burden of proof.

5. If the court determines that a party has satisfied the burden of proof under subsection 4, the court shall order the State Registrar of Vital Statistics to amend the birth record of the child to reflect the legal parentage of the child.

6. A proceeding to challenge an acknowledgment of parentage or denial of parentage must be conducted under sections 69 to 89, inclusive, of this act.

Sec. 48. The court shall give full faith and credit to an acknowledgment of parentage or denial of parentage effective in another state if the acknowledgment or denial was in a signed record and otherwise complies with the law of the other state.

Sec. 49. A valid acknowledgment of parentage or denial of parentage is not affected by a later modification of the declaration developed by the State Board of Health pursuant to NRS 440.285.

Sec. 50. The State Registrar of Vital Statistics may release information relating to an acknowledgment of parentage or denial of parentage to a signatory of the acknowledgment or denial, a court, federal agency and child support agency of this or another state.

Sec. 51. The State Board of Health may adopt any regulations that are necessary to implement sections 38 to 51, inclusive, of this act.

Sec. 52. As used in sections 52 to 68, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 53 to 57, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 53. “Combined relationship index” means the product of all tested relationship indices.

Sec. 54. “Ethnic or racial group” means, for the purpose of genetic testing, a recognized group that a person identifies as the person’s ancestry or part of the ancestry or that is identified by other information.

Sec. 55. “Hypothesized genetic relationship” means an asserted genetic relationship between a person and a child.

Sec. 56. “Probability of parentage” means, for the ethnic or racial group to which a person alleged to be a parent belongs, the probability that a hypothesized genetic relationship is supported, compared to the probability that a genetic relationship is supported between the child and a random person of the ethnic or racial group used in the hypothesized genetic

relationship, expressed as a percentage incorporating the combined relationship index and a prior probability.

Sec. 57. “Relationship index” means a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship.

Sec. 58. 1. Sections 52 to 68, inclusive, of this act govern genetic testing of a person in a proceeding to adjudicate parentage, whether the person:

- (a) Voluntarily submits to testing; or
- (b) Is tested under an order of the court or as a result of the facilitation of a child support agency.

2. Genetic testing may not be used:

- (a) To challenge the parentage of a person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or
- (b) To establish the parentage of a person who is a donor.

Sec. 59. 1. Except as otherwise provided in sections 52 to 68, inclusive, of this act or sections 69 to 89, inclusive, of this act, in a proceeding under sections 28 to 91, inclusive, of this act to determine parentage, the court shall order the child and any other person to submit to genetic testing if a request for testing is supported by the sworn statement of a party:

- (a) Alleging a reasonable possibility that the person is the child’s genetic parent; or
- (b) Denying genetic parentage of the child and stating facts establishing a reasonable possibility that the person is not a genetic parent.

2. A child support agency may ~~order~~ facilitate genetic testing only if there is no ~~presumed~~ acknowledged or adjudicated parent of a child other than the person who gave birth to the child.

3. The court ~~for~~ may not order, and a child support agency may not ~~order~~ facilitate, in utero genetic testing.

4. If two or more persons are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

5. Genetic testing of a person who gave birth to a child is not a condition precedent to testing of the child and a person whose genetic parentage of the child is being determined. If the person who gave birth to the child is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each person whose genetic parentage of the child is being adjudicated.

6. In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a parent under section 77 of this act, or to challenge an acknowledgment of parentage, the court may deny a motion for genetic testing of the child and any other person after considering the factors in subsections 1 and 2 of section 81 of this act.

7. *If a person requesting genetic testing is barred under sections 69 to 89, inclusive, of this act from establishing the person's parentage, the court shall deny the request for genetic testing.*

8. *An order under this section for genetic testing is enforceable by contempt.*

Sec. 60. 1. *Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by:*

(a) *The AABB, formerly known as the American Association of Blood Banks, or a successor to its functions; or*

(b) *An accrediting body designated by the Secretary of the United States Department of Health and Human Services.*

2. *A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each person undergoing genetic testing.*

3. *Based on the ethnic or racial group of a person undergoing genetic testing, a testing laboratory shall determine the databases from which to select frequencies for use in calculating a relationship index. If a person or a child support agency objects to the laboratory's choice, the following rules apply:*

(a) *Not later than 30 days after receipt of the report of the test, the objecting person or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.*

(b) *The person or the child support agency objecting to the laboratory's choice under this subsection shall:*

(1) *If the requested frequencies are not available to the laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or*

(2) *Engage another laboratory to perform the calculations.*

(c) *The laboratory may use its own statistical estimate if there is a question which ethnic or racial group is appropriate. The laboratory shall calculate the frequencies using statistics, if available, for any other ethnic or racial group requested.*

4. *If, after recalculation of the relationship index under subsection 3 using a different ethnic or racial group, genetic testing under section 62 of this act does not identify a person as a genetic parent of a child, the court may require a person who has been tested to submit to additional genetic testing to identify a genetic parent.*

Sec. 61. 1. *A report of genetic testing must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the requirements of sections 52 to 68, inclusive, of this act is self-authenticating.*

2. Documentation from a testing laboratory of the following information is sufficient to establish a reliable chain of custody and allow the results of genetic testing to be admissible without testimony:

- (a) The name and photograph of each person whose specimen has been taken;
- (b) The name of the person who collected each specimen;
- (c) The place and date each specimen was collected;
- (d) The name of the person who received each specimen in the testing laboratory; and
- (e) The date each specimen was received.

Sec. 62. 1. Subject to a challenge under subsection 2, a person is identified under sections 28 to 91, inclusive, of this act as a genetic parent of a child if genetic testing complies with sections 52 to 68, inclusive, of this act and the results of the testing disclose:

- (a) The person has at least a 99 percent probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and
- (b) A combined relationship index of at least 100 to 1.

2. A person identified under subsection 1 as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of sections 52 to 68, inclusive, of this act which:

- (a) Excludes the person as a genetic parent of the child; or
- (b) Identifies another person as a possible genetic parent of the child other than:

- (1) The person who gave birth to the child; or
- (2) The person identified under subsection 1.

3. Except as otherwise provided in section 67 of this act, if more than one person other than the person who gave birth to the child is identified by genetic testing as a possible genetic parent of the child, the court shall order each person to submit to further genetic testing to identify a genetic parent.

Sec. 63. 1. Subject to assessment of fees under sections 69 to 89, inclusive, of this act, payment of the cost of initial genetic testing must be made in advance:

- (a) ~~By a child support agency in a proceeding in which the child support agency is providing services;~~

~~(b)~~ By the person who made the request for genetic testing;

~~(c)~~ (b) As agreed by the parties; or

~~(d)~~ (c) As ordered by the court.

2. If the cost of genetic testing is paid by a child support agency, the agency may seek reimbursement from the genetic parent whose parent and child relationship is established.

Sec. 64. The court shall order, or a child support agency ~~shall order~~ may facilitate, additional genetic testing on request of a person who contests the result of the initial testing under section 62 of this act. If initial genetic testing under section 62 of this act identified a person as a genetic parent of

the child, the court ~~for agency~~ may not order , and a child support agency may not facilitate, additional testing unless the contesting person pays for the testing in advance.

Sec. 65. 1. Subject to subsection 2, if a genetic-testing specimen is not available from an alleged genetic parent of a child, a person seeking genetic testing demonstrates good cause and the court finds that the circumstances are just, the court may order any of the following persons to submit specimens for genetic testing:

- (a) A parent of the alleged genetic parent;
- (b) A sibling of the alleged genetic parent;
- (c) Another child of the alleged genetic parent and the person who gave birth to the other child; and
- (d) Another relative of the alleged genetic parent necessary to complete genetic testing.

2. To issue an order under this section, the court must find that a need for genetic testing outweighs the legitimate interests of the person sought to be tested.

Sec. 66. If a person seeking genetic testing demonstrates good cause, the court may order genetic testing of a deceased person.

Sec. 67. 1. If the court finds there is reason to believe that an alleged genetic parent has an identical sibling and evidence that the sibling may be a genetic parent of the child, the court may order genetic testing of the sibling.

2. If more than one sibling is identified under section 62 of this act as a genetic parent of the child, the court may rely on nongenetic evidence to adjudicate which sibling is a genetic parent of the child.

Sec. 68. 1. Release of a report of genetic testing for parentage is controlled by law of this State other than sections 28 to 91, inclusive, of this act.

2. A person who intentionally releases an identifiable specimen of another person collected for genetic testing under sections 52 to 68, inclusive, of this act for a purpose not relevant to a proceeding regarding parentage, without a court order or written permission of the person who furnished the specimen, commits a misdemeanor.

Sec. 69. 1. A proceeding may be commenced to adjudicate the parentage of a child. Except as otherwise provided in sections 28 to 91, inclusive, of this act, the proceeding is governed by the Nevada Rules of Civil Procedure.

2. A proceeding to adjudicate the parentage of a child born under a gestational agreement is governed by NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

3. As used in this section, “gestational agreement” has the meaning ascribed to it in NRS 126.570.

Sec. 70. Except as otherwise provided in sections 38 to 51, inclusive, and sections 76 to 79, inclusive, of this act, a proceeding to adjudicate parentage may be maintained by:

1. The child;
2. The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;
3. A person who is a parent under sections 28 to 91, inclusive, of this act;
4. A person whose parentage of the child is to be adjudicated;
5. A child support agency or other governmental agency authorized by law of this State other than sections 28 to 91, inclusive, of this act;
6. An adoption agency authorized by law of this State other than sections 28 to 91, inclusive, of this act or licensed child-placing agency; or
7. A representative authorized by law of this State other than sections 28 to 91, inclusive, of this act to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated or a minor.

Sec. 71. 1. The petitioner shall give notice of a proceeding to adjudicate parentage to the following persons ~~and~~, if the whereabouts of the person are known:

- (a) The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;
- (b) A person who is a parent of the child under sections 28 to 91, inclusive, of this act;
- (c) A presumed, acknowledged or adjudicated parent of the child; and
- (d) A person whose parentage of the child is to be adjudicated.

2. A person entitled to notice under subsection 1 has a right to intervene in the proceeding.

3. Lack of notice required by subsection 1 does not render a judgment void. Lack of notice does not preclude a person entitled to notice under subsection 1 from bringing a proceeding under subsection 2 of section 79 of this act.

Sec. 72. 1. The court may adjudicate a person's parentage of a child only if the court has personal jurisdiction over the person.

2. A court of this State with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident if the conditions prescribed in NRS 130.201 are satisfied.

3. Lack of jurisdiction over one person does not preclude the court from making an adjudication of parentage binding on another person.

Sec. 73. Venue for a proceeding to adjudicate parentage is in the county of this State in which:

1. The child resides or is located;
2. If the child does not reside in this State, the respondent resides or is located; or

3. A proceeding has been commenced for administration of the estate of a person who is or may be a parent under sections 28 to 91, inclusive, of this act.

Sec. 74. 1. Except as otherwise provided in subsection 2 of section 58 of this act, the court shall admit a report of genetic testing ordered by the court under section 59 of this act as evidence of the truth of the facts asserted in the report.

2. A party may object to the admission of a report described in subsection 1, not later than 14 days after the party receives the report. The party shall cite specific grounds for exclusion.

3. A party that objects to the results of genetic testing may call a genetic-testing expert to testify in person or by another method approved by the court. Unless the court orders otherwise, the party offering the testimony bears the expense for the expert testifying.

4. Admissibility of a report of genetic testing is not affected by whether the testing was performed:

(a) Voluntarily, ~~for~~ under an order of the court or as a result of the facilitation of a child support agency; or

(b) Before, on or after commencement of the proceeding.

Sec. 75. 1. A proceeding to determine whether an alleged genetic parent who is not a presumed parent is a parent of a child may be commenced:

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. This subsection applies in a proceeding described in subsection 1 if the person who gave birth to the child is the only other person with a claim to parentage of the child. The court shall adjudicate an alleged genetic parent to be a parent of the child if the alleged genetic parent:

(a) Is identified under section 62 of this act as a genetic parent of the child and the identification is not successfully challenged under section 62 of this act;

(b) Admits parentage in a pleading, when making an appearance or during a hearing, the court accepts the admission and the court determines the alleged genetic parent to be a parent of the child;

(c) Declines to submit to genetic testing ordered by the court or facilitated by a child support agency, in which case the court may adjudicate the alleged genetic parent to be a parent of the child even if the alleged genetic parent denies a genetic relationship with the child;

(d) Is in default after service of process and the court determines the alleged genetic parent to be a parent of the child; or

(e) Is neither identified nor excluded as a genetic parent by genetic testing and, based on other evidence, the court determines the alleged genetic parent to be a parent of the child.

3. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding involving an alleged genetic parent, at least one other person in addition to the person who gave birth to the child has a claim to parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 76. 1. A proceeding to determine whether a presumed parent is a parent of a child may be commenced:

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. A presumption of parentage under section 37 of this act cannot be overcome after the child attains 2 years of age unless the court determines:

(a) The presumed parent is not a genetic parent, never resided with the child and never held out the child as the presumed parent's child; or

(b) The child has more than one presumed parent.

3. The following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth to the child is the only other person with a claim to parentage of the child:

(a) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child.

(b) If the presumed parent is identified under section 62 of this act as a genetic parent of the child and that identification is not successfully challenged under section 62 of this act, the court shall adjudicate the presumed parent to be a parent of the child.

(c) If the presumed parent is not identified under section 62 of this act as a genetic parent of the child and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage of the child, the court shall adjudicate the parentage of the child in the best interest of the child based on the factors under subsections 1 and 2 of section 81 of this act.

4. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate a presumed parent's parentage of a child, another person in addition to the person who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 77. 1. A proceeding to establish parentage of a child under this section may be commenced only by a person who:

(a) Is alive when the proceeding is commenced; and

(b) Claims to be a de facto parent of the child.

2. A person who claims to be a de facto parent of a child must commence a proceeding to establish parentage of a child under this section:

(a) Before the child attains 18 years of age; and

(b) While the child is alive.

3. The following rules govern standing of a person who claims to be a *de facto* parent of a child to maintain a proceeding under this section:

(a) The person must file an initial verified pleading alleging specific facts that support the claim to parentage of the child asserted under this section. The verified pleading must be served on all parents and legal guardians of the child and any other party to the proceeding.

(b) An adverse party, parent or legal guardian may file a pleading in response to the pleading filed under paragraph (a). A responsive pleading must be verified and must be served on parties to the proceeding.

(c) Unless the court finds a hearing is necessary to determine disputed facts material to the issue of standing, the court shall determine, based on the pleadings under paragraphs (a) and (b), whether the person has alleged facts sufficient to satisfy by a preponderance of the evidence the requirements of paragraphs (a) to (g), inclusive, of subsection 4. If the court holds a hearing under this subsection, the hearing must be held on an expedited basis.

4. In a proceeding to adjudicate parentage of a person who claims to be a *de facto* parent of the child, if there is only one other person who is a parent or has a claim to parentage of the child, the court shall adjudicate the person who claims to be a *de facto* parent to be a parent of the child if the person demonstrates by clear and convincing evidence that:

(a) The person resided with the child as a regular member of the child's household for a significant period;

(b) The person engaged in consistent caretaking of the child;

(c) The person undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(d) The person held out the child as the person's child;

(e) The person established a bonded and dependent relationship with the child which is parental in nature;

(f) Another parent of the child fostered or supported the bonded and dependent relationship required under paragraph (e); and

(g) Continuing the relationship between the person and the child is in the best interest of the child.

5. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate parentage of a person who claims to be a *de facto* parent of the child, there is more than one other person who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection 4 are satisfied, the court shall adjudicate parentage under section 81 of this act.

Sec. 78. 1. If a child has an acknowledged parent, a proceeding to challenge the acknowledgment of parentage or a denial of parentage, brought by a signatory to the acknowledgment or denial, is governed by sections 46 and 47 of this act.

2. If a child has an acknowledged parent, the following rules apply in a proceeding to challenge the acknowledgment of parentage or a denial of

parentage brought by a person, other than the child, who has standing under section 70 of this act and was not a signatory to the acknowledgment or denial:

(a) The person must commence the proceeding not later than 2 years after the effective date of the acknowledgment.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 80 of this act.

Sec. 79. 1. If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by a person who was a party to the adjudication or received notice under section 71 of this act, is governed by the rules governing a collateral attack on a judgment.

2. If a child has an adjudicated parent, the following rules apply to a proceeding to challenge the adjudication of parentage brought by a person, other than the child, who has standing under section 70 of this act and was not a party to the adjudication and did not receive notice under section 71 of this act:

(a) The person must commence the proceeding not later than 2 years after the effective date of the adjudication.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 81 of this act.

Sec. 80. 1. A person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act or the person who gave birth to the child may bring a proceeding to adjudicate parentage. If the court determines the person is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, the court shall adjudicate the person to be a parent of the child.

2. In a proceeding to adjudicate a person's parentage of a child, if another person other than the person who gave birth to the child is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, the court shall adjudicate the person's parentage of the child under section 81 of this act.

Sec. 81. 1. In a proceeding to adjudicate competing claims of, or challenges under subsection 3 of section 76 of this act or section 78 or 79 of this act, to parentage of a child by two or more persons, the court shall adjudicate parentage in the best interest of the child, based on:

(a) The age of the child;

(b) The length of time during which each person assumed the role of parent of the child;

(c) The nature of the relationship between the child and each person;

(d) The harm to the child if the relationship between the child and each person is not recognized;

- (e) *The basis for each person's claim to parentage of the child; and*
- (f) *Other equitable factors arising from the disruption of the relationship between the child and each person or the likelihood of other harm to the child.*

2. *If a person challenges parentage based on the results of genetic testing, in addition to the factors listed in subsection 1, the court shall consider:*

- (a) *The facts surrounding the discovery the person might not be a genetic parent of the child; and*
- (b) *The length of time between the time that the person was placed on notice that the person might not be a genetic parent and the commencement of the proceeding.*

3. *The court may adjudicate a child to have more than two parents under sections 28 to 91, inclusive, of this act if the court finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent or person seeking an adjudication of parentage. In determining detriment to the child, the court shall consider all relevant factors, including the harm if the child is removed from a stable placement with a person who has fulfilled the child's physical needs and psychological needs for care and affection and has assumed the role for a substantial period.*

Sec. 82. 1. *In a proceeding under sections 69 to 89, inclusive, of this act, the court may issue a temporary order for child support if the order is consistent with the law of this State other than sections 28 to 91, inclusive, of this act and the person ordered to pay support is:*

- (a) *A presumed parent of the child;*
 - (b) *Petitioning to be adjudicated a parent;*
 - (c) *Identified as a genetic parent through genetic testing under section 62 of this act;*
 - (d) *An alleged genetic parent who has declined to submit to genetic testing;*
 - (e) *Shown by clear and convincing evidence to be a parent of the child;*
- or
- (f) *A parent under sections 28 to 91, inclusive, of this act.*

2. *A temporary order may include a provision for custody and visitation under law of this State other than sections 28 to 91, inclusive, of this act.*

Sec. 83. 1. *Except as otherwise provided in subsection 2, the court may combine a proceeding to adjudicate parentage under sections 28 to 91, inclusive, of this act with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, administration of an estate or other appropriate proceeding.*

2. *A respondent may not combine a proceeding described in subsection 1 with a proceeding to adjudicate parentage brought under NRS 130.0902 to 130.802, inclusive.*

Sec. 84. *Except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, a proceeding to adjudicate parentage may be commenced before the birth of the child and an order or judgment may be entered before birth, but enforcement of the order or judgment must be stayed until the birth of the child.*

Sec. 85. 1. *A minor child is a permissive party but not a necessary party to a proceeding under sections 69 to 89, inclusive, of this act.*

2. *The court shall appoint a guardian ad litem to represent a child in a proceeding under sections 69 to 89, inclusive, of this act if the court finds that the interests of the child are not adequately represented.*

Sec. 86. *The court shall adjudicate parentage of a child without a jury.*

Sec. 87. *The court may dismiss a proceeding under sections 28 to 91, inclusive, of this act for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.*

Sec. 88. 1. *An order adjudicating parentage must identify the child in a manner provided by law of this State other than sections 28 to 91, inclusive, of this act.*

2. *Except as otherwise provided in subsection 3, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel and other reasonable expenses incurred in a proceeding under sections 69 to 89, inclusive, of this act. Attorney's fees awarded under this subsection may be paid directly to the attorney, and the attorney may enforce the order in the attorney's own name.*

3. *The court may not assess fees, costs or expenses in a proceeding under sections 69 to 89, inclusive, of this act against a child support agency of this State or another state, except as provided by law of this State other than sections 28 to 91, inclusive, of this act.*

4. *In a proceeding under sections 69 to 89, inclusive, of this act, a copy of a bill for genetic testing or prenatal or postnatal health care for the person who gave birth to the child and the child, that is provided to the adverse party, excluding a child support agency, not later than 10 days before a hearing, is admissible to establish:*

(a) *The amount of the charge billed; and*

(b) *That the charge is reasonable and necessary.*

5. *On request of a party and for good cause, the court in a proceeding under sections 69 to 89, inclusive, of this act may order the name of the child changed. If the court order changing the name varies from the name on the birth certificate of the child, the court shall order the State Registrar of Vital Statistics to issue an amended birth certificate.*

Sec. 89. 1. *Except as otherwise provided in subsection 2:*

(a) *A signatory to an acknowledgment of parentage or denial of parentage is bound by the acknowledgment and denial as provided in sections 38 to 51, inclusive, of this act; and*

(b) A party to an adjudication of parentage by a court acting under circumstances that satisfy the jurisdiction requirements of NRS 130.201 and any person who received notice of the proceeding are bound by the adjudication.

2. A child is not bound by a determination of parentage under sections 28 to 91, inclusive, of this act unless:

(a) The determination was based on an unrescinded acknowledgment of parentage and the acknowledgment is consistent with the results of genetic testing;

(b) The determination was based on a finding consistent with the results of genetic testing, and the consistency is declared in the determination or otherwise shown;

(c) The determination of parentage was made under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

(d) The child was a party or was represented by a guardian ad litem in the proceeding.

3. In a proceeding for divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, the court is deemed to have made an adjudication of parentage of a child if the court acts under circumstances that satisfy the jurisdiction requirements of NRS 130.201 and the final order:

(a) Expressly identifies the child as a “child of the marriage” or “issue of the marriage” or includes similar words indicating that both spouses are parents of the child; or

(b) Provides for support of the child by a spouse or domestic partner unless that spouse’s or domestic partner’s parentage of the child is disclaimed specifically in the order.

4. Except as otherwise provided in subsection 2 or section 79 of this act, a determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to the earlier proceeding.

5. A party to an adjudication of parentage may challenge the adjudication only under law of this State other than sections 28 to 91, inclusive, of this act relating to appeal, vacation of judgment or other judicial review.

Sec. 90. *In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 91. *Sections 28 to 91, inclusive, of this act modify, limit and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b).*

Sec. 92. *1. If a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a*

gamete or embryo and the birth of the child, the person's death does not preclude the establishment of the person's parentage of the child if the person otherwise would be a parent of the child under sections 28 to 91, inclusive, of this act.

2. *If a person who consented in a record to assisted reproduction by a person who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased person is a parent of a child conceived by the assisted reproduction only if:*

(a) Either:

(1) The person consented in a record that if assisted reproduction were to occur after the death of the person, the person would be a parent of the child; or

(2) The person's intent to be a parent of a child conceived by assisted reproduction after the person's death is established by clear and convincing evidence; and

(b) Either:

(1) The embryo is in utero not later than 36 months after the person's death; or

(2) The child is born not later than 45 months after the person's death.

3. *An intended parent is not a parent of a child conceived by assisted reproduction under a gestational agreement if the intended parent dies before the transfer of a gamete or embryo unless:*

(a) The agreement provides otherwise; and

(b) The transfer of a gamete or embryo occurs not later than 36 months after the death of the intended parent or birth of the child occurs not later than 45 months after the death of the intended parent.

Sec. 93. 1. *A party to a gestational agreement may terminate the agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent embryo transfer.*

2. *Unless a gestational agreement provides otherwise, on termination of the agreement under subsection 1, the parties are released from the agreement, except that each intended parent remains responsible for expenses that are reimbursable under the agreement and incurred by the gestational carrier through the date of termination.*

3. *Except in a case involving fraud, neither a gestational carrier nor the gestational carrier's spouse, domestic partner or former spouse or domestic partner, if any, is liable to the intended parent or parents for a penalty or liquidated damages, for terminating a gestational agreement under this section.*

Sec. 94. NRS 126.151 is hereby amended to read as follows:

126.151 1. ~~{An action under this chapter is a civil action governed by the Nevada Rules of Civil Procedure. The mother of the child and the alleged~~

~~father are competent to testify and may be compelled to testify. Subsections 3 and 4 of NRS 126.111 and NRS 126.121 and 126.131 apply.~~

~~—2.1~~ In an action against an alleged ~~{father,}~~ **genetic parent**, evidence offered by the alleged ~~{father,}~~ **genetic parent** with respect to ~~{a man,}~~ **another person** who is not subject to the jurisdiction of the court concerning that ~~{man's,}~~ **person's** sexual intercourse with the ~~{mother,}~~ **person who gave birth to the child** at or about the probable time of conception of the child is admissible in evidence only if the alleged ~~{father,}~~ **genetic parent** has undergone and made available to the court ~~{blood tests or tests for genetic identification,}~~ the results of **genetic testing performed pursuant to sections 52 to 68, inclusive, of this act** which show a probability less than 99 percent that the alleged ~~{father,}~~ **genetic parent** is ~~{the father,}~~ **a genetic parent** of the child.

~~{3.}~~ 2. The trial must be by the court without a jury.

Sec. 95. NRS 126.161 is hereby amended to read as follows:

126.161 1. A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the existence or nonexistence of the relationship of parent and child is determinative for all purposes.

2. If such a judgment or order of this State is at variance with the child's birth certificate, the judgment or order must direct that a new birth certificate be issued as provided in NRS 440.270 to 440.340, inclusive.

3. If the child is a minor, such a judgment or order of this State must provide for the child's support as required by chapter 125B of NRS and must include an order directing the withholding or assignment of income for the payment of the support unless:

(a) One of the parties demonstrates and good cause is found by the court, or pursuant to the expedited process, for the postponement of the withholding or assignment; or

(b) All parties otherwise agree in writing.

4. Such a judgment or order of this State may:

(a) Contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child.

(b) Direct ~~{the father,}~~ **a parent** to pay the reasonable expenses of the ~~{mother's,}~~ pregnancy and confinement ~~{,}~~ **of the person who gave birth to the child**. The court may limit the ~~{father's,}~~ liability **of a parent** for past support of the child to the proportion of the expenses already incurred which the court deems just.

5. A court that enters such a judgment or order shall ensure that the social security numbers of the ~~{mother and father,}~~ **parents** are:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

6. A judgment or order issued pursuant to this chapter within a proceeding held pursuant to chapter 432B of NRS:

(a) Is not subject to the provisions relating to the confidentiality of judgments or orders set forth in chapter 432B of NRS; and

(b) Is a final order.

7. As used in this section, “expedited process” means ~~the voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283,~~ a voluntary acknowledgment of parentage developed by the State Board of Health pursuant to NRS 440.285, judicial procedure or an administrative procedure established by this or another state, as that term is defined in NRS 130.10179, to facilitate the collection of an obligation for the support of a child.

Sec. 96. NRS 126.201 is hereby amended to read as follows:

126.201 1. ~~At the pretrial hearing and in further proceedings,~~ **In any proceeding held pursuant to this chapter,** any party may be represented by counsel. If a party is financially unable to obtain counsel, the court may appoint counsel to represent that party with respect to the determination of the existence or nonexistence of the parent and child relationship and the duty of support, including , without limitation , the expenses of the ~~mother’s~~ pregnancy and confinement **of the person who gave birth to the child,** medical expenses for the birth of the child and support of the child from birth until trial.

2. If a party is financially unable to pay the cost of a transcript, the court shall furnish on request a transcript for purposes of appeal.

Sec. 97. NRS 126.291 is hereby amended to read as follows:

126.291 1. Proceedings to compel support by a nonsupporting parent may be brought in accordance with this chapter. They are not exclusive of other proceedings. The court may assess the usual filing fees, charges or court costs against the nonsupporting parent and shall enforce their collection with the other provisions of the judgment.

2. Except as otherwise provided in this subsection, when the district attorney is requested to bring an action to compel support or an action to determine ~~paternity,~~ **parentage,** the district attorney may charge the requester a fee of not more than \$20 for an application. This fee may not be assessed against:

(a) The State of Nevada when acting as a party to an action brought pursuant to this chapter.

(b) Any person or agency requesting services pursuant to chapter 130 of NRS.

3. If the court finds that a parent and child relationship exists, it may assess against the nonsupporting parent, in addition to any support obligation ordered a reasonable collection fee. If the court finds that the nonsupporting parent would experience a financial hardship if required to pay the fee immediately,

it may order that the fee be paid in installments, each of which is not more than 25 percent of the support obligation for each month.

4. All fees collected pursuant to this section must be deposited in the general fund of the county and an equivalent amount must be allocated to augment the county's program for the enforcement of support obligations.

5. *As used in this section, "nonsupporting parent" means the parent of a child who has failed to provide an equitable share of his or her child's necessary maintenance, education and support.*

Sec. 98. NRS 126.500 is hereby amended to read as follows:

126.500 As used in NRS 126.500 to 126.810, inclusive, **and sections 92 and 93 of this act**, unless the context otherwise requires, the words and terms defined in NRS ~~{126.510}~~ **126.520** to ~~{126.630}~~ **126.580**, inclusive, have the meanings ascribed to them in those sections.

Sec. 99. NRS 126.660 is hereby amended to read as follows:

126.660 **1.** A donor is not a parent of a child conceived by means of assisted reproduction.

2. The consent of the spouse or domestic partner of a person who wishes to be a donor is not required for the person to be a donor.

Sec. 100. NRS 126.670 is hereby amended to read as follows:

126.670 A person who provides gametes for, or consents to, assisted reproduction by ~~{a woman}~~ **the person giving birth to the child** as provided in NRS 126.680, with the intent to be a parent of ~~{her}~~ **the child**, is a parent of the resulting child.

Sec. 101. NRS 126.680 is hereby amended to read as follows:

126.680 **1. ~~{Consent}~~ Except as otherwise provided in subsection 2, consent** by a person who intends to be a parent of a child born by assisted reproduction must be in a ~~{declaration for the voluntary acknowledgment of parentage, signed pursuant to NRS 126.053}~~ **record signed by the person giving birth to the child and the person who intends to be a parent of the child.**

2. Failure ~~{of a person to sign a declaration for the voluntary acknowledgment of parentage}~~ to consent in a record as required by subsection 1, before or after the birth of the child, does not preclude a finding of parentage if ~~{the woman and}~~ the person ~~{during}~~ **who intends to be a parent of the child or the person giving birth to the child:**

(a) Proves by clear and convincing evidence the existence of an express agreement entered into by the person who intends to be a parent of the child and the person giving birth to the child, before the conception of the child, that the person who intends to be a parent of the child and the person giving birth to the child intended that they both would be parents of the child; or

(b) During the first 2 years of the child's life, **including any period of temporary absence**, resided together in the same household with the child and openly held out the child as their own.

Sec. 102. NRS 126.690 is hereby amended to read as follows:

126.690 1. Except as otherwise provided in subsection 2, the legal spouse or domestic partner of a ~~woman~~ **person** who gives birth to a child by means of assisted reproduction may not challenge the parentage of the child unless:

(a) Within 2 years after learning of the birth of the child, a proceeding is commenced to adjudicate parentage; and

(b) The court finds that, before or after the birth of the child, the legal spouse or domestic partner did not consent to the assisted reproduction.

2. A proceeding to adjudicate parentage may be maintained at any time if the court determines that:

(a) The legal spouse or domestic partner did not provide gametes for, or consent to, the assisted reproduction by the person who gave birth ~~to~~ **to the child;**

(b) The legal spouse or domestic partner and the ~~woman~~ **person** who gave birth to the child have not cohabited since the probable time of the assisted reproduction; and

(c) The legal spouse or domestic partner never openly held out the child as his or her own.

Sec. 103. NRS 126.700 is hereby amended to read as follows:

126.700 1. If a marriage or domestic partnership is dissolved or terminated before the transfer of ~~eggs, sperm or~~ embryos, the former spouse or former domestic partner is not a parent of the resulting child unless the former spouse or former domestic partner consented in a record that if assisted reproduction were to occur after a dissolution or termination, the former spouse or former domestic partner would be a parent of the child.

2. The consent of a person to assisted reproduction may be withdrawn by that person in a record at any time before ~~placement~~ **transfer** of the ~~eggs, sperm or~~ embryos.

Sec. 104. NRS 126.710 is hereby amended to read as follows:

126.710 1. A prospective gestational carrier, ~~her~~ **the** legal spouse or domestic partner, ~~if she is married or in a domestic partnership,~~ **any, of the prospective gestational carrier,** a donor or the donors and the intended parent or parents may enter into a written agreement providing that:

(a) The prospective gestational carrier agrees to pregnancy by means of assisted reproduction;

(b) The prospective gestational carrier, ~~her~~ **the** legal spouse or domestic partner, ~~if she is married or in a domestic partnership,~~ **any, of the prospective gestational carrier,** and the donor or donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(c) The intended parent or parents become the parent or parents of any resulting child.

2. If two persons are the intended parents, both of the intended parents must be parties to the gestational agreement.

3. A gestational agreement is enforceable only if it satisfies the requirements of NRS 126.750.

4. A gestational agreement may provide for payment of consideration pursuant to NRS 126.800 and 126.810.

Sec. 105. NRS 126.720 is hereby amended to read as follows:

126.720 ***Except as otherwise provided in section 92 of this act:***

1. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750:

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor ~~her~~ **the** legal spouse or domestic partner, if any, **of the gestational carrier** shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750 and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination to the contrary is made by a court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within 60 days after the birth of the child.

3. The parties to a gestational carrier arrangement shall assume the rights and obligations of subsections 1 and 2 if:

(a) The gestational carrier satisfies the eligibility requirements set forth in subsection 1 of NRS 126.740;

(b) The intended parent or parents satisfy the requirement set forth in subsection 2 of NRS 126.740; and

(c) The gestational carrier arrangement occurs pursuant to a gestational agreement which meets the requirements set forth in NRS 126.750.

4. Before or after the birth of the resulting child, the intended parent or parents or the prospective gestational carrier or gestational carrier may commence a proceeding in any district court in this State to obtain an order designating the content of the birth certificate issued as provided in NRS 440.270 to 440.340, inclusive. If:

(a) A copy of the gestational agreement is attached to the petition;

(b) The requirements of NRS 126.740 and 126.750 are satisfied; and

(c) Any of the following applies:

(1) The resulting child is anticipated to be born in this State;

(2) The resulting child was born in this State;

- (3) The intended parent or parents reside in this State;
 - (4) The intended parent or parents resided in this State when the gestational agreement was executed;
 - (5) The gestational carrier resides in this State;
 - (6) The gestational agreement was executed in this State; or
 - (7) The medical procedures for assisted reproduction that were performed pursuant to the gestational agreement and resulted in pregnancy were performed in this State,
- the court may issue an order validating the gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child.

Sec. 106. NRS 126.740 is hereby amended to read as follows:

126.740 1. A prospective gestational carrier is eligible to be a gestational carrier pursuant to NRS 126.710 to 126.810, inclusive, **and sections 92 and 93 of this act** if, at the time the gestational agreement is executed, ~~she;~~ **the prospective gestational carrier:**

- (a) Has completed a medical evaluation relating to the anticipated pregnancy;
- (b) Has undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement; and
- (c) Did not contribute any gametes that will ultimately result in an embryo that ~~she;~~ **the gestational carrier** will attempt to carry to term.

2. The intended parent or parents shall be deemed to have satisfied the requirements of NRS 126.710 to 126.810, inclusive, **and sections 92 and 93 of this act** if, before the gestational carrier agreement is executed, ~~he, she or they;~~ **the intended parent or parents** have undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement.

Sec. 107. NRS 126.750 is hereby amended to read as follows:

126.750 1. A gestational agreement is enforceable only if it satisfies the requirements of this section.

2. The gestational carrier and the intended parent or parents must be represented by separate, independent counsel in all matters concerning the gestational carrier arrangement and gestational agreement.

3. A gestational agreement must:

- (a) Be in writing;
- (b) Be executed before the commencement of any medical procedures in furtherance of the gestational carrier arrangement, other than the medical evaluation required by subsection 1 of NRS 126.740 to determine the eligibility of the gestational carrier, by:

(1) A gestational carrier satisfying the eligibility requirements set forth in subsection 1 of NRS 126.740 and the legal spouse or domestic partner, **if any**, of the gestational carrier; ~~if any;~~ and

(2) An intended parent or parents satisfying the requirement set forth in subsection 2 of NRS 126.740;

(c) Be notarized and signed by all the parties with attached declarations of the independent attorney of each party; and

(d) Include the separate, written and signed acknowledgment of the gestational carrier and the intended parent or parents stating that he or she has received information about the legal, financial and contractual rights, expectations, penalties and obligations of the gestational agreement.

4. A gestational agreement must provide for:

(a) The express written agreement of the gestational carrier to:

(1) Undergo embryo or gamete transfer and , **subject to the provisions of subsection 6**, attempt to carry and give birth to any resulting child; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(b) The express written agreement of the legal spouse or domestic partner, if any, of the gestational carrier to:

(1) Undertake the obligations imposed upon the gestational carrier pursuant to the terms of the gestational agreement; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(c) The express written agreement of each party to the use by the gestational carrier of the services of a physician ~~{of her choosing,}~~ **chosen by the gestational carrier**, after consultation with the intended parent or parents, to provide care to the gestational carrier during the pregnancy; and

(d) The express written agreement of the intended parent or parents to:

(1) Accept legal and physical custody of any resulting child not biologically related to the gestational carrier or ~~her~~ **the** spouse or domestic partner, if any, **of the gestational carrier** immediately upon the birth of the child or children regardless of the number, gender or mental or physical condition of the child or children; and

(2) Assume sole responsibility for the support of any resulting child not biologically related to the gestational carrier or ~~her~~ **the** spouse or domestic partner, if any, **of the gestational carrier** immediately upon the birth of the child.

5. A gestational agreement is enforceable even if it contains one or more of the following provisions:

(a) The gestational carrier's agreement to undergo all medical examinations, treatments and fetal monitoring procedures recommended for the success of the pregnancy by the physician providing care to the gestational carrier during the pregnancy.

(b) The gestational carrier's agreement to abstain from any activities that the intended parent or parents or the physician providing care to the gestational carrier during the pregnancy reasonably believes to be harmful to the pregnancy and the future health of any resulting child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using

prescription drugs not authorized by a physician aware of the pregnancy, exposure to radiation or any other activity proscribed by a health care provider.

(c) The agreement of the intended parent or parents to pay the gestational carrier reasonable compensation.

(d) The agreement of the intended parent or parents to pay for or reimburse the gestational carrier for reasonable expenses, including, without limitation, medical, legal or other professional expenses, related to the gestational carrier arrangement and the gestational agreement.

6. A gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including, without limitation, whether to consent to a cesarean section or the transfer of multiple embryos, whether to use the services of a health care practitioner chosen by the gestational carrier, whether to terminate or continue the pregnancy and whether to reduce or retain the number of fetuses or embryos carried by the gestational carrier. Any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Sec. 108. NRS 126.770 is hereby amended to read as follows:

126.770 **1. Unless a gestational agreement expressly provides otherwise:**

(a) The marriage or domestic partnership of a gestational carrier after ~~she executes a~~ the gestational agreement **is signed by all parties** does not affect the validity of the ~~gestational~~ agreement ~~and:~~

~~1. The~~ , ~~the~~ consent of the ~~legal~~ spouse or domestic partner of the gestational carrier to the ~~gestational~~ agreement is not required ~~1.~~

~~2. The legal~~ , **and the** spouse or domestic partner of the gestational carrier ~~must~~ is not ~~be~~ a presumed ~~to be the~~ parent of ~~any resulting~~ a child ~~1.~~ **conceived by assisted reproduction under the agreement; and**

(b) **The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of the gestational carrier after the agreement is signed by all parties does not affect the validity of the agreement.**

2. Unless a gestational agreement expressly provides otherwise:

(a) **The marriage or domestic partnership of an intended parent after the agreement is signed by all parties does not affect the validity of a gestational agreement, the consent of the spouse or domestic partner of the intended parent is not required, and the spouse or domestic partner of the intended parent is not, based on the agreement, a parent of a child conceived by assisted reproduction under the agreement; and**

(b) **The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of an intended parent after the agreement is signed by all parties does not affect the validity of the agreement and the intended parents are the parents of a child conceived by assisted reproduction under the agreement.**

Sec. 109. NRS 126.780 is hereby amended to read as follows:

126.780 1. A gestational carrier, ~~her~~ **the** legal spouse or domestic partner, if any, **of the gestational carrier** or the intended parent or parents are in noncompliance when ~~he, she or they breach~~ **any such person breaches** any provision of the gestational agreement or ~~fail~~ **fails** to meet any of the requirements of NRS 126.710 to 126.810, inclusive ~~[-], and sections 92 and 93 of this act.~~

2. In the event of noncompliance, a court of competent jurisdiction shall determine the respective rights and obligations of the parties to the gestational agreement ~~based solely~~ :

(a) **If the agreement substantially complies with NRS 126.710 to 126.810, inclusive, and sections 92 and 93 of this act, based** on the evidence of the ~~original~~ intent of the parties ~~[-] at the time of execution of the agreement and other relevant evidence.~~

(b) **If the agreement does not substantially comply with NRS 126.710 to 126.810, inclusive, and sections 92 and 93 of this act, pursuant to other applicable law of this State.**

3. ~~There must be no specific~~ **Specific** performance **is not an available** remedy ~~available for breach of the~~ **except to enforce any provision in a** gestational agreement ~~by the gestational carrier that would require the gestational carrier to be impregnated.~~ **that is necessary to enable the intended parents to exercise the full rights of parentage immediately upon the birth of the child, if the intended parents are being prevented from exercising such rights.**

Sec. 110. NRS 128.150 is hereby amended to read as follows:

128.150 1. If a ~~mother~~ **person who gave birth to a child** relinquishes or proposes to relinquish **the child** for adoption ~~[-] and the child [who]~~ has:

(a) A presumed ~~father~~ **parent** pursuant to ~~[NRS 126.051;]~~ **section 37 of this act;**

(b) A ~~father~~ **parent** whose relationship to the child has been determined by a court; or

(c) A ~~father~~ **parent** as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction,

➤ and the ~~father~~ **parent** has not consented to the adoption of the child or relinquished the child for adoption, a proceeding must be brought pursuant to this chapter and a determination made of whether a parent and child relationship exists and, if so, if it should be terminated.

2. If a ~~mother~~ **person who gave birth to a child** relinquishes or proposes to relinquish **the child** for adoption ~~[-] and the child [who]~~ does not have:

(a) A presumed ~~father~~ **parent** pursuant to ~~[NRS 126.051;]~~ **section 37 of this act;**

(b) A ~~father~~ **parent** whose relationship to the child has been determined by a court;

(c) A ~~{father}~~ **parent** as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction; or

(d) A ~~{father}~~ **parent** who can be identified in any other way,
➡ or if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the ~~{mother}~~ **person who gave birth to the child** or the person having custody of the child, shall file a petition in the district court to terminate the parental rights of the ~~{father,}~~ **other parent**, unless the ~~{father's}~~ **other parent's** relationship to the child has been previously terminated or determined not to exist by a court.

3. In an effort to identify and protect the interests of the ~~{natural father,}~~ **other parent**, the court which is conducting a proceeding pursuant to this chapter shall cause inquiry to be made of the ~~{mother}~~ **person who gave birth to the child** and any other appropriate person. The inquiry must include the following:

(a) Whether the ~~{mother}~~ **person who gave birth to the child** was married **or in a domestic partnership** at the time of conception of the child or at any time thereafter.

(b) Whether the ~~{mother}~~ **person who gave birth to the child** was cohabiting with ~~{a man}~~ **another person** at the time of conception or birth of the child.

(c) Whether the ~~{mother}~~ **person who gave birth to the child** has received support payments or promises of support with respect to the child or in connection with ~~{her}~~ **the pregnancy [-] of the person.**

(d) Whether any ~~{man}~~ **person** has formally or informally acknowledged or declared ~~{his}~~ **their** possible ~~{paternity}~~ **parentage** of the child.

4. If, after the inquiry, the ~~{natural father}~~ **other parent** is identified to the satisfaction of the court, or if more than one ~~{man}~~ **person** is identified as a possible ~~{father,}~~ **parent**, each must be given notice of the proceeding in accordance with subsection 6 or with this chapter, as applicable. If any of them fails to appear or, if appearing, fails to claim custodial rights, such failure constitutes abandonment of the child. If the ~~{natural father}~~ **other parent** or a ~~{man}~~ **person** representing ~~{himself}~~ **themselves** to be the ~~{natural father,}~~ **other parent**, claims custodial rights, the court shall proceed to determine custodial rights.

5. If, after the inquiry, the court is unable to identify the ~~{natural father}~~ **other parent** or any possible ~~{natural father}~~ **other parent** and no person has appeared claiming to be the ~~{natural father}~~ **other parent** and claiming custodial rights, the court shall enter an order terminating the unknown ~~{natural father's}~~ **person's** parental rights with reference to the child. Subject to the disposition of any appeal, upon the expiration of 6 months after an order terminating parental rights is issued under this subsection, or this chapter, the order cannot be questioned by any person in any manner or upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter.

6. Notice of the proceeding must be given to every person identified as ~~the natural father~~ **a parent** or a possible ~~natural father~~ **parent** in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process in a civil action, or in any manner the court directs. Proof of giving the notice must be filed with the court before the petition is heard.

Sec. 111. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a nonresident party who is a natural person in a tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

2. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule in NRS 51.065 if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the ~~mother~~ **person who gave birth to the child** and **the** child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify under penalty of perjury by telephone, audiovisual means or other electronic means at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between a married couple **or between domestic partners** does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of a married couple **, domestic partners** or parent and child does not apply in a proceeding under this chapter.

10. A ~~voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283 or a~~ voluntary acknowledgment of

parentage developed by the State Board of Health pursuant to NRS 440.285, certified as a true copy, is admissible to establish parentage of the child.

Sec. 112. NRS 130.401 is hereby amended to read as follows:

130.401 1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this State with personal jurisdiction over the parties may issue a support order if:

- (a) The natural person seeking the order resides outside this State; or
- (b) The support-enforcement agency seeking the order is located outside this State.

2. The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the natural person ordered to pay is:

- (a) A presumed ~~father~~ **parent** of the child under ~~subsection 1 of NRS 126.051;~~ **section 37 of this act;**
- (b) Petitioning to have ~~this paternity~~ **their parentage** adjudicated;
- (c) Identified as the ~~father~~ **parent** of the child through genetic testing;
- (d) An alleged ~~father~~ **genetic parent** who has declined to submit to genetic testing;
- (e) Shown by clear and convincing evidence to be the ~~father~~ **parent** of the child;
- (f) An ~~acknowledged father or~~ acknowledged parent as provided by ~~NRS 126.053;~~ **sections 38 to 51, inclusive, of this act;**
- (g) The ~~mother of~~ **person who gave birth to** the child; or
- (h) A natural person who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to NRS 130.305.

Sec. 113. NRS 3.405 is hereby amended to read as follows:

3.405 1. In an action to establish ~~paternity,~~ **parentage**, the court may appoint a master to take testimony and recommend orders.

2. The court may appoint a master to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.

3. The master must be an attorney licensed to practice in this State. The master:

- (a) Shall take testimony and establish a record;
- (b) In complex cases shall issue temporary orders for support pending resolution of the case;
- (c) Shall make findings of fact, conclusions of law and recommendations for the establishment and enforcement of an order;
- (d) May accept voluntary acknowledgments of ~~paternity~~ **parentage** or liability for support and stipulated agreements setting the amount of support;

(e) May, subject to confirmation by the district court, enter default orders against a responsible parent who does not respond to a notice or service within the required time; and

(f) Has any other power or duty contained in the order of reference issued by the court.

➔ If a temporary order for support is issued pursuant to paragraph (b), the master shall order that the support be paid to the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.

4. The findings of fact, conclusions of law and recommendations of the master must be furnished to each party or the party's attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 10 days after receipt of the findings of fact, conclusions of law and recommendations, either party may file with the court and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter upon notice and motion.

Sec. 114. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

➔ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in this subsection, a parent who has joint legal and physical custody of a child pursuant to NRS 125C.0015 shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child. A person who violates this subsection shall be punished as provided in subsection 1 unless the person demonstrates to the satisfaction of the court that he or she violated this subsection to protect the child or himself or herself from an act that constitutes domestic violence pursuant to NRS 33.018.

3. If ~~[the mother]~~ **a parent** of a child has primary physical custody **of the child** pursuant to ~~[subsection 2 of]~~ NRS 125C.003, ~~[the father]~~ **another parent** of the child shall not willfully conceal or remove the child from the physical custody of the ~~[mother. If the father of a child has]~~ **parent who has** primary physical custody . ~~[pursuant to subsection 2 of NRS 125C.003, the mother of the child shall not willfully conceal or remove the child from the physical custody of the father.]~~ A person who violates this subsection shall be punished as provided in subsection 1.

4. A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.0065 without the written consent of the non-relocating parent or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable. A person who violates this subsection shall be punished as provided in subsection 1.

5. A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.006 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

- (a) This is the home state of the child, as defined in NRS 125A.085; and
- (b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

7. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

8. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

- (a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or
- (b) The interests of justice require that the defendant be punished as for a misdemeanor.

9. A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

10. In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.006 or 125C.0065.

11. This section does not apply to a person who detains, conceals, removes or relocates with a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and

reported the detention, concealment, removal or relocation to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing, removing or relocating with the child, or as soon as the circumstances allowed. As used in this subsection:

(a) “Abuse or neglect” has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

Sec. 115. 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, 126.144,~~ 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, 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. 116. NRS 422A.585 is hereby amended to read as follows:

422A.585 1. The Division shall, within the limitations of available funding, establish a program which promotes the self-sufficiency of a ~~natural father~~ **parent** whose ~~paternity~~ **parentage** is presumed pursuant to ~~NRS 126.051~~ **section 37 of this act** or a noncustodial parent of a child for whom benefits are being received by a household.

2. If a ~~natural father~~ **parent** whose ~~paternity~~ **parentage** is presumed pursuant to ~~NRS 126.051~~ **section 37 of this act** or a noncustodial parent of a

child for whom benefits are being received by a household chooses to participate in the program established pursuant to subsection 1, the Division may, within the limitations of available funding, increase the amount of benefits provided to the head of the household on behalf of the child.

Sec. 117. NRS 432B.560 is hereby amended to read as follows:

432B.560 1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

(d) Tests for the typing of blood or taking of specimens for genetic identification ~~for the child, the natural mother of the child or the alleged father of the child~~ pursuant to ~~[NRS 126.121.]~~ **sections 52 to 68, inclusive, of this act.**

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630. Payments for the obligation of support must be determined in accordance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.620, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

Sec. 118. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the person ~~giving~~ **who gave** birth **to a child** and **the** child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the person ~~giving~~ **who gave** birth **to a child** and **the** child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) ~~{The person giving birth or other}~~ A parent or, if ~~{the other}~~ **each** parent is absent ~~{and the person giving birth is}~~ **or** incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the person ~~giving~~ **who gave** birth **to a child** was:

(a) Married **or in a domestic partnership** at the time of **the** birth, the name of the spouse **or domestic partner** of ~~{that}~~ **the person who gave birth** must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse **or domestic partner** of the person ~~giving~~ **who gave** birth is the other parent of the child; or

(2) The person ~~giving~~ **who gave** birth and a person other than the spouse **or domestic partner** of the person ~~giving~~ **who gave** birth have signed ~~{a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or}~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 ~~{}~~ **and the spouse or domestic partner of the person who gave birth has signed a voluntary denial of parentage developed by the Board pursuant to NRS 440.285.**

(b) Widowed at the time of birth but married **or in a domestic partnership** at the time of conception, the name of the spouse **or domestic partner** of the

person ~~{giving}~~ **who gave** birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse **or domestic partner** of the person ~~{giving}~~ **who gave** birth at the time of conception is the other parent of the child; or

(2) The person ~~{giving}~~ **who gave** birth and a person other than the spouse **or domestic partner** of the person ~~{giving}~~ **who gave** birth at the time of conception have signed ~~{a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or}~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 ~~{, and the spouse or domestic partner of the person who gave birth has signed a voluntary denial of parentage developed by the Board pursuant to NRS 440.285.}~~

6. If the person ~~{giving}~~ **who gave** birth was unmarried **and not in a domestic partnership** at the time of ~~the~~ birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed ~~{a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or}~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 119. NRS 440.285 is hereby amended to read as follows:

440.285 1. The Board shall:

(a) Develop ~~{a declaration}~~ **declarations** to be signed under penalty of perjury for the voluntary acknowledgment of parentage **and the voluntary**

denial of parentage in this State ~~[-] pursuant to sections 38 to 51, inclusive, of this act;~~ and

(b) Distribute the declarations to each hospital or freestanding birthing center in this State.

2. Before providing a declaration for the acknowledgment of parentage **or denial of parentage** to ~~the person who gave birth to a child or~~ a person who wishes to acknowledge **or deny** the parentage of a child, the agencies described in paragraph (b) of subsection 1 shall ensure that ~~the person who gave birth and~~ the person who wishes to acknowledge **or deny** parentage ~~are~~ **is** given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of parentage ~~[-] or declaration for the denial of parentage.~~

Sec. 120. NRS 440.287 is hereby amended to read as follows:

440.287 1. If a person who has given birth or a person who has signed ~~a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 with the person who has given birth rescinds the acknowledgment pursuant to ~~subsection 2 of NRS 126.053,~~ **section 45 of this act**, the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged ~~paternity or~~ parentage ~~[- as applicable,~~ unless a court issues an order establishing that the person who acknowledged ~~paternity or~~ parentage ~~[- as applicable,~~ is not the ~~father or~~ parent ~~[- as applicable,~~ of the child.

2. As used in this section, “court” has the meaning ascribed to it in NRS 125B.004.

Sec. 121. NRS 440.319 is hereby amended to read as follows:

440.319 1. Whenever the State Registrar receives an order issued by a district court in this State pursuant to subsection 4 of NRS 126.720 validating a gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child, the State Registrar shall prepare and file a certificate of birth in the name of the child which shows the intended parent or parents as the parent or parents of the child and seal and file the order and the original certificate of birth, if any. Unless the court order is issued by a district court in this State for an action which was originally commenced in this State, a court order concerning a gestational agreement is not valid for any purpose in this State as it relates to a child born in this State, including, without limitation, the preparation and filing of a certificate of birth by the State Registrar.

2. As used in this section:

(a) “Gestational agreement” has the meaning ascribed to it in NRS 126.570.

(b) “Intended parent” has the meaning ascribed to it in ~~NRS 126.590,~~ **section 16 of this act.**

Sec. 122. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the ~~paternity or~~ parentage of a child being established by the:

(a) ~~Person who gave birth and other parent acknowledging paternity of a child by signing a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283;~~

~~(b)~~ Person who gave birth **to the child** and another person acknowledging parentage of the child by signing a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285; or

~~(c)~~ (b) Order of a district court,

↪ the State Registrar, upon the receipt of the declaration or court order, shall prepare a new certificate of birth in the name of the child as shown in the declaration or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the declaration or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 123. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging ~~an unmarried woman who has borne~~ **a person who gave birth to** a child, a hospital or freestanding birthing center shall provide to the child's parents:

(a) The opportunity to sign, in the hospital, a declaration for the voluntary acknowledgment of ~~paternity~~ **parentage** developed pursuant to NRS ~~440.283;~~ **440.285 and, if applicable, a voluntary denial of parentage developed pursuant to NRS 440.285;**

(b) Written materials about establishing ~~paternity;~~ **parentage;**

(c) The forms necessary to acknowledge ~~paternity~~ **or deny parentage** voluntarily;

(d) A written description of the rights and responsibilities of acknowledging ~~paternity;~~ **parentage;** and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of ~~paternity;~~ **parentage.**

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or freestanding

birthing center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 124. NRS 629.151 is hereby amended to read as follows:

629.151 It is unlawful to obtain any genetic information of a person without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless the information is obtained:

1. By a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

2. ~~{To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~—3.} To determine the ~~{paternity}~~ **parentage** of a person pursuant to NRS ~~{126.121 or}~~ 425.384 ~~};~~~~

~~—4.} or sections 52 to 68, inclusive, of this act;~~

3. For use in a study where the identities of the persons from whom the genetic information is obtained are not disclosed to the person conducting the study;

~~{5.} 4.~~ To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law; or

~~{6.} 5.~~ Pursuant to an order of a court of competent jurisdiction.

Sec. 125. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

2. ~~{To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~—3.} To determine the ~~{paternity}~~ **parentage** of a person pursuant to NRS ~~{126.121 or}~~ 425.384 ~~};~~~~

~~—4.} or sections 52 to 68, inclusive, of this act;~~

3. Pursuant to an order of a court of competent jurisdiction;

~~{5.} 4.~~ By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

~~{6.} 5.~~ To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

~~{7.} 6.~~ To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

~~{8.} 7.~~ To carry out the provisions of NRS 442.300 to 442.330, inclusive; or

~~{9.} 8.~~ By an agency of criminal justice pursuant to NRS 179A.075.

Sec. 126. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS ~~652.121 and~~ 652.186 ~~and~~ **sections 52 to 68, inclusive, of this act**, 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 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. 127. NRS 689A.0424 is hereby amended to read as follows:

689A.0424 1. An insurer that offers or issues a policy of health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the policy of health insurance.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 128. NRS 689B.03766 is hereby amended to read as follows:

689B.03766 1. An insurer that offers or issues a policy of group health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the policy of group health insurance.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 129. NRS 689C.1945 is hereby amended to read as follows:

689C.1945 1. A carrier that offers or issues a health benefit plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the health benefit plan.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 130. NRS 695A.1857 is hereby amended to read as follows:

695A.1857 1. A society that offers or issues a benefit contract that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the benefit contract.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 131. NRS 695B.1948 is hereby amended to read as follows:

695B.1948 1. An insurer that offers or issues a contract for hospital or medical services that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the contract for hospital or medical services.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 132. NRS 695C.1712 is hereby amended to read as follows:

695C.1712 1. A health maintenance organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the enrollee is acting as a gestational carrier.

2. If an enrollee acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the health care plan.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 133. NRS 695G.1716 is hereby amended to read as follows:

695G.1716 1. A managed care organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the health care plan.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 134. The amendatory provisions of this act apply to a pending proceeding to adjudicate parentage commenced before October 1, 2023, for an issue on which a judgment has not been entered.

Sec. 135. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to appropriately replace references to the term “paternity” with the term “parentage,” references to the term “father” with the term “parent” and references to the term “mother” with the term “parent,” “person who gave birth,” “person who will give birth,” “person giving birth” or another similar term, as appropriate given the context, in the manner provided in this act; and

2. In preparing supplements to the Nevada Administrative Code, appropriately replace references to the term “paternity” with the term “parentage,” references to the term “father” with the term “parent” and references to the term “mother” with the term “parent,” “person who gave birth,” “person who will give birth,” “person giving birth” or another similar term, as appropriate given the context, in the manner provided in this act.

Sec. 136. NRS 56.020, 126.021, 126.041, 126.051, 126.053, 126.071, 126.081, 126.091, 126.101, 126.105, 126.111, 126.121, 126.131, 126.141, 126.143, 126.171, 126.223, 126.231, 126.510, 126.540, 126.550, 126.560, 126.590, 126.600, 126.610, 126.620, 126.630 and 440.283 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

56.020 Determination of parentage or identity.

126.021 Definitions.

126.041 Establishment of relationship.

126.051 Presumptions of paternity.

126.053 Voluntary acknowledgment of paternity or parentage.

126.071 Who may bring action; when action may be brought.

126.081 Period of limitations.

126.091 Jurisdiction; joinder; venue.

126.101 Parties.

126.105 Service of process.

126.111 Pretrial hearing; testimony.

126.121 Tests for typing of blood or genetic identification; admissibility in court; effect of refusal to submit to test.

126.131 Evidence relating to paternity; evidence of costs of certain medical services.

126.141 Pretrial recommendations.

126.143 Order for temporary support of child.

126.171 Costs.

126.223 Entry of default upon failure to plead or defend in action.

126.231 Who may bring action; provisions of chapter applicable to action.

126.510 “Assisted reproduction” defined.

126.540 “Donor” defined.

126.550 “Embryo” defined.

126.560 “Gamete” defined.

126.590 “Intended parent” defined.

126.600 “In vitro fertilization” defined.

126.610 “Parent” defined.

126.620 “Record” defined.

126.630 “Sign” defined.

440.283 Voluntary acknowledgment of paternity: Board to develop and distribute declarations to be signed; certain entities to provide services and notice concerning effect of declaration.

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. 378.

Bill read second time.

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

Amendment No. 498.

AN ACT relating to public employees; revising certain ~~deadlines~~ **provisions** relating to the negotiation, mediation and arbitration of collective bargaining agreements with the Executive Department of the State Government; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes certain groups of employees in the classified service of the Executive Department of the State Government to engage in collective bargaining with the Executive Department concerning wages, hours and other terms and conditions of employment for such employees. (NRS 288.400-288.630) In general, a collective bargaining agreement for such a group of employees must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. (NRS 288.550)

Existing law requires the Governor to designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department and requires negotiations between the representative of the Executive Department and the exclusive representative of a bargaining unit to begin within 60 days after one party notifies the other party of the desire to negotiate or November 1 of each even-numbered year, whichever is earlier. (NRS 288.565) **Section 1** of this bill requires such negotiations to begin on or before October 1, rather than November 1, of each even-numbered year.

Existing law authorizes either the representative of the Executive Department or the exclusive representative of a bargaining unit to request a mediator if the parties do not reach a collective bargaining agreement within 120 days after beginning negotiations or February 1 of an odd-numbered year, whichever is earlier, unless the parties agree on a later date. (NRS 288.570) ~~Section 2 of this bill requires a request for mediation to be made on or before~~

~~January 1, rather than February 1, of an odd-numbered year.] Section 1 requires the representative of the Executive Department and the exclusive representative of a bargaining unit, before engaging in collective bargaining, to: (1) select a mediator and an arbitrator for the purposes of potential mediation and arbitration; and (2) to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.~~

If the representative of the Executive Department and the exclusive representative of a bargaining unit do not reach a collective bargaining agreement through mediation within 21 days after the appointment of a mediator, mediation is required to cease and the parties are required to begin arbitration proceedings on or before March 1 unless the parties agree on a later date. The arbitrator is then required to render a decision on or before March 15 unless the parties agree on a later date. (NRS 288.575) **If the parties do not reach a collective bargaining agreement through mediation, section 3 of this bill requires mediation to cease and the parties to begin arbitration proceedings within 10 days, rather than 21 days, after the appointment of a mediator. Section 3: [of this bill:]** (1) requires arbitration proceedings to begin on or before February ~~(1,)~~ **15**, rather than March 1; and (2) requires the arbitrator to render a decision on or before ~~(February 15,)~~ **March 5**, rather than March 15.

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

Section 1. NRS 288.565 is hereby amended to read as follows:

288.565 1. The Governor shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department. The representative may, with the approval of the Governor, delegate the responsibility to conduct such negotiations to another person.

2. A representative designated pursuant to subsection 1 and an exclusive representative shall ~~begin~~ **begin**:

(a) Begin negotiations concerning a collective bargaining agreement within 60 days after one party notifies the other party of the desire to negotiate or on or before ~~[November]~~ **October** 1 of each even-numbered year, whichever is earlier ~~[,]~~ **; and**

(b) Before beginning negotiations concerning a collective bargaining agreement pursuant to paragraph (a), select a mediator and arbitrator for the purposes of mediation and arbitration pursuant to NRS 288.570 and 288.575, respectively, and, to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.

3. As soon as practicable after the Board designates an exclusive representative of an unrepresented bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, the exclusive representative shall engage in collective bargaining with the representative designated pursuant to subsection 1 as required by NRS 288.540 to establish a collective bargaining agreement with a term ending on June 30 of the next odd-numbered year.

Sec. 2. NRS 288.570 is hereby amended to read as follows:

288.570 1. Either party may request a mediator ~~from the Federal Mediation and Conciliation Service~~ **selected pursuant to NRS 288.565** if the parties do not reach a collective bargaining agreement :

~~(a) Within ~~twelve~~ 120 days after the date on which the parties began negotiations or on or before February ~~January~~ 1 of an odd-numbered year, whichever is earlier ~~12~~ ; or~~

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

2. The mediator shall bring the parties together as soon as possible after ~~his or her appointment~~ **a request is made pursuant to subsection 1** and shall attempt to settle each issue in dispute within ~~21~~ **10** days after his or her appointment or any later date set by agreement of the parties.

Sec. 3. NRS 288.575 is hereby amended to read as follows:

288.575 1. If a mediator ~~selected~~ **requested** pursuant to NRS 288.570 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~~ **10** days after ~~the appointment of the mediator~~ **a request made pursuant to NRS 288.570** 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~~ **engage in arbitration.** Any proposal that conflicts or is otherwise inconsistent with any provision of state law, other than the provisions of chapters 284 and 287 of NRS, shall be considered withdrawn by the proposing party when mediation is discontinued.

~~2. If the parties do not agree upon an impartial arbitrator within 5 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. The parties shall select an arbitrator from this list by alternately striking one name until the name of only one arbitrator remains, and that arbitrator must 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 on or before ~~March~~ February ~~14~~ **15 of an odd-numbered year** or any later date set by agreement of the parties. ~~for an odd-numbered year.~~~~

~~4. 3.~~ 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.}~~ 4. 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.}~~ 6., the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

~~{6.}~~ 5. The arbitrator shall render a decision on or before March ~~{February 15}~~ 5 of an odd-numbered year or any later date set by agreement of the parties. ~~for an odd-numbered year.~~

~~—7.}~~ 6. The Executive Department and the exclusive representative shall each pay one-half of the cost of arbitration.

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. 383.

Bill read second time.

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

Amendment No. 272.

~~{CONTAINS UNFUNDED MANDATE (§ 14 & NRS 287.010)}~~

~~{NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)}~~

AN ACT relating to health care; prohibiting a governmental entity from substantially burdening certain activity relating to ~~{contraception}~~ **reproductive health services** under certain circumstances; authorizing a person whose engagement in such activity has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens such activity in certain circumstances; expanding required ~~{insurance}~~ coverage of contraception ~~{,}~~ **under the State Plan for Medicaid;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain rights for a patient of a medical facility or a facility for the dependent. (NRS 449A.100-449A.124) **Sections 2-7** of this bill establish the Right to ~~{Contraception}~~ **Reproductive Health Care** Act. **Sections** ~~{4 and 5}~~ **4-5.5** of this bill define certain terms for purposes of the Act. **Section 6** of this bill applies the provisions of the Act to ~~{all}~~ **certain** state laws and **all** local laws and ordinances and the implementation of those laws and ordinances, regardless of when those laws or ordinances were enacted. **Section 7** of this bill generally prohibits a governmental entity from enacting or implementing any limitation or requirement that singles out ~~{contraception}~~ **reproductive health services** and substantially burdens: (1) the access of a person to ~~{contraceptives, contraception}~~ **reproductive health services, drugs or devices related to reproductive health services** or information related to

~~contraception;~~ **reproductive health services;** or (2) the ability of a provider of health care to provide ~~contraceptives, contraception;~~ **reproductive health services, drugs or devices related to reproductive health services** or information related to ~~contraception;~~ **reproductive health services** within his or her scope of practice, training and experience. **Section 7** creates an exception to such prohibitions if the governmental entity demonstrates by clear and convincing evidence that the burden, as applied to the person or provider of health care who is subject to the burden: (1) furthers a compelling interest; and (2) is the least restrictive means of furthering that interest. **Section 7** authorizes a person whose ability to obtain or provide ~~contraceptives, contraception;~~ **reproductive health services, drugs or devices related to reproductive health services** or information related to ~~contraception;~~ **reproductive health services** is burdened to bring or defend an action in court and obtain appropriate relief. **Section 7** requires a court to award costs and attorney's fees to a person who prevails on such a claim.

Existing law requires ~~public and private policies of insurance regulated under Nevada law;~~ **the State Plan for Medicaid** to include coverage for certain contraceptive drugs and devices, including: (1) up to a 12-month supply of contraceptive drugs; (2) certain devices for contraception; and (3) voluntary sterilization for women. (NRS ~~287.040, 287.04335, 422.27172, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695C.1715~~) ~~Sections 8 and 13-19~~ of this bill additionally ~~require such policies of insurance;~~ **requires the State Plan for Medicaid** to cover: (1) voluntary sterilization for men; (2) clinical services relating to covered contraceptive drugs, devices and services; and (3) a portion of the cost of language translation services provided to facilitate the provision of covered contraceptive drugs, devices and services. ~~Sections 8, 10 and 13-19 of this bill prohibit an insurer from requiring an insured to obtain prior authorization before receiving a contraceptive drug. Sections 8 and 13-19 also require an insurer;~~ **requires the State Plan** to: (1) cover certain contraceptive services when provided by ~~a pharmacist, and~~ **any provider of health care for whom the services are within his or her scope of practice, training and experience;** (2) reimburse a ~~pharmacist;~~ **provider of health care, other than a physician, physician assistant or advanced practice registered nurse,** for providing such services at a rate that is not less than the rate provided to a physician, physician assistant or advanced practice registered nurse. ~~Section 9 of this bill requires an insurer to demonstrate the capacity to adequately deliver family planning services provided by pharmacists to covered persons. Sections 11 and 12 of this bill make conforming changes to indicate the proper placement of section 9 in the Nevada Revised Statutes.~~ **; and (3) cover such services regardless of whether the services are provided in an inpatient or outpatient setting.**

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

Section 1. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ~~Sections 2 to 7, inclusive, of this act may be cited as the Right to Contraception~~ Reproductive Health Care Act.

Sec. 3. As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, ~~and~~ 5 and 5.5 of this act have the meanings ascribed to them in those sections.

Sec. 4. “Governmental entity” means the State of Nevada or any of its agencies or political subdivisions.

Sec. 5. “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 5.5. “Reproductive health services” means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, miscarriage, in-vitro fertilization or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.

Sec. 6. 1. ~~The~~ Except as otherwise provided in this subsection, the provisions of sections 2 to 7, inclusive, of this act apply to all state and local laws and ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether enacted before, on or after January 1, 2024. The provisions of sections 2 to 7, inclusive, of this act do not apply to NRS 442.250 or the implementation of NRS 442.250.

2. State laws that are enacted on or after January 1, 2024, are subject to the provisions of sections 2 to 7, inclusive, of this act unless the law explicitly excludes such application by reference to this section.

3. The provisions of sections 2 to 7, inclusive, of this act do not:

(a) Authorize a governmental entity to burden:

(1) The access of any person to ~~contraceptive~~ reproductive health services, information related to ~~contraception~~ reproductive health services or any ~~contraceptive~~ drug or device ~~is~~ related to reproductive health services; or

(2) The ability of a provider of health care to provide ~~contraceptive~~ reproductive health services or information related to ~~contraception~~ reproductive health services or to provide, administer, dispense or prescribe any ~~contraceptive~~ drug or device related to reproductive health services within the scope of practice, training and experience of the provider of health care.

(b) Authorize or sanction any sterilization procedure without the voluntary and informed consent of the patient.

Sec. 7. 1. Except as otherwise provided in this section, a governmental entity shall not enact or implement any limitation or requirement that:

(a) Expressly, effectively, implicitly or, as implemented, singles out ~~contraceptives, contraception~~ reproductive health services, drugs or

devices related to reproductive health services or information related to ~~contraception~~ reproductive health services or any providers of health care or facilities that provide ~~contraceptives, contraception~~ reproductive health services, drugs or devices related to reproductive health services or information related to ~~contraception~~ reproductive health services; and

(b) Substantially burdens:

(1) The access of a person to ~~contraceptives, contraception~~ reproductive health services, drugs or devices related to reproductive health services or information related to ~~contraception~~ reproductive health services; or

(2) The ability of a provider of health care to provide ~~contraceptives, contraception~~ reproductive health services, drugs or devices related to reproductive health services or information related to ~~contraception~~ reproductive health services within the scope of practice, training and experience of the provider of health care.

2. A governmental entity may enact a requirement or limitation described in subsection 1 if the governmental entity demonstrates by clear and convincing evidence that the burden imposed by the requirement or limitation on the activity described in paragraph (b) of subsection 1, as applied to the person or provider of health care who is subject to the burden:

(a) Furthers a compelling interest; and

(b) Is the least restrictive means of furthering that interest.

3. Notwithstanding any provision of NRS 41.0305 to 41.039, inclusive, but subject to the limitation on damages set forth in NRS 41.035 when applicable, a person or provider of health care who has been substantially burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief. A court shall award costs and attorney's fees to a person who prevails on such a claim or defense pursuant to this section.

4. A court may find that a person is a vexatious litigant if the person makes a claim within the scope of sections 2 to 7, inclusive, of this act which is without merit, fraudulent or otherwise intended to harass or annoy a person. If a court finds that a person is a vexatious litigant pursuant to this subsection, the court may deny standing to that person to bring further claims which allege a violation of this section.

Sec. 8. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion or removal of a device for contraception;

(e) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; ~~and~~

(g) Voluntary sterilization ~~for women~~; **and**

(h) Any clinical services relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive. Such clinical services, include, without limitation, services to monitor the use and effectiveness of contraception.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. ~~The Plan must provide:~~

(a) Provide for the reimbursement of a ~~pharmacist~~ provider of health care for providing services described in subsection 1 ~~that~~ if the services are within the scope of practice, training and experience of the ~~pharmacist~~
~~The Plan must not limit:~~

~~(a) Coverage for such services provided by a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.~~

~~(b) Reimbursement for such services provided by a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse, provider of health care.~~

(b) Provide coverage for the services described in subsection 1 regardless of whether those services are provided in an inpatient or outpatient setting.

7. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) One-quarter of the costs of any language translation services provided to facilitate the provision of any drug, device or service described in subsection 1 to a recipient of Medicaid who is eligible for the Children's Health Insurance Program; and

(b) One-half of the costs of any language translation services provided to facilitate the provision of any drug, device or service described in subsection 1 to a recipient of Medicaid who is not eligible for the Children's Health Insurance Program.

8. ~~The Plan must not require a recipient of Medicaid to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.~~

~~9.~~ As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 9. ~~Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A health carrier which offers or issues a network plan must demonstrate the capacity to adequately deliver family planning services provided by pharmacists to covered persons in accordance with the regulations adopted pursuant to subsection 2.~~

~~2. The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations prescribing requirements for a health carrier to demonstrate compliance with subsection 1. Those regulations must not allow a health carrier to demonstrate the capacity to adequately deliver family planning services to covered persons by demonstrating that the health carrier has entered into a network contract with one or more pharmacies for the sole purpose of dispensing prescription drugs to covered persons. (Deleted by amendment.)~~

Sec. 10. ~~NRS 687B.225 is hereby amended to read as follows:~~

~~687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0418, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689B.0378, 689C.1675, 689C.1676, 695A.1856, 695A.1865, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.1925, 695B.1942, 695C.1696, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695C.170, 695C.171, 695C.1714 ,~~

~~695G.1715 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:~~

~~—(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and~~

~~—(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.~~

~~2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.} (Deleted by amendment.)~~

Sec. 11. ~~[NRS 687B.600 is hereby amended to read as follows:~~

~~687B.600 As used in NRS 687B.600 to 687B.850, inclusive, and section 9 of this act, unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.} (Deleted by amendment.)~~

Sec. 12. ~~[NRS 687B.670 is hereby amended to read as follows:~~

~~687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:~~

~~1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive [;], and section 9 of this act;~~

~~2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive [;], and section 9 of this act; and~~

~~3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive [;], and section 9 of this act.} (Deleted by amendment.)~~

Sec. 13. ~~[NRS 689A.0418 is hereby amended to read as follows:~~

~~689A.0418 1. Except as otherwise provided in subsection [7,] 8, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:~~

~~—(a) Up to a 12 month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~—(1) Lawfully prescribed or ordered;~~

~~—(2) Approved by the Food and Drug Administration;~~

~~—(3) Listed in subsection [10;] 11; and~~

~~—(4) Dispensed in accordance with NRS 639.28075;~~

~~—(b) Any type of device for contraception which is:~~

~~—(1) Lawfully prescribed or ordered;~~

~~—(2) Approved by the Food and Drug Administration; and~~

~~—(3) Listed in subsection [10;] 11;~~

~~—(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~

~~—(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;~~

~~—(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;~~

~~—(f) Management of side effects relating to contraception; [and]~~

~~—(g) Voluntary sterilization [for women.];~~

~~—(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and~~

~~—(i) One quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.~~

~~2. An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the insurer. The terms of the policy must not limit:~~

~~—(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.~~

~~—(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.~~

~~3. An insurer must 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.~~

~~[3.] 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.~~

~~[4.] 5. Except as otherwise provided in subsections [8,] 9, 10 and [11,] 12, an insurer that offers or issues a policy of health insurance shall not:~~

~~—(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;~~

~~—(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;~~

~~—(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~—(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~—(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~—(f) Impose any other restrictions or delays on the access of an insured any such benefit.~~

~~—[5.] 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~—[6.] 7. Except as otherwise provided in subsection [7.] 8, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, [2022,] 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.~~

~~—[7.] 8. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~—[8.] 9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~—[9.] 10. For each of the 18 methods of contraception listed in subsection [10] 11 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~—[10.] 11. The following 18 methods of contraception must be covered pursuant to this section:~~

~~—(a) Voluntary sterilization ; [for women,]~~

~~—(b) Surgical sterilization implants for women;~~

~~—(c) Implantable rods;~~

~~—(d) Copper-based intrauterine devices;~~

~~—(e) Progesterone-based intrauterine devices;~~

~~—(f) Injections;~~

~~—(g) Combined estrogen and progestin-based drugs;~~

~~—(h) Progestin-based drugs;~~

~~—(i) Extended or continuous regimen drugs;~~

~~—(j) Estrogen and progestin-based patches;~~

~~—(k) Vaginal contraceptive rings;~~

- ~~—(l) Diaphragms with spermicide;~~
- ~~—(m) Sponges with spermicide;~~
- ~~—(n) Cervical caps with spermicide;~~
- ~~—(o) Female condoms;~~
- ~~—(p) Spermicide;~~
- ~~—(q) Combined estrogen and progestin based drugs for emergency contraception or progestin based drugs for emergency contraception; and~~
- ~~—(r) Ulipristal acetate for emergency contraception.~~

~~—[11.] 12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~—[12.] 13. An insurer shall not [use].~~

~~—(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.~~

~~—13.] ; or~~

~~—(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.~~

~~—14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~

~~—[14.] 15. As used in this section:~~

~~—(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or 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.~~

~~—(d) “Therapeutic equivalent” means a drug which:~~

~~—(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~—(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 689B.0378 is hereby amended to read as follows:~~

~~689B.0378 1. Except as otherwise provided in subsection [7,] 8, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:~~

~~(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration;~~

~~(3) Listed in subsection [11,] 12; and~~

~~(4) Dispensed in accordance with NRS 639.28075;~~

~~(b) Any type of device for contraception which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration; and~~

~~(3) Listed in subsection [11,] 12;~~

~~(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~

~~(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;~~

~~(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;~~

~~(f) Management of side effects relating to contraception; [and]~~

~~(g) Voluntary sterilization [for women.];~~

~~(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and~~

~~(i) One quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.~~

~~2. An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the insurer. The terms of the policy must not limit:~~

~~(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care;~~

~~(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.~~

~~3. An insurer must 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.~~

~~[3.] 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.~~

~~[4.] 5. Except as otherwise provided in subsections [9.] 10, 11 and [12.] 13, an insurer that offers or issues a policy of group health insurance shall not:~~

~~(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;~~

~~(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~[5.] 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~[6.] 7. Except as otherwise provided in subsection [7.] 8, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, [2022,] 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.~~

~~[7.] 8. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~[8.] 9. If an insurer refuses, pursuant to subsection [7.] 8, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~[9.] 10. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~— [10.] 11. For each of the 18 methods of contraception listed in subsection [11.] 12 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~— [11.] 12. The following 18 methods of contraception must be covered pursuant to this section:~~

- ~~— (a) Voluntary sterilization ; [for women];~~
- ~~— (b) Surgical sterilization implants for women;~~
- ~~— (c) Implantable rods;~~
- ~~— (d) Copper based intrauterine devices;~~
- ~~— (e) Progesterone based intrauterine devices;~~
- ~~— (f) Injections;~~
- ~~— (g) Combined estrogen and progestin based drugs;~~
- ~~— (h) Progestin based drugs;~~
- ~~— (i) Extended or continuous regimen drugs;~~
- ~~— (j) Estrogen and progestin based patches;~~
- ~~— (k) Vaginal contraceptive rings;~~
- ~~— (l) Diaphragms with spermicide;~~
- ~~— (m) Sponges with spermicide;~~
- ~~— (n) Cervical caps with spermicide;~~
- ~~— (o) Female condoms;~~
- ~~— (p) Spermicide;~~
- ~~— (q) Combined estrogen and progestin based drugs for emergency contraception or progestin based drugs for emergency contraception; and~~
- ~~— (r) Ulipristal acetate for emergency contraception.~~

~~— [12.] 13. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~— [13.] 14. An insurer shall not [use] :~~

~~— (a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ;~~

~~— 14.] ; or~~

~~— (b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.~~

~~— 15. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit~~

~~required by this section without a higher deductible, copayment or coinsurance.~~

~~[15.] 16. As used in this section:~~

~~(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or 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.~~

~~(d) “Therapeutic equivalent” means a drug which:~~

~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 689C.1676 is hereby amended to read as follows:~~

~~689C.1676 1. Except as otherwise provided in subsection [7,] 8, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:~~

~~(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration;~~

~~(3) Listed in subsection [10,] 11; and~~

~~(4) Dispensed in accordance with NRS 639.28075;~~

~~(b) Any type of device for contraception which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration; and~~

~~(3) Listed in subsection [10,] 11;~~

~~(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~

~~(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;~~

~~(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;~~

~~(f) Management of side effects relating to contraception; [and]~~

~~(g) Voluntary sterilization [for women.];~~

~~—(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and~~

~~—(i) One quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.~~

~~2. An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the carrier. The terms of the health benefit plan must not limit:~~

~~—(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.~~

~~—(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.~~

~~3. A carrier must 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.~~

~~[3.] 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.~~

~~[4.] 5. Except as otherwise provided in subsections [8,] 9, 10 and [11,] 12, a carrier that offers or issues a health benefit plan shall not:~~

~~—(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;~~

~~—(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;~~

~~—(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~—(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;~~

~~—(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~—(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~—[5.] 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~—[6.] 7. Except as otherwise provided in subsection [7.] 8, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, [2022,] 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.~~

~~—[7.] 8. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.~~

~~—[8.] 9. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~—[9.] 10. For each of the 18 methods of contraception listed in subsection [10.] 11 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~—[10.] 11. The following 18 methods of contraception must be covered pursuant to this section:~~

- ~~—(a) Voluntary sterilization ; [for women,]~~
- ~~—(b) Surgical sterilization implants for women;~~
- ~~—(c) Implantable rods;~~
- ~~—(d) Copper-based intrauterine devices;~~
- ~~—(e) Progesterone-based intrauterine devices;~~
- ~~—(f) Injections;~~
- ~~—(g) Combined estrogen and progestin-based drugs;~~
- ~~—(h) Progestin-based drugs;~~
- ~~—(i) Extended or continuous regimen drugs;~~
- ~~—(j) Estrogen and progestin-based patches;~~
- ~~—(k) Vaginal contraceptive rings;~~
- ~~—(l) Diaphragms with spermicide;~~
- ~~—(m) Sponges with spermicide;~~
- ~~—(n) Cervical caps with spermicide;~~
- ~~—(o) Female condoms;~~
- ~~—(p) Spermicide;~~
- ~~—(q) Combined estrogen and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and~~
- ~~—(r) Ulipristal acetate for emergency contraception.~~

~~— [11.] 12. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~— [12.] 13. A carrier shall not [use].~~

~~— (a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care [.~~

~~— 13.] ; or~~

~~— (b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.~~

~~— 14. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~

~~— [14.] 15. As used in this section:~~

~~— (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or 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.~~

~~— (d) “Therapeutic equivalent” means a drug which:~~

~~— (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~— (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~— (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.] (Deleted by amendment.)~~

Sec. 16. [NRS 695A.1865 is hereby amended to read as follows:

~~— 695A.1865 1. Except as otherwise provided in subsection [7,] 8, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:~~

~~— (a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~— (1) Lawfully prescribed or ordered;~~

- ~~— (2) Approved by the Food and Drug Administration;~~
- ~~— (3) Listed in subsection [10;] 11; and~~
- ~~— (4) Dispensed in accordance with NRS 639.28075;~~
- ~~— (b) Any type of device for contraception which is:~~
 - ~~— (1) Lawfully prescribed or ordered;~~
 - ~~— (2) Approved by the Food and Drug Administration; and~~
 - ~~— (3) Listed in subsection [10;] 11;~~
- ~~— (c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~
- ~~— (d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;~~
- ~~— (e) Education and counseling relating to the initiation of the use of contraception and any necessary follow up after initiating such use;~~
- ~~— (f) Management of side effects relating to contraception; [and]~~
- ~~— (g) Voluntary sterilization [for women.];~~
- ~~— (h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and~~
- ~~— (i) One quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.~~
- ~~— 2. An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the society. The terms of the benefit contract must not limit:~~
 - ~~— (a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.~~
 - ~~— (b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.~~
- ~~— 3. A society must 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.~~
- ~~— [3.] 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.~~
- ~~— [4.] 5. Except as otherwise provided in subsections [8;] 9, 10 and [11;] 12, a society that offers or issues a benefit contract shall not:~~

~~—(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;~~

~~—(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;~~

~~—(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~—(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;~~

~~—(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~—(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~—[5.] 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~—[6.] 7. Except as otherwise provided in subsection [7.] 8, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, [2022,] 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.~~

~~—[7.] 8. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.~~

~~—[8.] 9. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~—[9.] 10. For each of the 18 methods of contraception listed in subsection [10] 11 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~—[10.] 11. The following 18 methods of contraception must be covered pursuant to this section:~~

~~—(a) Voluntary sterilization; [for women,]~~

~~—(b) Surgical sterilization implants for women;~~

~~—(c) Implantable rods;~~

~~—(d) Copper based intrauterine devices;~~

- ~~—(e) Progesterone based intrauterine devices;~~
- ~~—(f) Injections;~~
- ~~—(g) Combined estrogen and progestin based drugs;~~
- ~~—(h) Progestin based drugs;~~
- ~~—(i) Extended or continuous regimen drugs;~~
- ~~—(j) Estrogen and progestin based patches;~~
- ~~—(k) Vaginal contraceptive rings;~~
- ~~—(l) Diaphragms with spermicide;~~
- ~~—(m) Sponges with spermicide;~~
- ~~—(n) Cervical caps with spermicide;~~
- ~~—(o) Female condoms;~~
- ~~—(p) Spermicide;~~
- ~~—(q) Combined estrogen and progestin based drugs for emergency contraception or progestin based drugs for emergency contraception; and~~
- ~~—(r) Ulipristal acetate for emergency contraception.~~
- ~~—[11.] 12. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~
- ~~—[12.] 13. A society shall not [use]:~~
- ~~—(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care [;~~
- ~~—13.] ; or~~
- ~~—(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.~~
- ~~—14. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~
- ~~—[14.] 15. As used in this section:~~
- ~~—(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or 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.~~

~~(d) “Therapeutic equivalent” means a drug which:~~
~~— (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~
~~— (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~
~~— (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent. (Deleted by amendment.)~~

Sec. 17. ~~[NRS 695B.1919 is hereby amended to read as follows:~~
~~— 695B.1919 1. Except as otherwise provided in subsection [7,] 8, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:~~
~~— (a) Up to a 12 month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~
~~— (1) Lawfully prescribed or ordered;~~
~~— (2) Approved by the Food and Drug Administration;~~
~~— (3) Listed in subsection [11,] 12; and~~
~~— (4) Dispensed in accordance with NRS 639.28075;~~
~~— (b) Any type of device for contraception which is:~~
~~— (1) Lawfully prescribed or ordered;~~
~~— (2) Approved by the Food and Drug Administration; and~~
~~— (3) Listed in subsection [11,] 12;~~
~~— (c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~
~~— (d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;~~
~~— (e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;~~
~~— (f) Management of side effects relating to contraception; [and]~~
~~— (g) Voluntary sterilization [for women.];~~
~~— (h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and~~
~~— (i) One quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.~~
~~— 2. An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the hospital or medical services corporation. The terms of the policy must not limit~~

~~—(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.~~

~~—(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.~~

~~—3. An insurer that offers or issues a contract for hospital or medical services must 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.~~

~~—[3.] 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.~~

~~—[4.] 5. Except as otherwise provided in subsections [9,] 10, 11 and [12,] 13, an insurer that offers or issues a contract for hospital or medical service shall not:~~

~~—(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;~~

~~—(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;~~

~~—(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~—(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;~~

~~—(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~—(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~—[5.] 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~—[6.] 7. Except as otherwise provided in subsection [7,] 8, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, [2022,] 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.~~

~~—[7.] 8. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to~~

~~provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~—[8.] 9. If an insurer refuses, pursuant to subsection [7,] 8, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~—[9.] 10. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~—[10.] 11. For each of the 18 methods of contraception listed in subsection [11] 12 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~—[11.] 12. The following 18 methods of contraception must be covered pursuant to this section:~~

- ~~—(a) Voluntary sterilization ; [for women;]~~
- ~~—(b) Surgical sterilization implants for women;~~
- ~~—(c) Implantable rods;~~
- ~~—(d) Copper based intrauterine devices;~~
- ~~—(e) Progesterone based intrauterine devices;~~
- ~~—(f) Injections;~~
- ~~—(g) Combined estrogen and progestin based drugs;~~
- ~~—(h) Progestin based drugs;~~
- ~~—(i) Extended or continuous regimen drugs;~~
- ~~—(j) Estrogen and progestin based patches;~~
- ~~—(k) Vaginal contraceptive rings;~~
- ~~—(l) Diaphragms with spermicide;~~
- ~~—(m) Sponges with spermicide;~~
- ~~—(n) Cervical caps with spermicide;~~
- ~~—(o) Female condoms;~~
- ~~—(p) Spermicide;~~
- ~~—(q) Combined estrogen and progestin based drugs for emergency contraception or progestin based drugs for emergency contraception; and~~
- ~~—(r) Ulipristal acetate for emergency contraception.~~

~~—[12.] 13. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~— [13.] 14. An insurer shall not [use]:~~

~~— (a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care;~~

~~— 14.] ; or~~

~~— (b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.~~

~~— 15. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~

~~— [15.] 16. As used in this section:~~

~~— (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~— (b) “Network plan” means a contract for hospital or medical service 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.~~

~~— (d) “Therapeutic equivalent” means a drug which:~~

~~— (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~— (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~— (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.] (Deleted by amendment.)~~

Sec. 18. ~~[NRS 695C.1696 is hereby amended to read as follows:~~

~~— 695C.1696 — 1. Except as otherwise provided in subsection [7.] 9, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:~~

~~— (a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~— (1) Lawfully prescribed or ordered;~~

~~— (2) Approved by the Food and Drug Administration;~~

~~— (3) Listed in subsection [11.] 13; and~~

~~— (4) Dispensed in accordance with NRS 639.28075;~~

~~— (b) Any type of device for contraception which is:~~

~~— (1) Lawfully prescribed or ordered;~~

- ~~—(2) Approved by the Food and Drug Administration; and~~
- ~~—(3) Listed in subsection [11;] 13;~~
- ~~—(c) Self administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~
- ~~—(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;~~
- ~~—(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow up after initiating such use;~~
- ~~—(f) Management of side effects relating to contraception; [and]~~
- ~~—(g) Voluntary sterilization [for women.];~~
- ~~—(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and~~
- ~~—(i) Except as otherwise provided in subsection 2, one quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.~~
- ~~—2. A health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid shall include in a health care plan that covers such services coverage for:~~
 - ~~—(a) One quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive, of subsection 1 to a recipient of Medicaid who is eligible for the Children's Health Insurance Program; and~~
 - ~~—(b) One half of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive, of subsection 1 to a recipient of Medicaid who is not eligible for the Children's Health Insurance Program.~~
- ~~—3. An enrollee is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the health maintenance organization. The terms of the evidence of coverage must not limit:~~
 - ~~—(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.~~
 - ~~—(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.~~
- ~~—4. A health maintenance organization must ensure that the benefits required by [subsection] subsections 1 and 2 are made available to an enrollee~~

through a provider of health care who participates in the network plan of the health maintenance organization.

~~— [3.] 5. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.~~

~~— [4.] 6. Except as otherwise provided in subsections [9, 10] 11, 12 and [12,] 14, a health maintenance organization that offers or issues a health care plan shall not:~~

~~— (a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1 [;] or 2;~~

~~— (b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;~~

~~— (c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;~~

~~— (d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~— (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or~~

~~— (f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.~~

~~— [5.] 7. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.~~

~~— [6.] 8. Except as otherwise provided in subsection [7.] 9, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, [2022,] 2024, has the legal effect of including the coverage required by [subsection] subsections 1 [;] and 2, and any provision of the plan or the renewal which is in conflict with this section is void.~~

~~— [7.] 9. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 or 2 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.~~

~~— [8.] 10. If a health maintenance organization refuses, pursuant to subsection [7.] 9, to provide the coverage required by subsection 1 [;] or 2, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~—[9.] 11. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.~~

~~—[10.] 12. For each of the 18 methods of contraception listed in subsection [11.] 13 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~—[11.] 13. The following 18 methods of contraception must be covered pursuant to this section:~~

- ~~—(a) Voluntary sterilization ; [for women;]~~
- ~~—(b) Surgical sterilization implants for women;~~
- ~~—(c) Implantable rods;~~
- ~~—(d) Copper based intrauterine devices;~~
- ~~—(e) Progesterone based intrauterine devices;~~
- ~~—(f) Injections;~~
- ~~—(g) Combined estrogen and progestin based drugs;~~
- ~~—(h) Progestin based drugs;~~
- ~~—(i) Extended or continuous regimen drugs;~~
- ~~—(j) Estrogen and progestin based patches;~~
- ~~—(k) Vaginal contraceptive rings;~~
- ~~—(l) Diaphragms with spermicide;~~
- ~~—(m) Sponges with spermicide;~~
- ~~—(n) Cervical caps with spermicide;~~
- ~~—(o) Female condoms;~~
- ~~—(p) Spermicide;~~
- ~~—(q) Combined estrogen and progestin based drugs for emergency contraception or progestin based drugs for emergency contraception; and~~
- ~~—(r) Ulipristal acetate for emergency contraception.~~

~~—[12.] 14. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~—[13.] 15. A health maintenance organization shall not [use] :~~

~~—(a) Use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care [;~~

~~—14.] ; or~~

~~—(b) Require an enrollee to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.~~

~~—16. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which~~

~~an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~

~~[15.] 17. As used in this section:~~

~~(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or 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.~~

~~(d) “Therapeutic equivalent” means a drug which:~~

~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 695C.1715 is hereby amended to read as follows:~~

~~695C.1715 1. Except as otherwise provided in subsection [7,] 9, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:~~

~~(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration;~~

~~(3) Listed in subsection [10,] 12; and~~

~~(4) Dispensed in accordance with NRS 639.28075;~~

~~(b) Any type of device for contraception which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration; and~~

~~(3) Listed in subsection [10,] 12;~~

~~(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~

~~(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;~~

~~—(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow up after initiating such use;~~

~~—(f) Management of side effects relating to contraception; [and]~~

~~—(g) Voluntary sterilization [for women];~~

~~—(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and~~

~~—(i) Except as otherwise provided in subsection 2, one quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.~~

~~—2. A managed care organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid shall include in a health care plan that covers such services coverage for:~~

~~—(a) One quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive, of subsection 1 to a recipient of Medicaid who is eligible for the Children's Health Insurance Program; and~~

~~—(b) One half of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive, of subsection 1 to a recipient of Medicaid who is not eligible for the Children's Health Insurance Program.~~

~~—3. An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the managed care organization. The terms of the evidence of coverage must not limit:~~

~~—(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.~~

~~—(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.~~

~~—4. A managed care organization must ensure that the benefits required by [subsection] subsections 1 and 2 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.~~

~~—[3.] 5. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.~~

~~—[4.] 6. Except as otherwise provided in subsections [8, 9] **10, 11** and [11,] **13**, a managed care organization that offers or issues a health care plan shall not:~~

~~—(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1 [,] **or 2**;~~

~~—(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;~~

~~—(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;~~

~~—(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~—(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or~~

~~—(f) Impose any other restrictions or delays on the access of an insured to any such benefits.~~

~~—[5.] 7. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~—[6.] 8. Except as otherwise provided in subsection [7,] **9**, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, [2022,] **2024**, has the legal effect of including the coverage required by [subsection] **subsections 1 [,] and 2**, and any provision of the plan or the renewal which is in conflict with this section is void.~~

~~—[7.] 9. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 **or 2** if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.~~

~~—[8.] 10. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~—[9.] 11. For each of the 19 methods of contraception listed in subsection [10] **12** that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~[10.] 12. The following 18 methods of contraception must be covered pursuant to this section:~~

- ~~(a) Voluntary sterilization ; [for women;]~~
- ~~(b) Surgical sterilization implants for women;~~
- ~~(c) Implantable rods;~~
- ~~(d) Copper based intrauterine devices;~~
- ~~(e) Progesterone based intrauterine devices;~~
- ~~(f) Injections;~~
- ~~(g) Combined estrogen and progestin based drugs;~~
- ~~(h) Progestin based drugs;~~
- ~~(i) Extended or continuous regimen drugs;~~
- ~~(j) Estrogen and progestin based patches;~~
- ~~(k) Vaginal contraceptive rings;~~
- ~~(l) Diaphragms with spermicide;~~
- ~~(m) Sponges with spermicide;~~
- ~~(n) Cervical caps with spermicide;~~
- ~~(o) Female condoms;~~
- ~~(p) Spermicide;~~
- ~~(q) Combined estrogen and progestin based drugs for emergency contraception or progestin based drugs for emergency contraception; and~~
- ~~(r) Ulipristal acetate for emergency contraception.~~

~~[11.] 13. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~[12.] 14. A managed care organization shall not [use] :~~

~~(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care [;~~

~~13.] ; or~~

~~(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.~~

~~15. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~

~~[14.] 16. As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or 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.~~

~~(d) “Therapeutic equivalent” means a drug which:~~

~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.] (Deleted by amendment.)~~

~~Sec. 20. [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. 21. 1. This section becomes effective upon passage and approval.~~

~~2. Sections 1 to 20, 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. 386.

Bill read second time.

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

Amendment No. 442.

~~[ASSEMBLYWOMAN]~~ ASSEMBLYWOMEN MONROE- MORENO ; SUMMERS- ARMSTRONG AND THOMAS

AN ACT relating to midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring any midwife who provides

services in this State to provide to clients a Community Birth Disclosure; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; creating a special endorsement authorizing a licensed certified professional midwife to order, dispense and implant certain devices; creating a special endorsement authorizing a licensed certified professional midwife to possess, administer, prescribe and dispense certain drugs; exempting a licensed certified professional midwife and other providers of health care from certain liability; requiring Medicaid to cover the services of a licensed certified professional midwife; authorizing a licensed certified professional midwife to serve as the director of a freestanding birthing center; **specifying the midwives to which certain requirements apply**; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a midwife to perform certain duties relating to reporting births and deaths and testing newborn babies for certain diseases. (NRS 440.100, 440.740, 442.008-442.110, 442.600-442.680) **Sections 2-32** of this bill provide for: (1) the licensure of licensed certified professional midwives by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) the regulation of licensed certified professional midwives by the Division and the Board of Licensed Certified Professional Midwives created by **section 17** of this bill. **Sections 2-14, 45, 69 and 74** of this bill define certain terms related to the practice of certified professional midwifery. **Section 15** of this bill exempts certain providers of health care from requirements governing the licensure and regulation of licensed certified professional midwives. **Sections 36, 38, 39 and 42-44** of this bill similarly exempt licensed certified professional midwives and certified professional midwife student midwives from provisions governing certain other providers of health care. Licensed certified professional midwives and certified professional midwife student midwives would also be exempt from provisions governing allopathic physicians. (NRS 630.047)

Section 16 of this bill authorizes the Division to accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this bill.

Section 17 creates the Board of Licensed Certified Professional Midwives. **Sections 34, 55 and 58-62** of this bill make various changes to ensure that the Board is treated similarly to other boards that regulate health-related professions. **Section 34** also provides that a person may obtain a license as a licensed certified professional midwife through reciprocity if the person has been in practice for at least 1 year immediately preceding the date on which the person submits an application. **Section 18** of this bill prescribes certain requirements concerning the operations and duties of the Board. **Section 19** of this bill requires the Board to adopt regulations governing the practice of certified professional midwifery, including: (1) requirements governing the issuance and renewal of a license as a licensed certified professional midwife;

(2) requirements governing the investigation of misconduct and discipline; (3) requirements governing the management of a client who is at a moderate or high risk of an adverse outcome; and (4) requirements governing certain other aspects of the practice of certified professional midwifery.

Section 20 of this bill prescribes the requirements for the issuance of a license as a licensed certified professional midwife. **Section 103** of this bill revises the requirements for the issuance of a license as a licensed certified professional midwife on January 1, 2026, to authorize the Division to exempt certain applicants from certain education requirements to address shortages in the number of midwives practicing in rural or underserved areas in the State or barriers for applicants from marginalized identities. **Section 21** of this bill: (1) authorizes a licensed certified professional midwife to utilize a certified professional midwife birth assistant to perform certain simple, routine medical tasks; and (2) prescribes the required training for a certified professional midwife birth assistant.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) **Sections 22 and 29** of this bill enact such procedures as applicable to an applicant for a license as a licensed certified professional midwife in order to comply with federal law. **Sections 104 and 110** of this bill remove a requirement that an application for a license as a licensed certified professional midwife include the social security number of the applicant on the date that those federal requirements are repealed, while leaving in place the other requirements of **sections 22 and 29** until 2 years after that date. **Section 33** of this bill makes a conforming change to account for applicants for licensure who do not have a social security number.

Section 23 of this bill prescribes the authorized activities of a certified professional midwife student midwife and requirements governing the supervision of a certified professional midwife student midwife by a preceptor. **Section 24** of this bill requires any midwife who provides services in this State to provide to a client a Community Birth Disclosure that contains certain information. **Section 24** additionally requires the Board to create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State. **Section 24** further requires a licensed certified professional midwife to obtain informed written consent from each client before providing services.

Existing law authorizes only certain practitioners who are licensed in this State and registered with the State Board of Pharmacy to prescribe drugs and devices. (NRS 639.235, 639.23505) **Sections 25, 40, 41 and 78** of this bill authorize a licensed certified professional midwife to: (1) order, possess and administer certain drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines for a client. **Sections 26, 40 and 78** of this bill authorize a licensed certified professional midwife to apply to the ~~Board~~ **Division** for a special endorsement for his or her license to: (1) order, dispense and implant contraceptive devices; or (2) possess, administer, prescribe and

dispense certain dangerous drugs. **Sections 21, 23 and 79** of this bill authorize a certified professional midwife birth assistant or certified professional midwife student midwife to administer certain drugs, devices, chemicals and solutions under the direct supervision of a licensed certified professional midwife or in certain emergency situations. **Section 23** additionally authorizes a certified professional midwife student midwife to administer or implant a contraceptive device under the supervision of a preceptor who holds the appropriate special endorsement.

Section 27 of this bill imposes specific requirements concerning the management of a client who is at a moderate or high risk of an adverse outcome ~~], and section 105 of this bill revises some of those requirements on the effective date of regulations adopted by the Board to replace those requirements.] , and section 19 requires the Board of Licensed Certified Professional Midwives to adopt additional regulations governing the management of such a client.~~ **Section 107** of this bill creates the Collaboration and Transfer Guidelines Workgroup to make recommendations to the Board for regulations governing the transfer of such a client to a medical facility. **Section 27** also exempts: (1) a licensed certified professional midwife from liability resulting from the informed refusal to consent of such a client to consultation, co-management with or referral to another provider of health care or transfer to a medical facility or the inability of the licensed certified professional midwife to arrange for such consultation or carry out such co-management, referral or transfer; and (2) other providers of health care from liability for the actions or omissions of a licensed certified professional midwife.

Section 28 of this bill requires a licensed certified professional midwife to report to the Division certain information concerning his or her practice upon the renewal of his or her license.

Section 30 of this bill: (1) requires the Division to maintain certain records of proceedings relating to licensing, disciplinary actions and investigations; and (2) declares certain records to be confidential and certain other records to be public. **Section 57** of this bill makes a conforming change to clarify that such confidential records of the Division are not public records. **Section 31** of this bill prohibits a person who does not hold a license as a licensed certified professional midwife from representing that he or she is licensed to engage in the practice of certified professional midwifery. **Section 31** authorizes a person to represent that he or she is licensed to engage in the practice of certified professional midwifery if the person is licensed in another district, state or territory of the United States and the person discloses that license to the public. **Section 31** also prohibits a certified professional midwife student midwife from: (1) engaging in midwifery in circumstances other than those authorized by this bill; or (2) representing that he or she is qualified to engage in the practice of certified professional midwifery without supervision. **Section 31** authorizes the Division to, when it has reason to believe or has received complaints that a person has repeatedly violated the provisions of **section 31**,

certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought. **Section 32** authorizes the Division or the Attorney General to seek an injunction against any person violating any provision of **sections 2-32**.

Existing law defines the term “provider of health care” as a person who practices any of certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 35** of this bill includes licensed certified professional midwives in the definition of “provider of health care,” thereby subjecting licensed certified professional midwives to the same requirements. **Section 76** of this bill makes a conforming change to clarify that licensed certified professional midwives are providers of health care. **Section 37** of this bill requires a licensed certified professional midwife to report misconduct by a person licensed or certified by the State Board of Nursing to the Executive Director of the Board.

Sections 48 and 49 of this bill provide that a licensed certified professional midwife is not liable for civil damages resulting from providing emergency care or gratuitous care to an indigent person under certain circumstances. **Section 70** of this bill requires a licensed certified professional midwife who attends a birth that occurs outside a hospital which is not also attended by a physician or advanced practice registered nurse to prepare a birth certificate. **Section 71** of this bill provides for the imposition of a fine upon a person who furnishes false information to a licensed certified professional midwife for the purpose of making incorrect certification of births or deaths.

Existing law provides that, in any civil action concerning any unwelcome or nonconsensual sexual conduct, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim. (NRS 41.138) **Section 47** of this bill provides that a licensed certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant is a person of authority for that purpose.

Sections 46, 50-54, 63, 64, 66-76 and 80-102 of this bill make revisions to treat licensed certified professional midwives similarly to other providers of health care in certain respects. **Section 65** of this bill requires Medicaid to cover the services of a licensed certified professional midwife and to provide reimbursement for such services at rates comparable to other providers of health care who provide similar services. **Section 56** of this bill makes a conforming change to indicate the proper placement of **section 65** in the Nevada Revised Statutes.

Section 77 of this bill authorizes a licensed certified professional midwife to serve as the director of a freestanding birthing center.

Existing law requires a primary care provider, including a midwife, to take certain actions to facilitate the detection of harmful mutations in the

BRCA gene in patients who are adult women. (NRS 457.301) Section 81 of this bill provides that this requirement applies to licensed certified professional midwives, but not to other midwives.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 32, 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 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Board” means the Board of Licensed Certified Professional Midwives created by section 17 of this act.*

Sec. 4. *“Certified nurse-midwife” means a person who is:*

1. *Certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization; and*

2. *Licensed as an advanced practice registered nurse pursuant to NRS 632.237.*

Sec. 5. *“Certified professional midwife birth assistant” means a person who performs routine medical tasks and procedures under the direct supervision of a licensed certified professional midwife.*

Sec. 6. *“Certified professional midwife student midwife” means a person who performs midwifery under the direct supervision of a preceptor pursuant to section 23 of this act.*

Sec. 7. *“Co-manage” means a licensed certified professional midwife jointly managing the care of a client with another provider of health care.*

Sec. 8. *“Consult” means a client receiving an opinion concerning the management of a particular condition or symptom from an appropriate provider of health care at the direction of a licensed certified professional midwife.*

Sec. 9. *“Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 10. *“Licensed certified professional midwife” means a person licensed as a licensed certified professional midwife pursuant to section 20 of this act.*

Sec. 11. *“Medical facility” has the meaning ascribed to it in NRS 449.0151.*

Sec. 12. *“Practice of certified professional midwifery” means the provision of autonomous care to healthy clients who are at low risk of developing complications before conception, while pregnant and during the postpartum period and to newborn infants for up to 6 weeks after childbirth. The term includes, without limitation, co-management of the care of a client with a qualified provider of health care.*

Sec. 13. *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 14. *“Refer” means a licensed certified professional midwife arranging for another provider of health care to assume primary responsibility for managing a condition or symptom.*

Sec. 15. 1. *Except as otherwise provided in this section and sections 21, 24 and 27 of this act, the provisions of this chapter do not apply to a person who holds a license, certificate or other credential issued pursuant to chapters 630 to 641D, inclusive, of NRS and is practicing within the scope of authority authorized by that license, certificate or other credential. For the purposes of this subsection, a certified nurse-midwife shall be deemed to be practicing within the scope of authority authorized by his or her license as an advanced practice registered nurse.*

2. *This chapter does not prohibit:*

- (a) Gratuitous services of a person in an emergency; or*
- (b) Gratuitous care by friends or by members of the family.*

Sec. 16. *The Division may accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this chapter.*

Sec. 17. 1. *The Board of Licensed Certified Professional Midwives is hereby created.*

2. *The Administrator of the Division shall appoint to the Board:*

(a) Four voting members who are licensed certified professional midwives currently practicing in this State;

(b) One voting member who is an advanced practice registered nurse or physician currently practicing in the area of obstetrics in this State;

(c) One voting member who is a provider of health care, other than a provider of health care described in paragraph (a) or (b), who is currently providing neonatal or pediatric care in this State;

(d) One voting member who is a representative of the general public and who has received care from a licensed certified professional midwife;

(e) One ~~voting~~ nonvoting member who is a social worker licensed in this State or community organizer with experience in public health; and

(f) One nonvoting member to serve as a liaison with the Division.

3. *Each member of the Board must be a resident of this State.*

4. *The Administrator of the Division:*

(a) May solicit nominations for appointment to the Board from interested persons and entities.

(b) Shall give preference when appointing the members of the Board to candidates who have experience collaborating with licensed certified professional midwives or providing or utilizing midwifery services outside of a hospital.

5. *The Board shall adopt regulations prescribing the terms of its members. Such terms must not exceed 4 years. The Administrator of the Division may:*

- (a) Reappoint a member at the expiration of his or her term; or*

(b) *Terminate a member before the expiration of his or her term for cause.*

6. *A vacancy on the Board must be filled in the same manner as the initial appointment.*

7. *Except as otherwise provided in this subsection, members of the Board serve without compensation. The State Board of Health may, by regulation, provide for compensation of the members of the Board.*

Sec. 18. 1. *A majority of the voting members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.*

2. *The Board shall:*

(a) *At its first meeting and annually thereafter, elect a Chair from among its members;*

(b) *Meet annually at the call of the Chair; and*

(c) *Recommend to the Legislature any statutory changes to improve the practice of certified professional midwifery in this State.*

3. *To the extent that money is available, the Board may meet more frequently than required by paragraph (b) of subsection 2.*

4. *To the extent practicable, any advice or recommendations made by the Board concerning the practice of certified professional midwifery must be guided by current, peer-reviewed scientific research.*

Sec. 19. ~~1.~~ *The Board shall adopt any regulations necessary or convenient for carrying out the provisions of this chapter. Those regulations must include, without limitation:*

~~(a)~~ 1. *Requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including, without limitation:*

~~(1)~~ (a) *The period for which a license is valid, which must not exceed 2 years.*

~~(2)~~ (b) *A requirement that an applicant for the renewal of a license must have completed continuing education in cultural humility or the elimination of racism or bias.*

~~(b)~~ 2. *The procedure for filing a complaint with the Division concerning a licensed certified professional midwife or certified professional midwife student midwife.*

~~(c)~~ 3. *Grounds for the Division to impose disciplinary action against a licensed certified professional midwife or certified professional midwife student midwife and the procedure by which the Division will impose such disciplinary action.*

~~(d)~~ 4. *Requirements governing the reinstatement of a license or special endorsement that has been revoked, including, without limitation, the procedure to apply for reinstatement.*

~~(e)~~ 5. *Regulations governing the ordering, usage and administration of drugs, vaccines, chemicals, solutions and devices pursuant to section 25 of this act.*

~~(f)~~ 6. *Regulations concerning the management by a licensed certified professional midwife of a client who may have a condition that puts the client*

at a moderate or high risk of an adverse outcome for the client or the fetus or newborn infant of the client. The regulations must, to the extent practicable, be guided by current, peer-reviewed scientific research and must include, without limitation:

~~[(1)]~~ (a) A list of conditions or symptoms associated with a risk of serious permanent harm or death to a client or the fetus or newborn infant of a client ~~that~~, in addition to those prescribed by section 27 of this act;

~~[(2)]~~ (b) A list of conditions or symptoms associated with a risk of greater than minimal harm to a client or the fetus or newborn infant of a client that do not pose a risk of serious permanent harm or death ~~that~~, in addition to those prescribed by section 27 of this act; and

~~[(3)]~~ (c) Specific requirements for each condition or symptom listed pursuant to subparagraphs (1) and (2) governing:

~~[(1)]~~ (1) The circumstances under which a licensed certified professional midwife must arrange for the client to consult with another provider of health care, co-manage the care of the client with another provider of health care, refer primary responsibility for the care of a client to another provider of health care or transfer the care of the client to a medical facility, procedures for such consultation, co-management, referral or transfer and requirements to ensure that a provider of health care who is consulted, with whom a client's condition or symptom is co-managed or to whom primary responsibility for the care of a client is referred is appropriately qualified; and

~~[(2)]~~ (2) The information that must be included on the form for providing informed refusal to consent to consultation, co-management, referral or transfer pursuant to section 27 of this act and the management of a client who provides such informed refusal to consent.

~~[(9)]~~ 7. Requirements governing the screening of clients in accordance with chapter 442 of NRS and necessary measures for the prevention of communicable diseases.

~~[(10)]~~ 8. Requirements concerning the records of treatment and outcomes that must be kept by a licensed certified professional midwife.

~~[(11)]~~ 9. Administrative penalties that the Division may impose upon a certified professional midwife student midwife who engages in the practice of certified professional midwifery without a preceptor.

~~[(12)]~~ 10. Administrative penalties that the Division may impose upon a licensed certified professional midwife who engages in activity for which a special endorsement is required by section 23 or 26 of this act without the appropriate endorsement.

~~[(13)]~~ 11. Any other requirements necessary to optimize obstetrical and neonatal outcomes for clients of licensed certified professional midwives.

~~[(2)]~~ The Board may, by regulation, require an applicant for a license as a licensed certified professional midwife to submit to the Division a complete set of his or her fingerprints and written permission authorizing the Division 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.~~

Sec. 20. 1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000 ~~and a complete set of his or her fingerprints and written permission authorizing the Division 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.~~ The application must include, without limitation, proof that the applicant is certified as a midwife by the North American Registry of Midwives, or its successor organization, and:

(a) Has completed an educational program ~~accredited by the Midwifery Education Accreditation Council;~~ that is consistent with the most recent statement on licensure of Certified Professional Midwives by the United States Midwifery Education, Regulation and Association, or its successor organization; or

(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.

2. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

3. To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health shall establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section or section 26 of this act. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section or section 26 of this act are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section or section 26 of this act to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

4. As used in this section, “marginalized identity” means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or

otherwise negatively treated or affected as a result of the identity or expression.

Sec. 21. 1. A licensed certified professional midwife may utilize a certified professional midwife birth assistant to perform the tasks and procedures authorized by subsection 3. Except as otherwise provided in subsection 2, a certified professional midwife birth assistant, including, without limitation, a provider of health care serving as a certified professional midwife birth assistant, must:

- (a) Be at least 18 years of age;*
- (b) Have completed training in cultural humility or the elimination of racism or bias;*
- (c) Have completed training in the techniques of administering neonatal resuscitation provided through the Neonatal Resuscitation Program of the American Academy of Pediatrics, or any successor to that program; and*
- (d) Hold current certification in the techniques of administering cardiopulmonary resuscitation.*

2. A certified professional midwife birth assistant who is a licensed certified professional midwife or a certified nurse-midwife is not required to possess the qualifications set forth in subsection 1.

3. Except as otherwise provided in subsection 5, a certified professional midwife birth assistant may perform routine clinical tasks and procedures only under the direct supervision of a licensed certified professional midwife who is present on the premises and able to intervene if necessary. Such tasks include, without limitation:

- (a) Administering medications, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 25 of this act, intradermally, subcutaneously and intramuscularly and performing skin tests;*
- (b) Providing medication, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 25 of this act, to a patient to self-administer orally, sublingually, topically or rectally;*
- (c) Administering oxygen;*
- (d) Assisting in the care of a newborn infant immediately after birth;*
- (e) Placing a device used for auscultation of fetal heart tones;*
- (f) Assisting a client with activities of daily living and assisting the client in moving between the bed and bathroom;*
- (g) Performing cardiopulmonary or neonatal resuscitation; and*
- (h) Checking vital signs.*

4. The supervising licensed certified professional midwife is responsible for ensuring that the certified professional midwife birth assistant has been properly trained to provide the services delegated to him or her. The supervising licensed certified professional midwife shall retain any documentation of the training that the certified professional midwife birth assistant has received for at least 5 years after the supervising licensed

certified professional midwife ceases to supervise the certified professional midwife birth assistant.

5. *A certified professional midwife birth assistant may provide any necessary assistance in an emergency or when birth is imminent if his or her supervising licensed certified professional midwife is not present. If a certified professional midwife birth assistant provides such assistance without supervision, the certified professional midwife birth assistant must contact a provider of emergency medical services to provide further assistance.*

6. *A certified professional midwife birth assistant shall not assess clinical information or make clinical decisions.*

Sec. 22. 1. *In addition to any other requirements set forth in this chapter:*

(a) *An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.*

(b) *An applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services 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 Division of Public and Behavioral Health of the Department of Health and Human Services 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 Division.*

3. *A license as a licensed certified professional midwife may not be issued or renewed by the Division 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 Division 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. 23. 1. *Except as otherwise provided in subsection 5, a certified professional midwife student midwife may engage in the practice of certified professional midwifery, including, without limitation, by using or administering any drug, vaccine, device, chemical or solution described in subsection 1, 2 or 3 of section 25 of this act, only under the direct supervision of a preceptor who is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides midwifery services.*

2. *A certified professional midwife student midwife may administer or implant a contraceptive device or possess and administer a drug prescribed by the regulations adopted pursuant to paragraph (b) of subsection 1 of section 26 of this act only under the direct supervision of a preceptor who is a licensed certified professional midwife, holds the appropriate special endorsement issued pursuant to section 26 of this act authorizing the preceptor to engage in such activity and is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides services pursuant to this subsection.*

3. *A preceptor must be a person engaged in the practice of certified professional midwifery who is approved by the North American Registry of Midwives, or its successor organization, to serve as a preceptor.*

4. *A preceptor shall:*

(a) *Notify each client that a certified professional midwife student midwife may be involved in the care of the client;*

(b) *Explain the scope of the activities that the certified professional midwife student midwife may perform under the supervision of the preceptor; and*

(c) *Review and evaluate all care provided by a certified professional midwife student midwife under his or her supervision and attend every clinical encounter between the certified professional midwife student midwife and a client.*

5. *If the preceptor of a certified professional midwife student midwife ceases to serve as his or her preceptor and the certified professional midwife student midwife has no additional preceptor, the certified professional midwife student midwife must cease engaging in the practice of certified professional midwifery.*

6. *A certified professional midwife student midwife may provide any necessary assistance in an emergency or when birth is imminent if his or her preceptor is not present. If a certified professional midwife student midwife needs to provide such assistance and his or her preceptor is not present, the certified professional midwife student midwife must contact a provider of emergency medical services to provide further assistance.*

Sec. 24. *Upon accepting a client:*

1. *Any midwife, including, without limitation, a licensed certified professional midwife and a certified nurse-midwife, shall provide the client*

with a Community Birth Disclosure. The Community Birth Disclosure must inform the client regarding:

- (a) The type of midwife that the midwife is;
- (b) The type of education and training that the midwife has received; and
- (c) The care to be provided by the midwife.

↪ The Board shall create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State.

2. A midwife must sign and date, and obtain the signature of the client with a notation of the date of that signature, the Community Birth Disclosure provided pursuant to subsection 1. The midwife shall retain a copy of the Community Birth Disclosure for 5 years.

3. In addition to complying with the requirements of subsections 1 and 2, a licensed certified professional midwife shall obtain from the client informed written consent regarding the care to be provided by the licensed certified professional midwife. Informed written consent requires that the licensed certified professional midwife provide to the client:

(a) A description of the educational background and credentials of the licensed certified professional midwife;

(b) A description of the practice of certified professional midwifery as set forth in section 12 of this act and the limitations on the practice of a licensed certified professional midwife;

(c) Instructions for obtaining a copy of the provisions of sections 2 to 32, inclusive, of this act and the regulations adopted pursuant to section 19 of this act;

(d) Instructions for filing a complaint with the Division in accordance with the regulations adopted pursuant to section 19 of this act;

(e) A description of the actions that the licensed certified professional midwife will take in an emergency, including, without limitation, the conditions under which the licensed certified professional midwife will recommend the transfer of the client to a medical facility and the procedure that the licensed certified professional midwife will follow when making such a transfer;

(f) A description of the procedures that will be used during the birth in the client's chosen setting, the risks and benefits of birth in that setting and the conditions that may arise during delivery;

(g) A disclosure of whether the licensed certified professional midwife holds liability insurance;

(h) A summary of the provisions of section 27 of this act and the regulations adopted pursuant to section 19 of this act governing consultation, co-management, referral and transfer and a description of the procedures established by the licensed certified professional midwife for consultation, co-management, referral and transfer; and

(i) Any other information required by regulation of the Board.

Sec. 25. 1. A licensed certified professional midwife may use the following devices:

(a) Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal monitors, tocodynamometer monitors, equipment for administering oxygen, glucose monitoring systems and testing strips, neonatal and adult oximetry equipment, centrifuges and equipment for conducting screenings of hearing ability;

(b) Equipment for administering nitrous oxide, including, without limitation, scavenging systems, only in a freestanding birthing center licensed pursuant to chapter 449 of NRS;

(c) Neonatal and adult resuscitation equipment, including, without limitation, airway devices; and

(d) Any other device authorized by regulation of the Board.

2. A licensed certified professional midwife may possess and administer:

(a) Oxytocin, misoprostol, methylergonovine, tranexamic acid, lidocaine, penicillin, ampicillin, cefazolin, clindamycin, epinephrine, diphenhydramine, ondansetron, phylloquinone, erythromycin ointment, terbutaline and nitrous oxide;

(b) Influenza vaccine, hepatitis B vaccine, COVID-19 vaccine and diphtheria, tetanus and pertussis vaccine;

(c) Rho (D) immune globulin and hepatitis B immune globulin; and

(d) Any other drugs or vaccines authorized by regulation of the Board.

3. A licensed certified professional midwife may possess and administer:

(a) Oxygen, lactated Ringers solution, 5 percent dextrose in lactated Ringers solution, 0.9 percent sodium chloride solution and sterile water; and

(b) Any other chemicals or solutions authorized by regulation of the Board.

4. A licensed certified professional midwife may order for a client:

(a) Breast pumps, compression stockings and belts, maternity belts, diaphragms, cervical caps, glucometers, glucose testing strips, iron supplements and prenatal vitamins; and

(b) Any vaccine described in paragraph (b) of subsection 2.

Sec. 26. 1. The Division shall, upon application by a licensed certified professional midwife who has such qualifications as the Board specifies by regulation, issue:

(a) A special endorsement of the license authorizing the licensed certified professional midwife to order, dispense, administer and implant contraceptive devices for a client.

(b) A special endorsement of the license authorizing the licensed certified professional midwife to possess, administer, prescribe and dispense drugs prescribed by regulation of the Board, in consultation with the State Board of Pharmacy, for a client.

2. An application for the issuance or renewal of a special endorsement pursuant to this section must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed ~~(\$1,000)~~ \$500.

3. The Board, in consultation with the State Board of Pharmacy, shall adopt regulations to carry out the provisions of this section. Those regulations must prescribe:

(a) The training and experience necessary to obtain a special endorsement, including, without limitation:

(1) The additional education and training necessary to obtain a special endorsement described in paragraph (a) or (b) of subsection 1, which must be similar to the education and training required for other providers of health care who perform the activities authorized by those endorsements;

(2) The number of completed implantations of a contraceptive device under the supervision of a preceptor necessary to obtain a special endorsement described in paragraph (a) of subsection 1; and

(3) Requirements for the completion of training required by the manufacturer of a contraceptive device or the equivalent of such training to obtain a special endorsement described in paragraph (a) of subsection 1.

(b) The period for which a special endorsement is valid, which must not exceed 2 years.

(c) The contraceptive devices that the holder of a special endorsement issued pursuant to paragraph (a) of subsection 1 may order, dispense, administer and implant.

(d) The drugs that the holder of a special endorsement issued pursuant to paragraph (b) of subsection 1 may possess, administer, prescribe or dispense, which must only include:

(1) Antibiotic, antiemetic, antiviral, antifungal and antipruritic medications and low-potency topical steroids for the prevention and treatment of conditions that do not constitute a significant deviation from normal pregnancy or postpartum; and

(2) Hormonal and nonhormonal contraceptives.

4. A special endorsement issued pursuant to paragraph (b) of subsection 1 does not authorize the holder to prescribe or dispense drugs for a newborn infant.

Sec. 27. 1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

(a) Complete placenta previa;

(b) Partial placenta previa after the 27th week of gestation;

(c) Infection with the human immunodeficiency virus;

(d) Cardiovascular disease;

(e) Severe mental illness that may cause the client to cause harm to themselves or others;

(f) Pre-eclampsia or eclampsia;

(g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;

(h) Potentially serious anatomic fetal abnormalities;

(i) Diabetes that requires insulin or other medication for management;

(j) Gestational age of greater than 43 weeks; or

(k) Any other condition or symptom ~~which~~:

(1) Designated by the regulations adopted pursuant to section 19 of this act; or

(2) Which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.

2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

(a) Prior cesarean section or other surgery resulting in a uterine scar;

(b) Multifetal gestation; ~~or~~

(c) Noncephalic presentation after 36 weeks of gestation ~~+~~; or

(d) Any other condition or symptom designated by the regulations adopted pursuant to section 19 of this act.

3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:

(a) The contents of the recommendation;

(b) The condition or symptom for which the recommendation was made;

(c) Whether the client consented to the consultation, co-management, referral or transfer; and

(d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.

4. A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Board. If a client provides informed refusal to consent to:

(a) Consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom described in subsection 1 exists, the licensed certified professional midwife must attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co-manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is not liable for any damages resulting from the failure

to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:

(1) May continue to serve as the primary provider of health care for the client until the client provides such consent; and

(2) Is not liable for any damages resulting from the failure to consult, co-manage or refer.

5. If, after determining that a condition or symptom described in:

(a) Subsection 1 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.

6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.

Sec. 28. 1. *With each application for the renewal of his or her license, a licensed certified professional midwife shall submit to the Division a report that includes, for the immediately preceding licensure period:*

(a) The total number of clients who, when accepted by the licensed certified professional midwife as clients, intended to deliver their babies outside of a hospital;

(b) The number of live births attended by the licensed certified professional midwife outside of a hospital;

(c) The number of cases of fetal demise, deaths of newborns and maternal deaths attended by the licensed certified professional midwife;

(d) The number of clients transferred to a medical facility during the antepartum, intrapartum or immediate postpartum periods and the reason for and outcome of each such transfer;

(e) A brief description of any complications resulting in maternal or infant morbidity or mortality;

(f) The planned location and actual location of each delivery; and

(g) Any other information required by regulation of the Board.

2. *Not later than 30 days after attending a maternal or newborn infant death, a licensed certified professional midwife shall report the death to the Division and the Board.*

Sec. 29. 1. *If the Division 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 issued pursuant to this chapter, the Division 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 Division 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 Division shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if:*

(a) The Division 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; and

(b) The person whose license was suspended pays the appropriate fee required pursuant to this chapter.

Sec. 30. 1. *The Division shall keep a record of its proceedings relating to licensing, disciplinary actions and investigations. Except as otherwise provided in this chapter, the record must be open to public inspection at all reasonable times.*

2. *Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, 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 and privileged.

3. A complaint or other document filed by the Division to initiate disciplinary action, any written opinion rendered by the Division and all documents and information considered by the Division when determining whether to impose discipline are public records.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The provisions of this section do not prohibit the Division from communicating or cooperating with or providing 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. 31. 1. Except as otherwise provided in subsection 2, a person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division shall not:

(a) Use in connection with his or her name the words “licensed certified professional midwife,” “licensed midwife” or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery in this State; or

(b) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading “licensed certified professional midwife,” “licensed midwife” or any other term that indicates or implies that he or she is licensed to engage in the practice of certified professional midwifery in this State.

2. A person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division may use or list the words or headings described in paragraph (a) or (b) of subsection 1 if the person is licensed in the District of Columbia or any state or territory of the United States. If the person uses or lists the words or headings pursuant to this section, the person shall disclose the district, state or territory, as applicable, in which he or she is licensed.

3. A person who is licensed as a licensed certified professional midwife and who is also licensed in the District of Columbia or any state or territory of the United States shall disclose each additional district, state or territory, as applicable, in which he or she is currently licensed or has ever been licensed in all circumstances described in paragraphs (a) and (b) of subsection 1.

4. *A certified professional midwife student midwife shall not:*

(a) Engage in midwifery except in circumstances authorized by this chapter; or

(b) Use in connection with his or her name the words “licensed certified professional midwife,” “certified professional midwife,” “licensed midwife” or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery without supervision, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery without supervision in this State.

5. *If the Division has reason to believe that a person has repeatedly violated any provision of this section or the Division has received complaints that a person has repeatedly violated any provision of this section, the Division may certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.*

Sec. 32. 1. *The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from violating a provision of this chapter or any regulations adopted pursuant thereto.*

2. *Such an injunction:*

(a) May be issued without proof of actual damage sustained by any person as a preventive or punitive measure.

(b) Does not relieve any person or business entity from any other legal action.

Sec. 33. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 641D.330, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155, **and section 22 of this act**, an applicant for a license who does not have a social security number must

provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

- (a) Tax purposes;
- (b) Licensing purposes; and
- (c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 34. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641D, inclusive, **and sections 2 to 32, inclusive, of this act**, 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) ~~Has~~ **Except as otherwise provided in this paragraph, has** been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1. **If the person seeks to practice as a licensed certified professional midwife in this State pursuant to sections 2 to 32, inclusive, of this act, the person must have been in practice for at least 1 year immediately preceding the date on which the**

person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Joint Interim Standing Committee on Health and Human Services in even-numbered years.

Sec. 35. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) 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) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractic physician;

(s) An athletic trainer;

(t) A perfusionist;

- (u) A doctor of Oriental medicine in any form;
- (v) A medical laboratory director or technician;
- (w) A pharmacist;
- (x) A licensed dietitian;
- (y) 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) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
- (aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;
- (bb) A behavior analyst, assistant behavior analyst or registered behavior technician; ~~for~~
- (cc) ***A licensed certified professional midwife; or***
- (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. 36. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

- (a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing, nursing, ***certified professional midwifery***, veterinary medicine or fitting hearing aids.
- (b) A medical officer of the Armed Forces or a medical officer 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.
- (c) Licensed or certified nurses in the discharge of their duties as nurses.
- (d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

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 of a person in case of emergency.
- (b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 37. 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, ***licensed certified professional midwife***, 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, 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. 38. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, *certified professional midwifery*, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer 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.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) 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.

(f) 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 law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 39. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, 640 to 641D, inclusive, or 653 of NRS ~~1-4~~ **or sections 2 to 32, inclusive, of this act,**

↪ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 40. NRS 639.0125 is hereby amended to read as follows:

639.0125 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS;

~~for~~

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification ~~1-4~~; **or**

7. **A licensed certified professional midwife, for the purpose of:**

(a) **Ordering any device or drug described in subsection 1 or 2 of section 25 of this act for use in his or her practice in accordance with the provisions**

of that section and any regulations adopted pursuant to section 19 of this act;

(b) Ordering any device or vaccine described in subsection 4 of section 25 of this act for a client;

(c) If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and dispensing any medical device for contraception authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act; and

(d) If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (b) of subsection 1 of section 26 of this act, prescribing and dispensing any drug authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act.

Sec. 41. NRS 639.23505 is hereby amended to read as follows:

639.23505 ~~{A}~~

1. Except as otherwise provided in subsection 2, a practitioner shall not dispense for human consumption any controlled substance or dangerous drug if the practitioner charges a patient for that substance or drug, either separately or together with charges for other professional services:

~~{1}~~ **(a)** Unless the practitioner first applies for and obtains a certificate from the Board and pays the required fee; and

~~{2}~~ **(b)** Issues a written prescription.

2. A licensed certified professional midwife may administer drugs and devices ordered pursuant to section 25 of this act in accordance with the provisions of that section and any regulations adopted pursuant to section 19 of this act without obtaining a certificate from the Board.

Sec. 42. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive, or 641D of NRS, **or sections 2 to 32, inclusive, of this act** who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 43. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640, 640A or 641D of NRS, **or sections 2 to 32, inclusive, of this act** when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 44. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS **or sections 2 to 32, inclusive, of this act** if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.

(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.

(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration

practitioner to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, “immediate family” means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 45. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise expressly provided in a particular statute or required by the context, “licensed certified professional midwife” means a person licensed as a licensed certified professional midwife pursuant to section 20 of this act.

Sec. 46. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

- (a) Forty percent of the first \$50,000 recovered;
- (b) Thirty-three and one-third percent of the next \$50,000 recovered;
- (c) Twenty-five percent of the next \$500,000 recovered; and
- (d) Fifteen percent of the amount of recovery that exceeds \$600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, “recovered” means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) “Professional negligence” means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) “Provider of health care” means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, ***licensed certified professional midwife***, 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 and its employees.

Sec. 47. NRS 41.138 is hereby amended to read as follows:

41.138 1. In any civil action concerning any unwelcome or nonconsensual sexual conduct, including, without limitation, sexual harassment, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

2. As used in this section:

(a) “Person in a position of authority” means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, **licensed certified professional midwife, certified professional midwife student midwife, certified professional midwife birth assistant**, psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.

(b) “Sexual harassment” has the meaning ascribed to it in NRS 176A.280.

Sec. 48. 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 **or sections 2 to 32, inclusive, of this act** 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, ~~for~~ nurse **or licensed certified professional midwife** 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 **or sections 2 to 32, inclusive, of this act** 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. 49. NRS 41.506 is hereby amended to read as follows:

41.506 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child 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:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

2. A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to subsection 1 and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

Sec. 50. 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, dentist, licensed nurse, **licensed certified professional midwife**, 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. 51. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker’s compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may

introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

- (a) Recover any amount against the plaintiff; or
- (b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds \$50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make

further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) “Future damages” includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) “Periodic payments” means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) “Professional negligence” means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) “Provider of health care” means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, **licensed certified professional midwife**, 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 and its employees.

Sec. 52. NRS 52.320 is hereby amended to read as follows:

52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:

1. “Custodian of medical records” means a chiropractic physician, physician, registered physical therapist, ~~for~~ licensed nurse **or licensed certified professional midwife** who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who has care, custody and control of medical records for such a person or institution.

2. “Medical records” includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

Sec. 53. 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, ***licensed certified professional midwife***, 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. 54. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 641D, 653 or 654 of NRS ~~1~~ **or sections 2 to 32, inclusive, of this act**, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 55. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 2 to 32, inclusive, of this act**, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than \$200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each

quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is \$200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 56. 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 65 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. 57. 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 30 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. 58. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 2 to 32, inclusive, of this act**, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. Except as otherwise provided in NRS 284.4086, to the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 59. NRS 353.005 is hereby amended to read as follows:

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 2 to 32, inclusive, of this act**, 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 60. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, “agency” does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 2 to 32, inclusive, of this act**, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees’ Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 61. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency’s system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency’s system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, “agency” does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 2 to 32, inclusive, of this act**, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees’ Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 62. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 2 to 32, inclusive, of this act**, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

Sec. 63. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) “Medicaid” means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) “Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) “Provider of health care” means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 64. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) “Medicaid” means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) “Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) “Provider of health care” means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, **licensed certified professional midwife**, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 65. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, the Director shall include in the State Plan for Medicaid a requirement that, except as otherwise provided in subsection 2, the State shall pay the nonfederal share of expenditures incurred for services rendered by a licensed certified professional midwife. Such services must be reimbursed at a rate comparable to similar services provided by other providers of health care, including, without limitation, physicians, physician assistants and advanced practice registered nurses, regardless of the location at which the services are provided.

2. The Department or a managed care organization, including, without limitation, a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid may charge a copayment or coinsurance or apply a deductible for the services described in subsection 1. The amount of such a copayment, coinsurance or deductible must not exceed the amount of the copayment, coinsurance or deductible charged for the same services provided by another provider of health care.

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

Sec. 66. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; 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 child has been abused or neglected.

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 or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare 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, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS ~~1-32~~ **or sections 2 to 32, inclusive, of this act.**

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a

medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any 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.

(n) A peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

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 a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement

agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) “Private school” has the meaning ascribed to it in NRS 394.103.

(b) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 67. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 “Practitioner” means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, **licensed certified professional midwife**, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 68. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, “licensing board” means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of NRS ~~1-4~~ **and sections 2 to 32, inclusive, of this act.**

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

- (a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;
- (b) The effect of the regulation on the cost of health care in this State;
- (c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and
- (d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 69. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, “midwife” means any type of midwife, including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.

Sec. 70. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the person giving birth and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the person giving birth and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

- (a) The physician **or advanced practice registered nurse** in attendance at or immediately after the birth.

(b) *The licensed certified professional midwife in attendance at or immediately after the birth.*

(c) Any other person in attendance at or immediately after the birth.

~~[(c)]~~ (d) The person giving birth or other parent or, if the other parent is absent and the person giving birth is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the person giving birth was:

(a) Married at the time of birth, the name of the spouse of that person must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse of the person giving birth is the other parent of the child; or

(2) The person giving birth and a person other than the spouse of the person giving birth have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

(b) Widowed at the time of birth but married at the time of conception, the name of the spouse of the person giving birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse of the person giving birth at the time of conception is the other parent of the child; or

(2) The person giving birth and a person other than the spouse of the person giving birth at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

6. If the person giving birth was unmarried at the time of birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 71. NRS 440.770 is hereby amended to read as follows:

440.770 Any person who furnishes false information to a physician, advanced practice registered nurse, **licensed certified professional midwife**, funeral director, midwife or informant for the purpose of making incorrect certification of births or deaths shall be punished by a fine of not more than \$250.

Sec. 72. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse, **licensed certified professional midwife** 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. 73. NRS 441A.315 is hereby amended to read as follows:

441A.315 1. Except as otherwise provided in subsection 3, a physician, physician assistant, advanced practice registered nurse or midwife who provides or supervises the provision of emergency medical services in a hospital or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Consult with the patient to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, conduct any test which is medically indicated for the patient or assist the patient with obtaining any such test, to the extent practicable for the physician, physician assistant, advanced practice registered nurse or midwife.

2. Except as otherwise provided in subsection 3, a hospital that provides emergency medical services or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Ensure that the patient is consulted to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the

human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, ensure that any test which is medically indicated for the patient is conducted or that the patient is assisted with obtaining any such test, to the extent practicable for the hospital.

3. A physician, physician assistant, advanced practice registered nurse, midwife or hospital is not required to comply with the requirements of subsection 1 or 2 if the physician, physician assistant, advanced practice registered nurse or midwife or a provider of health care who provides emergency medical services or primary care to the patient at the hospital, as applicable, reasonably believes that the patient:

(a) Is being treated for a life-threatening emergency;

(b) Has recently been offered or has been the subject of a test for the human immunodeficiency virus or other sexually transmitted diseases; or

(c) Lacks capacity to consent to such testing.

4. The Board shall adopt regulations to ensure that:

(a) Any test which is administered to a patient or for which a patient is assisted in obtaining pursuant to this section is medically indicated for that patient; and

(b) Communications concerning testing pursuant to this section are made in a culturally competent manner and, to the extent practicable, in a language that is easily understood by the patient.

5. A physician, physician assistant, advanced practice registered nurse, midwife or hospital that fails to comply with the provisions of this section:

(a) Is not subject to a criminal penalty or an administrative fine pursuant to this chapter; and

(b) Is subject to disciplinary action, where applicable.

6. As used in this section:

(a) ***“Midwife” has the meaning ascribed to it in NRS 442.003.***

(b) “Primary care” means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

~~1(b)~~ (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 74. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. “Advisory Board” means the Advisory Board on Maternal and Child Health.

2. “Department” means the Department of Health and Human Services.

3. “Director” means the Director of the Department.

4. “Division” means the Division of Public and Behavioral Health of the Department.

5. “Fetal alcohol syndrome” includes fetal alcohol effects.

6. “Freestanding birthing center” has the meaning ascribed to it in NRS 449.0065.

7. “Laboratory” has the meaning ascribed to it in NRS 652.040.

8. “Midwife” means ~~⚭~~:

~~—(a) A person certified as:~~

~~—(1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or~~

~~—(2) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or~~

~~—(b) Any other~~ **any** type of midwife ~~⚭~~, **including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.**

9. “Provider of health care or other services” means:

(a) A clinical alcohol and drug counselor who is licensed, or an alcohol and drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; ~~⚭~~

(i) **A licensed certified professional midwife; or**

(j) The holder of a certificate of registration as a pharmacist.

Sec. 75. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. “Health officer” includes a local health officer, a city health officer, a county health officer and a district health officer.

2. “Medicaid” has the meaning ascribed to it in NRS 439B.120.

3. “Medicare” has the meaning ascribed to it in NRS 439B.130.

4. “Provider of prenatal care” means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse-midwife who is licensed by the State Board of Nursing.

(c) An advanced practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

(e) **A licensed certified professional midwife.**

Sec. 76. NRS 442.610 is hereby amended to read as follows:

442.610 “Provider of health care” means:

1. A provider of health care as defined in NRS 629.031 ~~⚭~~, **including, without limitation, a licensed certified professional midwife; and**

2. ~~{A midwife; and~~
~~—3.}~~ A freestanding birthing center licensed pursuant to chapter 449 of NRS.

Sec. 77. NRS 449.198 is hereby amended to read as follows:

449.198 1. A freestanding birthing center must:

(a) Provide sufficient space for members of the family of the pregnant person and other persons chosen by the pregnant person to assist with the birth;
(b) Have obstetrical services available to meet the needs of an acute patient;
and

(c) Be located within 30 miles of a hospital that offers obstetric, neonatal and emergency services relating to pregnancy.

2. Surgery, including, without limitation, the use of forceps, vacuum extractions, cesarean sections and tubal ligations, must not be performed at a freestanding birthing center.

3. A freestanding birthing center must have a director who is responsible for the operation of the freestanding birthing center. The director of a freestanding birthing center must be:

(a) A physician;

(b) **A licensed certified professional midwife;**

(c) A person who:

(1) Is certified as a Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; and

(2) Has successfully completed a program of education and training in midwifery that:

(I) Is accredited by the Midwifery Education Accreditation Council, or its successor organization; and

(II) Provides instruction and training in the Essential Competencies for Midwifery Practice prescribed by the International Confederation of Midwives, or its successor organization; or

~~{(c)}~~ **(d)** A certified nurse-midwife.

4. As used in this section, “certified nurse-midwife” means a person who is:

(a) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(b) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 78. NRS 454.00958 is hereby amended to read as follows:

454.00958 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. *A licensed certified professional midwife, for the purpose of:*

(a) Ordering any device or drug described in subsection 1 or 2 of section 25 of this act for use in his or her practice;

(b) Ordering any device or vaccine described in subsection 4 of section 25 of this act for a client;

(c) If the licensed certified professional midwife holds an endorsement issued pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and dispensing any contraceptive device authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act; and

(d) If the licensed certified professional midwife holds an endorsement issued pursuant to paragraph (b) of subsection 1 of section 26 of this act, prescribing and dispensing any drug authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act.

Sec. 79. 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, at the direction of his or her supervising physician 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 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 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.

(v) A certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant who is administering the medicine or drug under the direct supervision of a licensed certified professional midwife, as authorized by sections 2 to 32, inclusive, of this act and any regulations adopted pursuant thereto.

2. As used in this section, “accredited college of medicine” has the meaning ascribed to it in NRS 453.375.

Sec. 80. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638, 639 or 653 of NRS ~~§~~ **or sections 2 to 32, inclusive, of this act.**

Sec. 81. NRS 457.301 is hereby amended to read as follows:

457.301 1. A primary care provider shall:

(a) Attempt to determine whether each adult woman to whom he or she provides care has a personal or family history of breast, ovarian, tubal or peritoneal cancer or an ancestry associated with a harmful mutation in the BRCA gene or meets any other criteria under which the United States Preventive Services Task Force has recommended screening for a risk of such a mutation; and

(b) If the primary care provider determines that an adult woman to whom he or she provides care meets the criteria described in paragraph (a) and has not previously undergone genetic testing for a harmful mutation in the BRCA gene, use an appropriate brief familial risk assessment tool to screen for a risk of such a mutation.

2. If such a screening indicates that a woman is at risk of a harmful mutation in the BRCA gene, the primary care provider must:

(a) Provide the woman with written notice of the need to discuss genetic counseling and testing with the provider;

(b) Provide genetic counseling to the woman or ensure that the woman is referred for genetic counseling; and

(c) If a genetic test for harmful mutations in the BRCA gene is clinically indicated as a result of the genetic counseling, administer such a test to the woman or ensure that the woman is referred for such testing.

3. A primary care provider who fails to comply with this section is not subject to criminal penalties or professional discipline for such failure to comply.

4. As used in this section, “primary care provider” means:

(a) A physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS or advanced practice registered nurse who specializes in primary care, family medicine, internal medicine or obstetrics and gynecology; or

(b) A licensed certified professional midwife. ~~As defined in NRS 442.003.~~

Sec. 82. NRS 608.0116 is hereby amended to read as follows:

608.0116 “Professional” means pertaining to:

1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~1-1~~ **and sections 2 to 32, inclusive, of this act.**

2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.

Sec. 83. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

- (I) Cities and towns;
- (II) School districts; and
- (III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS **or sections 2 to 32, inclusive, of this act** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity;

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage; and

(d) Workers’ compensation insurance.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

- (a) Premiums directly written;
- (b) Premiums directly earned;
- (c) Number of policies issued;
- (d) Net investment income, using appropriate estimates when necessary;
- (e) Losses paid;
- (f) Losses incurred;
- (g) Loss reserves, including:
 - (1) Losses unpaid on reported claims; and
 - (2) Losses unpaid on incurred but not reported claims;
- (h) Number of claims, including:
 - (1) Claims paid; and
 - (2) Claims that have arisen but are unpaid;
- (i) Expenses for adjustment of losses, including allocated and unallocated losses;
- (j) Net underwriting gain or loss;
- (k) Net operation gain or loss, including net investment income; and
- (l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

- (a) Recoverable federal income tax;
- (b) Net unrealized capital gain or loss; and
- (c) All other expenses not included in subsection 2.

Sec. 84. NRS 686A.2825 is hereby amended to read as follows:
686A.2825 “Practitioner” means:

1. A physician, dentist, nurse, ***licensed certified professional midwife***, dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractic physician, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist, person who holds a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS or other provider of health services who is authorized to engage in his or her occupation by the laws of this state or another state; and

2. An attorney admitted to practice law in this state or any other state.

Sec. 85. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

- (a) Ocean marine insurance;
- (b) Contracts issued by fraternal benefit societies;
- (c) Life insurance and credit life insurance;

- (d) Variable and fixed annuities;
- (e) Credit accident and health insurance;
- (f) Property insurance for business and commercial risks;
- (g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS **and sections 2 to 32, inclusive, of this act** or who holds a license or limited license issued pursuant to chapter 653 of NRS;
- (h) Surety insurance;
- (i) Health insurance offered through a group health plan maintained by a large employer; and
- (j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 86. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** for a breach of the practitioner's professional duty toward a patient.

Sec. 87. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

- (a) The name and title of the person;
- (b) The interest of the person in the hearing; and
- (c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive.

Sec. 88. NRS 689A.035 is hereby amended to read as follows:

689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~1-1~~ **or sections 2 to 32, inclusive, of this act.**

Sec. 89. NRS 689B.015 is hereby amended to read as follows:

689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~1~~ **or sections 2 to 32, inclusive, of this act.**

Sec. 90. NRS 689C.131 is hereby amended to read as follows:

689C.131 1. A carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the carrier to its insureds.

2. A carrier specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the carrier uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a carrier specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the carrier upon giving to the provider 45 days' written notice of the modification of the carrier's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the

modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~630~~ **or sections 2 to 32, inclusive, of this act.**

Sec. 91. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS **or sections 2 to 32, inclusive, of this act** or who holds a license or limited license issued pursuant to chapter 653 of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS **or sections 2 to 32, inclusive, of this act** or who holds a license or limited license issued pursuant to chapter 653 of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the practitioner's name, the name of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 92. NRS 690B.270 is hereby amended to read as follows:

690B.270 If an insurer declines to issue to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** a policy of professional liability insurance, the insurer shall, upon the request of the practitioner, disclose to the practitioner the reasons the insurer declined to issue the policy.

Sec. 93. NRS 690B.280 is hereby amended to read as follows:

690B.280 If an insurer, for a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~630~~ **or**

sections 2 to 32, inclusive, of this act, sets the premium for the policy for the practitioner at a rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate.

Sec. 94. NRS 690B.290 is hereby amended to read as follows:

690B.290 If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~§~~ **or sections 2 to 32, inclusive, of this act**, the insurer shall:

1. Offer to issue an extended reporting endorsement to the practitioner; and

2. Disclose to the practitioner the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. The cost formula must be based on:

(a) An amount that is not more than twice the amount of the premium for the claims-made policy at the time of the termination of that policy; and

(b) The rates filed by the insurer and approved by the Commissioner.

Sec. 95. NRS 690B.300 is hereby amended to read as follows:

690B.300 1. Except as otherwise provided in this section, if an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** who delivers one or more babies per year, the insurer shall not set the premium for the policy at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** who delivers one or more babies per year if the difference in rates is based in whole or in part upon the number of babies delivered per year by the practitioner.

2. If an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** who delivers one or more babies per year, the insurer may set the premium for the policy at a rate that is different, based in whole or in part upon the number of babies delivered per year by the practitioner, from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** who delivers one or more babies per year if the insurer:

(a) Bases the difference upon actuarial and loss experience data available to the insurer; and

(b) Obtains the approval of the Commissioner for the difference in rates.

3. The provisions of this section do not prohibit an insurer from setting the premium for a policy of professional liability insurance issued to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** who delivers one or more babies per year at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS **or sections 2**

to 32, inclusive, of this act who delivers one or more babies per year if the difference in rates is based solely upon factors other than the number of babies delivered per year by the practitioner.

Sec. 96. NRS 690B.310 is hereby amended to read as follows:

690B.310 1. If an agreement settles a claim or action against a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** for a breach of his or her professional duty toward a patient, the following terms of the agreement must not be made confidential:

- (a) The names of the parties;
- (b) The date of the incidents or events giving rise to the claim or action;
- (c) The nature of the claim or action as set forth in the complaint and the answer that is filed with the district court; and
- (d) The effective date of the agreement.

2. Any provision of an agreement to settle a claim or action that conflicts with this section is void.

Sec. 97. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS **or sections 2 to 32, inclusive, of this act** or who holds a license or limited license issued pursuant to chapter 653 of NRS, the insurer shall:

- (a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.
- (b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.
- (c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.
- (d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.
- (e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal

in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 98. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner may collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Such information may include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios; and

(c) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** in this State;

(b) Whose credit utilization shows a substantial change from the previous year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner may:

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** in this State.

4. On an ongoing basis, the Commissioner may analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** in this State.

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS **or sections 2 to 32, inclusive, of this act** is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and

submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature.

Sec. 99. NRS 695A.095 is hereby amended to read as follows:

695A.095 1. A society shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the society to its insureds.

2. A society shall not contract with a provider of health care to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a society and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 45 days' written notice of the modification of the society's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a society contracts with a provider of health care to provide health care to an insured, the society shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ **or sections 2 to 32, inclusive, of this act.**

Sec. 100. NRS 695B.035 is hereby amended to read as follows:

695B.035 1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.

2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days' written notice of the modification of the corporation's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~{} or sections 2 to 32, inclusive, of this act.~~

Sec. 101. NRS 695C.125 is hereby amended to read as follows:

695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a health maintenance organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ **or sections 2 to 32, inclusive, of this act.**

Sec. 102. NRS 695G.127 is hereby amended to read as follows:

695G.127 1. A managed care organization shall not contract with a provider of health care to provide health care to an insured unless the managed care organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a managed care organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the managed care organization upon giving to the provider 45 days' written notice of the modification of the managed care organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a managed care organization contracts with a provider of health care to provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, the managed care organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ **or sections 2 to 32, inclusive, of this act.**

Sec. 103. Section 20 of this act is hereby amended to read as follows:

Sec. 20. 1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000, and a complete set of his or her fingerprints and written

permission authorizing the Division 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.

2. The application must include, without limitation, proof that the applicant ~~is~~:

(a) ~~Is~~ certified as a midwife by the North American Registry of Midwives, or its successor organization ; ~~is~~ and ~~is~~:

~~—(a)—~~ (b) Has completed an educational program that is consistent with the most recent statement on licensure of Certified Professional Midwives by the United States Midwifery Education, Regulation and Association, or its successor organization . ~~is or~~

~~—(b)—~~ Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.

3. *If the Division determines it to be necessary to address shortages in the number of licensed certified professional midwives practicing in rural or underserved areas in this State or barriers for applicants from marginalized identities, the Division may, on a case-by-case basis, exempt an applicant from the requirements of paragraph (b) of subsection 2 if the applicant:*

(a) *Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization; and*

(b) *Has completed the Portfolio Evaluation Process prescribed by that organization.*

4. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

~~§ 5.~~ 5. To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health shall establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section to programs that promote applicants from

marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~[4.]~~ 6. As used in this section, “marginalized identity” means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 104. Section 22 of this act is hereby amended to read as follows:

Sec. 22. 1. In addition to any other requirements set forth in this chapter ~~1:~~

~~—(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.~~

~~—(b) An~~, an applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services 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 Division of Public and Behavioral Health of the Department of Health and Human Services 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 Division.

3. A license as a licensed certified professional midwife may not be issued or renewed by the Division 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 Division 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. 105. ~~Section 27 of this act is hereby amended to read as follows:~~

~~Sec. 27. 1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the~~

~~consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:~~

- ~~—(a) Complete placenta previa;~~
- ~~—(b) Partial placenta previa after the 27th week of gestation;~~
- ~~—(c) Infection with the human immunodeficiency virus;~~
- ~~—(d) Cardiovascular disease;~~
- ~~—(e) Severe mental illness that may cause the client to cause harm to themselves or others;~~
- ~~—(f) Pre-eclampsia or eclampsia;~~
- ~~—(g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;~~
- ~~—(h) Potentially serious anatomic fetal abnormalities;~~
- ~~—(i) Diabetes that requires insulin or other medication for management;~~
- ~~—(j) Gestational age of greater than 43 weeks; or~~
- ~~—(k) Any other condition or symptom which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.~~

~~2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:~~

- ~~—(a) Prior cesarean section or other surgery resulting in a uterine scar;~~
- ~~—(b) Multifetal gestation; or~~
- ~~—(c) Noncephalic presentation after 36 weeks of gestation.~~

~~3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:~~

- ~~—(a) The contents of the recommendation;~~
- ~~—(b) The condition or symptom for which the recommendation was made;~~
- ~~—(c) Whether the client consented to the consultation, co-management, referral or transfer; and~~
- ~~—(d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.~~

~~4. A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Board. If a client provides informed refusal to consent to:~~

- ~~—(a) Consultation, consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a~~

~~condition or symptom described in subsection 1 exists, the for which consultation, co-management, referral or transfer is required by the regulations adopted pursuant to section 19 of this act:~~

~~—(a) The licensed certified professional midwife must [attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co-manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is] take any action required by those regulations;~~

~~—(b) If the condition or symptom threatens the life or health of the client, the fetus or the newborn infant during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care; and~~

~~—(c) If the licensed certified professional midwife complies with paragraphs (a) and (b), he or she is not liable for any damages resulting from the failure to consult, co-manage, refer or transfer. [If the condition or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care;~~

~~—(b) Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:~~

~~—(1) May continue to serve as the primary provider of health care for the client until the client provides such consent; and~~

~~—(2) Is not liable for any damages resulting from the failure to consult, co-manage or refer.]~~

~~—5. If, after determining that a condition or symptom [described in:~~

~~(a) Subsection 1] exists for which consultation, co-management, referral or transfer is required by the regulations adopted pursuant to section 19 of this act and making a reasonable effort to [arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility,] comply with those regulations, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of [this section] those regulations and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the~~

~~condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.~~

~~[(b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.]~~

~~6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.]~~

(Deleted by amendment.)

Sec. 106. As soon as practicable on or after the effective date of this section, but not later than 6 months after receiving the recommendations of the Collaboration and Transfer Guidelines Workgroup created by section 107 of this act, the Board of Licensed Certified Professional Midwives created by section 17 of this act shall adopt the regulations required by ~~paragraph (f) of~~ subsection ~~14~~ **6** of section 19 of this act. In adopting the regulations, the Board shall consider the measures necessary to minimize the likelihood of serious harm to the client and the fetus or newborn infant of the client.

Sec. 107. 1. The Collaboration and Transfer Guidelines Workgroup is hereby created.

2. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall appoint to the Workgroup:

(a) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Northern Nevada;

(b) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Southern Nevada;

(c) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or freestanding birthing center, as defined in NRS 449.0065, to a hospital and who practices in Northern Nevada;

(d) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or freestanding birthing center, as defined in NRS 449.0065, to a hospital and who practices in Southern Nevada;

(e) One voting member who represents a provider of emergency medical services in Northern Nevada;

(f) One voting member who represents a provider of emergency medical services in Southern Nevada; and

(g) One nonvoting member to serve as a liaison with the State Board of Health.

3. The Nevada Chapter of the National Association of Certified Professional Midwives, or its successor organization, in consultation with the Nevada Association of Certified Professional Midwives, or its successor organization, shall appoint to the Workgroup four voting members who are midwives who reside and practice in Nevada. To the extent practicable, two members must reside and practice in Northern Nevada and two members must practice in Southern Nevada.

4. The Nevada Hospital Association, or its successor organization, may appoint to the Workgroup one member who is a representative of the Association, or its successor organization.

5. A vacancy on the Workgroup must be filled in the same manner as the initial appointment.

6. Members of the Workgroup serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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

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

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

8. The Workgroup may divide into one subcommittee of members from Northern Nevada and one subcommittee of members from Southern Nevada.

9. A majority of the voting members of the Workgroup or a subcommittee thereof constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Workgroup or a subcommittee thereof.

10. The Workgroup and each subcommittee thereof shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its members; and

(b) Meet at the call of the Chair.

11. Not later than July 1, 2024, the Workgroup or, if the Workgroup divides into subcommittees pursuant to subsection 8, each subcommittee of the Workgroup, shall make recommendations to the Board of Licensed Certified Professional Midwives created by section 17 of this act concerning

the regulations required by ~~paragraph (d) of~~ subsection ~~44.6~~ of section 19 of this act governing the transfer of the client of a licensed certified professional midwife to a medical facility. Those recommendations must, to the extent practicable, be guided upon peer-reviewed scientific evidence and widely accepted best practices and include, without limitation, provisions for the transmission of all information necessary for the care of the client from the licensed certified professional midwife to the medical facility. The Workgroup ceases to exist upon submission of those recommendations unless the Board requests that the Workgroup continue to meet.

12. As used in this section:

(a) “Certified nurse-midwife” means an advanced practice registered nurse who is certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization.

(b) “Licensed certified professional midwife” means a person who is certified as a certified professional midwife by the North American Registry of Midwives.

(c) “Medical facility” has the meaning ascribed to it in NRS 449.0151.

(d) “Northern Nevada” means Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Pershing, Storey, Washoe and White Pine.

(e) “Southern Nevada” means the counties of Clark, Esmeralda, Lincoln, Mineral and Nye.

Sec. 108. Notwithstanding the provisions of section 17 of this act, on or before July 1, 2024, the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services may appoint to the Board of Licensed Certified Professional Midwives created by that section:

1. Four members pursuant to paragraph (a) of subsection 2 of that section who are not licensed pursuant to section 20 of this act and are certified as midwives by the North American Registry of Midwives, or its successor organization. If such a member is not licensed as a licensed certified professional midwife pursuant to section 20 of this act on July 1, 2024:

(a) His or her term ends on that date; and

(b) The Administrator shall appoint a person who is so licensed to fill the vacancy.

2. One member pursuant to paragraph (d) of subsection 2 of section 17 of this act who has not received care from a licensed certified professional midwife licensed pursuant to section 20 of this act but who has received care from a midwife certified by the North American Registry of Midwives, or its successor organization. That member may serve until the expiration of the term prescribed pursuant to subsection 5 of section 17 of this act.

Sec. 109. NRS 440.035 is hereby repealed.

Sec. 110. 1. This section and sections 106 and 107 of this act become effective upon passage and approval.

2. Sections 1 to 102, inclusive, 108 and 109 of this act become effective:

(a) Upon passage and approval for the purpose of appointing the members of the Board of Licensed Certified Professional Midwives created by section 17 of this act, 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.

3. Section 103 of this act becomes effective on January 1, 2026.

4. Section 104 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
↪ are repealed by the Congress of the United States.

5. Section 105 of this act becomes effective on the date on which the regulations described in section 106 of this act become effective.

6. Section 33 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
↪ are repealed by the Congress of the United States.

7. Sections 22, 29 and 104 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
↪ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

440.035 “Midwife” defined. As used in this chapter, “midwife” means:

1. A person certified as:

(a) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(b) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or

2. Any other type of midwife.

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. 401.

Bill read second time.

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

Amendment No. 443.

AN ACT relating to nursing; ~~imposing requirements~~ **revising provisions** governing the ratio of faculty members to students in courses that provide clinical training at schools of practical nursing and at schools of professional nursing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the State Board of Nursing to establish standards and curricula for schools of practical nursing; and (2) requires the Board to establish standards and curricula for schools of professional nursing. (NRS 632.430, 632.440) Existing regulations require that a course at such a school relating to the care of patients have at least one member of the faculty for every eight students. (NAC 632.675) **Section 1** of this bill instead **authorizes such a school to determine the appropriate ratio of faculty members to students for** ~~requires~~ a course that provides clinical training ~~at such a school to be supervised by at least~~ **while requiring that such a ratio not exceed** 1 member of the faculty for every 12 students. **Sections 2 and 3** of this bill make conforming changes to indicate the proper placement and applicability of **section 1** in the Nevada Revised Statutes.

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

Section 1. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Each course that provides clinical training at an~~ **An approved school of practical nursing or at an approved school of professional nursing may determine the appropriate ratio of faculty members to students for a course that provides clinical training, provided that such a ratio must be supervised by at least **not exceed** 1 member of the faculty for every 12 students.**

2. **The Board may not impose requirements that are more stringent than the requirements of subsection 1 concerning the ratio of faculty members to students for a course to which that subsection applies.**

Sec. 2. NRS 632.0126 is hereby amended to read as follows:

632.0126 “Approved school of nursing” means a school of nursing that is approved by the Board as meeting the standards for nursing education established by the Board pursuant to NRS 632.430 to 632.470, inclusive ~~1-1~~, **and section 1 of this act.**

Sec. 3. NRS 632.01264 is hereby amended to read as follows:

632.01264 “Approved school of professional nursing” means a school of professional nursing that is approved by the Board as meeting the standards for professional nursing education established by the Board pursuant to NRS 632.440, 632.460 and 632.470 ~~1-1~~ **and section 1 of this act.**

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 397.

AN ACT relating to criminal procedure; authorizing a justice court or municipal court to establish a program for the treatment of mental illness or intellectual disabilities; ~~revising provisions regarding the eligibility of a defendant for assignment to such a program;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a district court to establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign an eligible defendant. Under existing law, a justice court or municipal court is authorized, upon approval of a district court, to transfer original jurisdiction of a case involving such an eligible defendant to the district court. (NRS 4.370, 5.050, 176A.250, 176A.255) ~~Sections 1-1, 2 and 4-6~~ **1-6** of this bill additionally authorize a justice court or municipal court to establish such a program and to transfer original jurisdiction of a case involving an eligible defendant to the district court if the justice court or municipal court has not established such a program.

~~Existing law provides that if a defendant who suffers from a mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, certain offenses, the district court may assign the defendant to a program for the treatment of mental illness or intellectual disabilities under certain circumstances. Under existing law, if the offense committed by the defendant is a category A felony or a sexual offense that is punishable as a category B felony, the defendant is not eligible for assignment to such a program. (NRS 176A.260) Section 3 of this bill revises such eligibility for assignment to the~~

~~program and authorizes a defendant who tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a sexual offense that is punishable as a category B felony to be assigned to the program, but only as a condition of probation. Under section 3, such a defendant is not eligible for a suspension or deferment of proceedings or a dismissal of a case after the defendant completes the program.]~~

Existing law provides that upon a violation of a term or condition of such a program, the court may: (1) enter a judgement of conviction and proceed as provided in the section pursuant to which the defendant was charged; and (2) order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison. (NRS 176A.260) **Section 3** authorizes the imposition of certain sanctions against a defendant for such a violation.

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

Section 1. NRS 176A.250 is hereby amended to read as follows:

176A.250 A ***district court, justice court or municipal*** court may establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign a defendant pursuant to NRS 174.032, 176.211, 176A.260 or 176A.400. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 2. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. ~~{A}~~ ***If a justice court or municipal court has not established a program pursuant to NRS 176A.250, the*** justice court or ~~{a}~~ municipal court ***, as applicable,*** may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, “eligible defendant” means a person who:

(a) Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;

(b) Appears to suffer from mental illness or to be intellectually disabled; and

(c) Would benefit from assignment to a program established pursuant to NRS 176A.250.

Sec. 3. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of

probation is not prohibited by statute, the *district court, justice court or municipal court, as applicable*, may:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 if the *district court, justice court or municipal court* determines that the defendant is eligible for participation in such a program; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250, if the *district court, justice court or municipal court* determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.250 if the defendant is diagnosed as having a mental illness or an intellectual disability:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and

(b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.

3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the *district court, justice court or municipal court* concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.

4. If ~~the offense committed by the defendant is a~~ *the defendant is a* ~~felony, the defendant is not eligible for assignment to the program.~~ *felony, the defendant is not eligible for assignment to the program.* ~~or a~~ *felony, the defendant is not eligible for assignment to the program.* ~~sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant may be assigned to the program after being placed on probation upon terms and conditions that the defendant attend and successfully complete the program. The defendant is not eligible for assignment to~~ *felony, the defendant is not eligible for assignment to the program.*

~~(a) A category A felony, the defendant is not eligible for assignment to the program.~~ *felony, the defendant is not eligible for assignment to the program.* ~~or a~~ *felony, the defendant is not eligible for assignment to the program.*

~~(b) A sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant may be assigned to the program after being placed on probation upon terms and conditions that the defendant attend and successfully complete the program. The defendant is not eligible for assignment to~~ *felony, the defendant is not eligible for assignment to the program.*

~~(1) A suspension or deferment of proceedings pursuant to paragraph (a) of subsection 1; or~~ *felony, the defendant is not eligible for assignment to the program.*

~~(2) A dismissal of the action after completion of the program pursuant to subsection 6 or 7.~~ *felony, the defendant is not eligible for assignment to the program.*

5. Upon violation of a term or condition:

(a) *The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court*

shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The *district court, justice court or municipal court, as applicable*, may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

~~[(b)]~~ *(c)* Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the *district* court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

6. Except as otherwise provided in subsection 8, upon fulfillment of the terms and conditions, the *district court, justice court or municipal court* ~~[(b)]~~, *as applicable*:

(a) Shall discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

8. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally

dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 4. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.260, the ***district court, justice court or municipal court, as applicable***, shall order sealed all documents, papers and exhibits in the defendant'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 if the defendant fulfills the terms and conditions imposed by the court and the Division. The ***district court, justice court or municipal court, as applicable***, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.260, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant'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 be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the ***district court, justice court or municipal court, as applicable***, orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the ***district court, justice court or municipal court, as applicable***, in writing of its compliance with the order.

Sec. 5. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real

property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to , ***if the justice court has not established its own program pursuant to:***

(a) ***NRS 176A.250***, a program established ***by the district court*** pursuant to ~~[NRS 176A.250 or, if the justice court has not established a program pursuant to]~~ ***that section.***

(b) ***NRS 176A.280***, ~~to~~ a program established ***by the district court*** pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 6. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to , ***if the municipal court has not established its own program pursuant to:***

(a) ***NRS 176A.250***, a program established ***by the district court*** pursuant to ~~[NRS 176A.250 or, if the municipal court has not established a program pursuant to]~~ ***that section.***

(b) ***NRS 176A.280***, ~~to~~ a program established ***by the district court*** pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:

(a) Within the jurisdiction of the municipal court; and

(b) Required by the United States Constitution, the Nevada Constitution or statute.

Sec. 7. 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. 408.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 264.

AN ACT relating to motor vehicles; authorizing the removal of a vehicle or part of a vehicle from the highway following the issuance of a citation for reckless driving; **prohibiting a tow car operator from charging fees or costs for the storage of such a vehicle until the vehicle has been stored for a certain period; requiring the owner of such a vehicle to pay a hardship tariff instead of the normal rate for the storage and removal of the vehicle under certain circumstances;** revising provisions relating to the applicability of certain traffic laws concerning reckless driving; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a law enforcement officer to remove, or cause to be removed, a vehicle or part of a vehicle found on the highway to a place of safekeeping under certain circumstances. (NRS 484B.443) **Section 1** of this bill authorizes a law enforcement officer to take such action if the person driving or in actual physical control of the vehicle is issued a citation for reckless driving. **Section 3** of this bill provides that the provisions of law requiring a tow car operator to allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing do not apply if the towing was requested by a law enforcement officer pursuant to the amendatory provisions of **section 1**.

Existing law makes it unlawful for a person to drive a vehicle in an unauthorized trick driving display or to facilitate an unauthorized trick driving display on a public highway. (NRS 484B.653) **Section 2** of this bill additionally prohibits a person from driving a vehicle in an unauthorized trick driving display or facilitating an unauthorized trick driving display on premises to which the public has access.

Existing law requires that, under certain circumstances, a registered owner of a vehicle that is towed must pay certain fees and charges to the tow car operator for the towing, storage and removal of the vehicle. (NRS 484B.443, 706.4477, 706.4479) Existing law: (1) prohibits the tow car operator from charging any fee or cost for the storage of the vehicle until at least 48 hours has passed since the motor vehicle arrived and was registered at the place of storage; and (2) requires that if the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period must begin when the regular business hours of the place of storage next begin. (NRS 706.4477) Section 2.2 of this bill makes these provisions applicable when a tow car operator tows a vehicle at the request of a law enforcement officer pursuant to section 1.

Existing law further requires the owner of a vehicle that has been towed to pay a hardship tariff, instead of the normal rate, for the cost of removal and storage of the vehicle if: (1) the vehicle was towed at the request of a person other than the owner of the vehicle or the owner's authorized agent because the vehicle was not registered in this State or any other state; and (2) the owner is unable to pay the normal rate for reasons outside of the owner's control. (NRS 706.4477) Section 2.2 of this bill similarly provides that if the tow car operator tows a vehicle at the request of a law enforcement officer pursuant to section 1, the owner of the vehicle is required to pay the hardship tariff, instead of the normal rate, for the cost of the removal and storage of the vehicle if the owner establishes the inability to pay the normal rate. Section 2.2 further provides that the owner establishes the inability to pay the normal rate by providing evidence that the owner is a recipient of certain public assistance, has a household net income below a certain amount, has certain expenses in

excess of income or otherwise qualifies for the hardship tariff for a reason established by the Nevada Transportation Authority by regulation.

Section 2.4 of this bill makes a conforming change to make the definitions in existing law governing tow car operators applicable to the provisions of section 2.2.

Sections 2.6, 2.8 and 3.3-3.7 of this bill make conforming changes to provide that the requirements of section 2.2 are enforced by the Authority in the same manner as other laws governing tow car operators.

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

Section 1. NRS 484B.443 is hereby amended to read as follows:

484B.443 1. Except as otherwise provided in subsection 2, whenever any law enforcement officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any law enforcement officer finds a vehicle, the cargo of a vehicle or other property unattended, disabled or spilled upon any highway, bridge or causeway, or in any tunnel, where the vehicle, cargo or property constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety, the officer or the law enforcement agency employing the officer, in coordination with unified command, if applicable, may provide for the immediate removal of the vehicle, cargo or property to a position where the vehicle, cargo or property no longer constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety.

3. Except as otherwise provided in subsection 2, any law enforcement officer may, subject to the requirements of subsection 4, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to a garage or other place of safekeeping if:

(a) The vehicle has been involved in a crash and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an

extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(b) The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; ~~or~~

(c) ***The person driving or in actual physical control of the vehicle has been issued a citation for reckless driving pursuant to NRS 484B.653; or***

(d) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.

4. Unless a different course of action is necessary to preserve evidence of a criminal offense, a law enforcement officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to the garage of the tow car operator unless directed otherwise by the officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in the possession or control of the tow car operator.

5. A person or entity, including a law enforcement officer, the law enforcement agency employing the law enforcement officer, unified command or a tow car operator who provides for the removal of a vehicle, the cargo of a vehicle or other property pursuant to subsection 2:

(a) Is not liable for any loss of or damage to the vehicle, the contents of the vehicle, the cargo or the property that is removed; and

(b) Must make a reasonable attempt, as soon as practicable, to notify the owner of the vehicle, cargo or property as to the location of the vehicle, cargo or property if the owner of the vehicle or property is not present at the time of removal and the owner of the vehicle, cargo or property is ascertainable by the officer.

6. All costs incurred under the provisions of subsection 2 must be borne by the owner of the vehicle, cargo or property.

7. As used in this section:

(a) “Traffic incident” has the meaning ascribed to it in NRS 484B.607.

(b) “Unified command” means a group of law enforcement officers or other persons organized to provide a coordinated response to a traffic incident which requires two or more responding entities within a jurisdiction or which requires responding entities from two or more jurisdictions. The responding entities may include, without limitation, police, fire or emergency medical personnel, a tow car operator, or a state or local governmental entity responsible for roadway or other infrastructure repair or maintenance.

Sec. 2. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property on a highway or premises to which the public has access.

(b) Drive a vehicle in an unauthorized speed contest on a highway or premises to which the public has access.

(c) Organize an unauthorized speed contest on a highway or premises to which the public has access.

(d) Drive a vehicle in an unauthorized trick driving display on a ~~public~~ highway ~~or~~ **premises to which the public has access.**

(e) Facilitate an unauthorized trick driving display on a ~~public~~ highway ~~or~~ **premises to which the public has access.**

➡ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. A person who violates paragraph (d) of subsection 1 is guilty of a gross misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

(b) For the second offense and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

7. A person who violates paragraph (e) of subsection 1 is guilty of:

(a) For the first offense, a misdemeanor and:

(1) Shall be punished by a fine of not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense and each subsequent offense, a gross misdemeanor and:

(1) Shall be punished by a fine of not less than \$1,000 and not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

8. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6 or 7, the court:

(a) May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order; and

(c) May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense.

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on a highway or premises to which the public has access in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another 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 by a fine of not less than \$2,000 but not more than \$5,000.

10. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

11. As used in this section:

(a) "Facilitate" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:

(1) Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or

(2) Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.

(b) "Organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a ~~public~~ highway ~~or~~ **or premises to which the public has access**, regardless of whether a fee is charged for attending the unauthorized speed contest.

(c) "Trick driving display" means using a vehicle to perform tricks, stunts or other maneuvers on a ~~public~~ highway, **or premises to which the public has access**, upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.

Sec. 2.2. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the operator of a tow car tows a vehicle at the request of a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443, the operator shall not charge any fee or cost for the storage of the vehicle until at least 48 hours after the vehicle arrives and is registered at the place of storage. If the vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period begins when the regular business hours of the place of storage next begin.

2. The owner of a vehicle towed pursuant to paragraph (c) of subsection 3 of NRS 484B.443 shall pay the hardship tariff described in NRS 706.4477 for the cost of removal and storage of the vehicle if the owner demonstrates that the owner is incapable of paying the normal rate charged for the removal and storage of the vehicle by providing evidence that the owner:

(a) Is receiving benefits provided by a federal or state program of public assistance;

(b) Has a household net income which is equal to or less than 200 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Registrar by the United States Department of Health and Human Services;

(c) Resides in public housing, as that term is defined in NRS 315.021;

(d) Has expenses for the necessities of life that exceed his or her income;

or

(e) Qualifies for a hardship tariff for any other reason established by the Authority by regulation.

Sec. 2.4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, **and section 2.2 of this act**, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.6. NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.444 to 706.453, inclusive, **and section 2.2 of this act**, have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,

↪ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.

2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

Sec. 2.8. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~1.1~~, **and section 2.2 of this act.**

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:

(a) File an application with the Authority; and

(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority 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.

3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;

(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.

5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 3. NRS 706.4469 is hereby amended to read as follows:

706.4469 1. The operator shall allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing if:

(a) A request is made to release the vehicle; and

(b) Except as otherwise provided in subsection 2, the owner or agent pays a fee established by the operator for releasing the vehicle.

2. If a vehicle that has been connected to a tow car was requested to be towed pursuant to subparagraph (2) of paragraph (b) of subsection 2 of NRS 706.4477 and the owner, or agent of the owner, provides proof that the vehicle is registered pursuant to this chapter or chapter 482 of NRS or in any other state:

(a) The operator shall immediately release the motor vehicle to the owner or agent; and

(b) The owner or agent is not responsible for paying the fee established by the operator for releasing the vehicle.

3. ***The provisions of this section do not apply if a vehicle that has been connected to a tow car was requested to be towed by a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443.***

4. As used in this section, “provide proof” includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was connected to the tow car.

Sec. 3.3. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~1.1~~, **and section 2.2 of this act.**

2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.

Sec. 3.5. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, **and section 2.2 of this act** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, **and section 2.2 of this act** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive, ~~the~~ **and section 2.2 of this act**;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive, ~~the~~ **and section 2.2 of this act**;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive, ~~the~~ **and section 2.2 of this act**;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

↪ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

↪ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation

of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 3.7. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, **and section 2.2 of this act** for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, **and section 2.2 of this act** and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

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. 414.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 325.

AN ACT relating to powers of attorney; ~~adopting the Uniform Health Care Decisions Act;~~ **defining certain words and terms relating to powers of attorney for health care; establishing a form to create an advance health-care directive; revising provisions concerning witnesses to a principal's signature of a power of attorney for health care; removing the**

requirement that, in certain circumstances, a certification of competency must be attached to a power of attorney; repealing ~~various~~ provisions relating to **the current form for** powers of attorney for health care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.870) ~~[This bill repeals such provisions and instead adopts the Uniform Health Care Decisions Act.~~

~~—Section 28 of this bill provides that an individual is presumed to have the capacity to make health care decisions and make or revoke a health care instruction or a power of attorney for health care, unless a health care provider or a court determines that the individual does not understand and appreciate the nature and consequences of certain decisions. Section 29 of this bill provides that such a presumption may be rebutted by a determination of a court under section 31 of this bill or certain health care providers if such providers have examined the individual and found the individual to lack capacity. Section 30 of this bill authorizes an individual to object to the finding that the individual lacks capacity and that, with certain exceptions, the objection is sufficient to treat the individual as having capacity. Section 31: (1) authorizes certain persons to petition the court to make a determination on whether the individual lacks capacity; and (2) requires the court to comply with certain procedural requirements concerning such a petition.~~

~~—Section 32 of this bill authorizes an individual to make a health care instruction which includes certain preferences regarding the health care of the individual.~~

~~—Section 33 of this bill sets forth the requirements to execute a power of attorney for health care and specifies who may not act as an agent to an individual who lacks capacity.~~

~~—Section 34 of this bill authorizes an individual to create an advance health care directive that only addresses the mental health care of the individual and may waive certain rights. Section 35 of this bill sets forth the procedure to follow when an advance health care directive that addresses only the mental health care of the individual conflicts with any other type of advance health care directive.~~

~~—Section 36 of this bill establishes a form to create an advance health care directive.~~

~~—Section 37 of this bill sets forth a class of persons who, in order of priority, may act as a default surrogate for an individual if the individual lacks capacity to make health care decisions and an agent or guardian has not been appointed or the agent or guardian of the individual is not reasonably available. Section 38 of this bill sets forth the procedure a responsible health care provider is required to follow if two or more members of such class assume authority to act as a default surrogate and both default surrogates disagree on a health care decision.~~

~~Section 39 of this bill authorizes an individual to disqualify certain persons from acting as a default surrogate.~~

~~Section 40 of this bill authorizes an individual, under certain circumstances, to revoke: (1) an appointment of an agent; (2) the designation of a default surrogate; or (3) a health care instruction. Section 40 also provides that: (1) a subsequent advance health care directive revokes a prior advance health care directive to the extent the two conflict; and (2) the appointment of a spouse or domestic partner is revoked under certain circumstances.~~

~~Section 41 of this bill provides that: (1) a health care directive created outside of this State is valid in this State under certain circumstances; (2) a person may rely on an advance health care directive under certain circumstances; and (3) the directive may not be denied solely because the directive or the signature is in electronic form.~~

~~Section 42 of this bill provides that an agent or default surrogate has a fiduciary duty to an individual who lacks capacity and is required to make a health care decision in accordance with the direction of the individual in an advance health care directive.~~

~~Sections 43 and 44 of this bill set forth the powers and limitations of an agent or a default surrogate under an advance health care directive or court order.~~

~~Section 45 of this bill provides that under certain circumstances, two or more individuals are authorized to act as co agents or alternate agents of an individual under an advance health care directive.~~

~~Section 46 of this bill sets forth the duties of a health care provider, a responsible health care provider and a health care institution.~~

~~Section 47 of this bill provides that: (1) a guardian may not refuse to comply with or revoke the advance health care directive of the individual; and (2) a health care decision made by certain agents prevails over the decision of the guardianship appointed for the individual.~~

~~Section 48 of this bill provides that under certain circumstances, a health care provider, health care institution, an agent or default surrogate acting in good faith is not subject to civil or criminal liability or certain discipline.~~

~~Section 49 of this bill prohibits a person from taking certain actions concerning an advance health care directive. Section 49 additionally provides that an individual or the estate of the individual has a cause of action against a person that violates such prohibitions.~~

~~Section 50 of this bill provides that an electronic copy of an advance health care directive, a revocation of an advance health care directive or a designation or disqualification of a surrogate has the same effect as the original.~~

~~Section 51 of this bill provides that the Uniform Health Care Decisions Act does not authorize mercy killing, assisted suicide or euthanasia.~~

~~Section 52 of this bill provides that a court acting under this Uniform Act may only grant equitable relief.~~

~~Section 53 of this bill provides that in applying and construing the Uniform Act, a court is required to consider the promotion of uniformity of the law among jurisdictions that enact the Uniform Act.~~

~~Section 54 of this bill establishes a form to create a power of attorney for health care. Sections 55 and 56 of this bill, respectively, establish a form to create a power of attorney for health care decisions for an adult with an intellectual disability or with any form of dementia.~~

~~Sections 1 and 57-76 of this bill make conforming changes to reflect the changes made in this bill and to remove and replace references to the repealed sections.~~ **Section 36 of this bill establishes a form to create an advance**

health-care directive that includes provisions relating to: (1) naming an agent and alternate agent and limiting an agent's authority; (2) health care instructions concerning life-sustaining treatment and certain priorities; (3) optional special powers of an agent, access to health information by an agent, additional guidance for an agent and the nomination of a guardian; (4) organ donation; and (5) certain information for agents. Section 78 of this bill repeals the current form for powers of attorney for health care.

Existing law requires a power of attorney for health care to be signed by the principal, whose signature must be acknowledged by a notary public or witnessed by two adult witnesses who personally know the principal. Existing law also sets forth certain persons who are disqualified from being a witness to a principal's signature and establishes certain other requirements relating to such witnesses. Existing law further requires that a certification of competency of the principal be attached to a power of attorney if the principal lives in certain health care facilities. (NRS 162A.790) Section 57.7 of this bill: (1) removes the requirement that the witnesses to a principal's signature must personally know the principal; (2) provides that only the owner or operator or an employee of a nursing home in which the principal resides is disqualified from being a witness to the principal's signature; and (3) removes the requirement that a certification of competency must be attached to the power of attorney of a principal who lives in certain health care facilities.

Sections ~~15-27~~ 5-19 of this bill define certain words and terms for the purposes of ~~Sections 3-56.~~ the provisions of law governing powers of attorney for health care decisions. Sections 57.3 and 61-72 of this bill make conforming changes to indicate the proper placement of sections 5-36 of this bill in the Nevada Revised Statutes.

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

Section 1. ~~[NRS 159.0753 is hereby amended to read as follows:~~
~~159.0753 1. Any person who wishes to request to nominate another~~
~~person to be appointed as his or her guardian may do so:~~
~~(a) If nominating a guardian of the estate, pursuant to NRS 162A.250;~~

~~—(b) If nominating a guardian of the person, pursuant to [NRS 162A.800;]
section 32 of this act; or~~

~~—(c) By completing a form requesting to nominate a guardian in accordance
with this section;~~

~~—2. A form requesting to nominate a guardian pursuant to this section must
be:~~

~~—(a) Signed by the person requesting to nominate a guardian;~~

~~—(b) Signed by two impartial adult witnesses who have no interest, financial
or otherwise, in the estate of the person requesting to nominate a guardian and
who attest that the person has the mental capacity to understand and execute
the form; and~~

~~—(c) Notarized;~~

~~—3. A request to nominate a guardian pursuant to this section may be in
substantially the following form, and must be witnessed and executed in the
same manner as the following form:~~

REQUEST TO NOMINATE GUARDIAN

~~—I, ... (insert your name), residing at (insert your
address), am executing this notarized document as my written declaration
and request for the person(s) designated below to be appointed as my
guardian should it become necessary. I am advising the court and all
persons and entities as follows:~~

~~—1. As of the date I am executing this request to nominate a guardian,
I have the mental capacity to understand and execute this request.~~

~~—2. This request pertains to a (circle one): (guardian of the
person)/(guardian of the estate)/(guardian of the person and estate).~~

~~—3. Should the need arise, I request that the court give my preference
to the person(s) designated below to serve as my appointed guardian.~~

~~—4. I request that my (insert relation), ... (insert
name), serve as my appointed guardian.~~

~~—5. If (insert name) is unable or unwilling to serve as my
appointed guardian, then I request that my (insert relation),
..... (insert name), serve as my appointed guardian.~~

~~—6. I do not, under any circumstances, desire to have any private, for-
profit guardian serve as my appointed guardian.~~

~~(YOU MUST DATE AND SIGN THIS DOCUMENT)~~

~~—I sign my name to this document on (date)~~

~~.....
.....
..... (Signature)~~

~~(YOU MUST HAVE TWO QUALIFIED ADULT WITNESSES DATE
AND SIGN THIS DOCUMENT)~~

~~I declare under penalty of perjury that the principal is personally known to me, that the principal signed this request to nominate a guardian in my presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, fraud or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal.~~

~~.....
.....
..... (Signature of first witness)~~

~~.....
.....
..... (Print name)~~

~~.....
.....
..... (Date)~~

~~.....
.....
..... (Signature of second witness)~~

~~.....
.....
..... (Print name)~~

~~.....
.....
..... (Date)~~

~~CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC~~

~~State of Nevada..... }~~

~~..... }~~

~~County of }~~

~~On this day of, in the year, before me,
..... (insert name of notary public), personally appeared
..... (insert name of principal), ... (insert name of first
witness) and (insert name of second witness), personally
known to me (or proved to me on the basis of satisfactory evidence) to be
the persons whose names are subscribed to this instrument, and
acknowledged that they have signed this instrument.~~

~~.....
.....
..... (Signature of notarial officer)~~

~~.....
.....
..... (Seal, if any)~~

~~4. The Secretary of State shall make the form established in subsection 3 available on the Internet website of the Secretary of State.~~

~~5. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.~~ **(Deleted by amendment.)**

Sec. 2. Chapter 162A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 56, inclusive, of this act.

Sec. 3. ~~Sections 3 to 56, inclusive, of this act may be cited as the Uniform Health Care Decisions Act.~~ **(Deleted by amendment.)**

Sec. 4. ~~As used in sections 3 to 56, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 27,~~

~~inclusive, of this act have the meanings ascribed to them in those sections.~~
~~(Deleted by amendment.)~~

Sec. 5. *“Advance health-care directive” means a power of attorney for health care.* ~~for a health care instruction.~~

Sec. 6. ~~“Agent” means an individual appointed in a power of attorney for health care.~~ ~~(Deleted by amendment.)~~

Sec. 7. ~~“Cohabitant” means each of two individuals not married to each other who have lived together as a couple for at least 1 year after reaching the age of majority or emancipation.~~ ~~(Deleted by amendment.)~~

Sec. 8. ~~“Default surrogate” means an individual authorized under section 36 of this act to make a health care decision for another individual.~~
~~(Deleted by amendment.)~~

Sec. 9. *“Guardian” means a person appointed under other law by a court to make decisions regarding the personal affairs of an individual, including, without limitation, health care decisions. The term does not include a guardian ad litem.*

Sec. 10. ~~“Has capacity” means not determined or found under section 29 or 31 of this act to lack capacity. “Had capacity” and “have capacity” have corresponding meanings.~~ ~~(Deleted by amendment.)~~

Sec. 11. *“Health care” means care, treatment, service or procedure to maintain, monitor, diagnose or otherwise affect the physical or mental illness, injury or condition of an individual.*

Sec. 12. ~~“Health care decision” means a decision made by an individual, or the surrogate of the individual, regarding the individual’s health care, including, without limitation, the:~~

~~1. Selection or discharge of a health care provider or health care institution;~~

~~2. Approval or disapproval of a diagnostic test, surgical procedure, medication, therapeutic intervention or other type of health care; and~~

~~3. Direction to provide, withhold or withdraw artificial nutrition or hydration, mechanical ventilation or other health care.~~ ~~(Deleted by amendment.)~~

Sec. 13. ~~“Health care institution” means a facility or agency licensed, certified or otherwise authorized or permitted by other law to provide health care in this State in the ordinary course of business.~~ ~~(Deleted by amendment.)~~

Sec. 14. ~~“Health care instruction” means a direction, whether or not in a record, made by an individual that indicates the goals, preferences or wishes of the individual concerning the provision, withholding or withdrawal of health care. The term includes a direction intended to be effective if specified conditions arise.~~ ~~(Deleted by amendment.)~~

Sec. 15. ~~“Health care provider” means a physician or other individual licensed, certified or otherwise authorized or permitted by other law of this State to provide health care in this State in the ordinary course of business~~

~~or practice of the profession of the physician or individual.] (Deleted by amendment.)~~

Sec. 16. ~~["Individual" means an adult or emancipated minor.] (Deleted by amendment.)~~

Sec. 17. ~~["Lack capacity" means that an individual is unable to understand and appreciate the nature and consequences of a decision or is unable or unwilling to make or communicate a decision, even with appropriate services, technological assistance, supported decision making or other reasonable accommodations.] (Deleted by amendment.)~~

Sec. 18. ~~["Mental health care" means care, treatment, service or procedure to maintain, monitor, diagnose or improve the mental illness or other emotional, psychological or psychosocial condition of an individual.] (Deleted by amendment.)~~

Sec. 19. "Nursing home" means a "nursing facility" as defined in 42 U.S.C. § 1396r(a), as amended, or "skilled nursing facility" as defined in 42 U.S.C. § 1395i-3(a), as amended.

Sec. 20. ~~["Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency or instrumentality or other legal entity.] (Deleted by amendment.)~~

Sec. 21. ~~["Person interested in the welfare of the individual" means:~~
~~—1. The spouse, child, parent or grandparent of the individual or a descendant of the spouse, child, parent or grandparent of the individual;~~
~~—2. The domestic partner, cohabitant or friend of the individual;~~
~~—3. A public entity providing health care, case management or protective services to the individual;~~
~~—4. The surrogate of the individual;~~
~~—5. A person appointed under other law to make decisions for the individual under a power of attorney for finances; or~~
~~—6. A person that has an ongoing personal or professional relationship with the individual, including, without limitation, a person that has provided educational or health care services or supported decision making to the individual.] (Deleted by amendment.)~~

Sec. 22. ~~["Physician" means an individual authorized to practice medicine under chapter 630 of NRS or osteopathy under chapter 633 NRS.] (Deleted by amendment.)~~

Sec. 23. ~~["Power of attorney for health care" means a record granting an agent the authority to make health care decisions for the individual granting the power.] (Deleted by amendment.)~~

Sec. 24. ~~["Reasonably available" means able to be contacted without undue effort and willing and able to act in a timely manner considering the urgency of an individual's health care situation. When used to refer to an agent or default surrogate, the term includes being willing and able to comply with the duties under section 43 of this act in a timely manner considering the urgency of an individual's health care situation.] (Deleted by amendment.)~~

Sec. 25. ~~["Responsible health care provider" means:~~

~~1. A health care provider designated by an individual, or the surrogate of an individual, to have primary responsibility for the individual's health care or for overseeing a particular course of treatment; or~~

~~2. In the absence of a designation under subsection 1, or if the provider designated under subsection 1 is not reasonably available, a health care provider who has primary responsibility for the health care of the individual or for overseeing a particular course of treatment.] (Deleted by amendment.)~~

Sec. 26. ~~["Supported decision making" means assistance from one or more persons of an individual's choosing that helps the individual make or communicate a decision, including, without limitation, by helping the individual understand the nature and consequences of the decision.] (Deleted by amendment.)~~

Sec. 27. ~~["Surrogate" means:~~

~~1. An agent;~~

~~2. A default surrogate; or~~

~~3. A guardian authorized to make health care decisions.] (Deleted by amendment.)~~

Sec. 28. ~~[1. An individual is presumed to have capacity to make a health care decision unless a health care provider under section 29 or 30 of this act, or a court under section 31 of this act, finds or determines the individual does not understand and appreciate the nature and consequences of the decision, including, without limitation, the primary risks and benefits of the decision.~~

~~2. An individual is presumed to have capacity to make or revoke a health care instruction unless a health care provider under section 29 or 30 of this act, or a court under section 31 of this act, finds or determines the individual does not understand and appreciate the nature and consequences of a health care decision in the instruction, including, without limitation, the primary risks and benefits of the choices expressed in the instruction.~~

~~3. An individual is presumed to have capacity to make or revoke a power of attorney for health care unless a health care provider under section 29 or 30 of this act, or a court under section 31 of this act, finds or determines the individual does not understand:~~

~~(a) And appreciate the nature and consequences of appointing an agent under the power of attorney;~~

~~(b) The identity of the individual being appointed as an agent; or~~

~~(c) The general nature of the individual's relationship with the individual being appointed as an agent.~~

~~4. Creating, revoking or not creating an advance health care directive does not affect the right of an individual who has the capacity to make a health care decision.] (Deleted by amendment.)~~

Sec. 29. ~~[1. A presumption under section 28 of this act that an individual has capacity may be rebutted by:~~

~~—(a) A determination by a court under section 31 of this act or chapter 159 of NRS; or~~

~~—(b) A finding made in accordance with accepted standards of medical judgment and to a reasonable degree of medical certainty that the individual lacks capacity by any of the following who has contemporaneously examined the individual and is not the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual, or of the surrogate of the individual, or a descendant of the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual or of the surrogate:~~

~~—(1) A physician;~~

~~—(2) A psychologist licensed or otherwise authorized to practice in this State; or~~

~~—(3) A responsible health care provider if:~~

~~—(I) The individual about whom the finding is to be made is experiencing a health condition requiring that a decision regarding health care treatment be made promptly to avoid loss of life or serious harm to the health of the individual; and~~

~~—(II) An individual listed in subparagraph (1) or (2) is not reasonably available.~~

~~2. A finding under paragraph (b) of subsection 1 must be promptly documented in a record that:~~

~~—(a) Is signed by the individual making the finding; and~~

~~—(b) States the opinion of the individual making the finding of the cause, nature, extent and probable duration of the lack of capacity.~~

~~3. A determination or finding under this section may apply to a specified health care decision, to a specified set of health care decisions or to all health care decisions.} (Deleted by amendment.)~~

Sec. 30. ~~1. An individual found under paragraph (b) of subsection 1 of section 29 of this act to lack capacity may object to the finding in a record, orally or by another act.~~

~~2. If the individual objects under subsection 1, the finding is not sufficient to rebut the presumption of capacity in section 28 of this act, and the individual must be treated as having capacity, unless:~~

~~—(a) The individual withdraws the objection;~~

~~—(b) The court determines under section 31 of this act that the individual lacks capacity;~~

~~—(c) The individual is experiencing a health condition requiring that a decision regarding health care treatment be made promptly to avoid loss of life or serious harm to the health of the individual;~~

~~—(d) The finding is:~~

~~—(1) Not used to withhold or withdraw life sustaining treatment if the individual is objecting to the withholding or withdrawal of the treatment; and~~

~~—(2) Confirmed by an individual authorized under paragraph (b) of subsection 1 of section 29 of this act who:~~

~~(I) Did not make the first finding;~~
~~(II) Is not the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual who made the first finding; and~~
~~(III) Is not a descendant of the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual who made the first finding;~~
~~or~~
~~(c) The individual, in an advance health care directive that addresses only mental health care created under section 34 of this act, directs the first finding to be sufficient to rebut the presumption of capacity.~~
~~3. A health care provider who is informed of an objection under subsection 1 shall promptly:~~
~~(a) Communicate the challenge to a responsible health care provider; and~~
~~(b) Document the objection in the medical record of the individual or communicate the objection to an administrator with responsibility for the medical records of the health care institution providing health care to the individual.~~ (Deleted by amendment.)

Sec. 31. ~~{1. An individual found under paragraph (b) of subsection 1 of section 29 of this act to lack capacity, a responsible health care provider, the health care institution providing health care to the individual or a person interested in the welfare of the individual may petition a district court in the county in which the individual resides or is located to determine whether the individual lacks capacity.~~

~~2. The court in which a petition under subsection 1 is filed shall appoint legal counsel to represent the individual if the individual does not have legal counsel in the proceeding. The court shall hear the petition as soon as possible but not later than 7 days after the petition is filed. As soon as possible, but not later than 7 days after the hearing, the court shall determine whether the individual lacks capacity. The individual shall be determined to lack capacity only if the court finds by clear and convincing evidence that the individual lacks capacity.~~ (Deleted by amendment.)

Sec. 32. ~~{1. The preferences in the health care instruction of an individual may include:~~

~~(a) Health care providers or health care institutions;~~
~~(b) How a health care decision will be made and communicated;~~
~~(c) Persons that should or should not be consulted regarding a health care decision;~~
~~(d) A person to serve as guardian for the individual if one is appointed; and~~
~~(e) An individual to serve as a default surrogate.~~

~~2. A health care provider to whom an individual communicates an instruction under subsection 1 shall document the instruction and the date of the instruction in the medical record of the individual.~~

~~3. A health care instruction that conflicts with an earlier health care instruction, including an instruction documented in a medical order, revokes the earlier instruction to the extent of the conflict.~~

~~4. A health care instruction may be in the same record as a power of attorney for health care. (Deleted by amendment.)~~

Sec. 33. ~~{1. An individual may create a power of attorney for health care to authorize one or more agents to make a health care decision for the individual if the individual is found or determined under section 29 or 31 of this act to lack capacity.~~

~~2. An individual is disqualified from acting as agent for an individual found or determined under section 29 or 31 of this act to lack capacity if the court finds that the first individual poses a danger to the individual found or determined to lack capacity, even if the court does not issue a protective order against the first individual. Advocating for the withholding or withdrawal of health care from the individual is not itself an indication of posing a danger to the individual.~~

~~3. An owner, operator or employee of a nursing home at which an individual is receiving care is disqualified from acting as agent unless the owner, operator or employee is the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual, or a descendent of the spouse, child, parent, grandparent or domestic partner of the individual.~~

~~4. A health care decision made by an agent is effective without judicial approval.~~

~~5. A power of attorney for health care must be in a record, signed by the individual granting the power and witnessed by an adult who:~~

~~(a) Reasonably believes that the act of the individual to create the power of attorney is voluntary and knowing and made without coercion or undue influence;~~

~~(b) Must not be:~~

~~(1) The agent appointed by the individual;~~

~~(2) The spouse, domestic partner or cohabitant of the agent; or~~

~~(3) If the individual resides in a nursing home, the owner, operator or employee of the residential long-term health care institution; and~~

~~(c) Is present when the individual signs the power of attorney or when the individual represents that the power of attorney reflects the wishes of the individual.~~

~~6. A witness under subsection 5 is considered present if the witness and the individual are:~~

~~(a) Physically present in the same location;~~

~~(b) Using an electronic means that allows for real time audio and visual transmission and able to communicate in real time to the same extent as if they were physically present in the same location; or~~

~~(c) Able to speak to and hear each other in real time through audio connection if:~~

~~(1) The identity of the individual is personally known to the witness; or~~

~~(2) The witness is able to authenticate the identity of the individual by receiving accurate answers from the individual that enable the authentication.~~

~~7. A power of attorney for health care may include a health care instruction.] (Deleted by amendment.)~~

Sec. 34. ~~[1. An individual may create an advance health care directive that addresses only mental health care for the individual.~~

~~2. A health care instruction that addresses only mental health care for an individual may include:~~

~~(a) A statement of the general philosophy and objectives of the individual regarding mental health care; and~~

~~(b) The specific goals, preferences and wishes of the individual regarding the provision, withholding or withdrawal of a form of mental health care, including:~~

~~(1) Preferences regarding professionals, programs and facilities;~~

~~(2) Admission to a mental health facility, including, without limitation, the length of admission;~~

~~(3) Preferences regarding medications;~~

~~(4) A refusal to accept a specific type of mental health care, including, without limitation, a medication; and~~

~~(5) Preferences regarding means of crisis intervention.~~

~~3. A health care instruction under this section may be in the same record as a power of attorney for health care.~~

~~4. An individual may direct, in an advance health care directive that addresses only mental health care, that a single finding that the individual lacks capacity is sufficient under paragraph (e) of subsection 2 of section 30 of this act to rebut the presumption of capacity under section 28 of this act.~~

~~5. If an advance health care directive includes the direction under subsection 4, the directive must be in a record, signed by the individual creating the directive and witnessed by at least two adults who:~~

~~(a) Attest that to the best of their knowledge the direction is voluntary and knowing and made without coercion or undue influence;~~

~~(b) Must not be:~~

~~(1) The agent appointed by the individual;~~

~~(2) The spouse, domestic partner or cohabitant of the agent; and~~

~~(3) If the individual resides in a residential long-term health care institution, not the owner, operator or employee of the residential long-term health care institution; and~~

~~(c) Are physically present in the same location as the individual.] (Deleted by amendment.)~~

Sec. 35. ~~[1. If a direction in an advance health care directive that addresses only mental health care conflicts with a direction in another advance health care directive, the later direction revokes the earlier direction to the extent of the conflict.~~

~~2. An appointment by an individual under a power of attorney for health care of an agent to make decisions only for the mental health care of the individual does not revoke an earlier appointment of an agent under a power~~

~~of attorney for health care to make other health care decisions for the individual. The later appointment revokes the authority of the agent under the earlier appointment to make mental health care decisions unless otherwise specified in the later appointment.~~

~~3. Appointment by an individual of an agent under a power of attorney for health care decisions other than mental health care decisions made after appointment of an agent authorized to make only mental health care decisions does not revoke the appointment of the agent authorized to make only mental health care decisions.~~ (Deleted by amendment.)

Sec. 36. The following form may be used to create an advance health-care directive.

ADVANCE HEALTH-CARE DIRECTIVE
~~{EXPLANATION OF}~~ HOW YOU USE THIS FORM

You can use this form if you wish to name someone ~~{you want}~~ to make health care decisions for you ~~{. This person will only be able to make health care decisions for you if}~~ in case you cannot make them for yourself. This is called giving the person you name a power of attorney for health care. The person you name is called your agent.

You can also use this form to state your wishes, preferences and goals for health care, and to say if you want to be an organ donor ~~{when}~~ after you die.

YOUR NAME AND ~~{BIRTHDAY}~~ DATE OF BIRTH

~~{Write your name and date of birth below.}~~

Name:.....

Date of birth:

PART 1: ~~{POWER OF ATTORNEY FOR HEALTH CARE}~~ NAMING AN AGENT

This part ~~{allows}~~ lets you {to appoint} name someone else to make health care decisions for you. You ~~{can}~~ may leave ~~{all or some of it}~~ any item blank.

(1) ~~{APPOINTMENT OF}~~ **NAMING AN AGENT**: I want the following person to make health care decisions for me if I cannot ~~{. (If you can, give the full name.)}~~ make decisions for myself:

Name:.....

Optional contact information (It is helpful to include information such as the person's address, phone number and email address .): ~~{of the individual you are appointing.}~~.....

.....

(2) ~~{APPOINTMENT OF}~~ NAMING AN ALTERNATE AGENT: I want the following person to make health care decisions for me if I cannot and my ~~{first}~~ agent is not willing, able or reasonably available to make them for me : ~~{.....}~~

Name:.....

~~{(If you can, provide the full name)}~~

Optional contact information (It is helpful to include information such as the person's address, phone number and email address.): ~~{of the individual you are appointing. You can name more than one alternate agent.}~~.....

(3) ~~{SPECIAL POWERS: My agent can do the following things ONLY if I have initialed or marked them below:~~

~~(☐) consent to my participation in medical research that is allowed by law even if it will not directly benefit me and risks more than a little harm to me~~

~~(☐) admit me as a voluntary patient to a facility for mental health treatment for not more than (☐) days~~

~~(☐) if I am not terminally ill, place me in a nursing home for more than 100 days even if my needs can be met somewhere else and I object at that time to being placed in the nursing home~~

(4) ~~HEALTH INFORMATION SHARING: My agent may obtain, examine and share information about my health needs and health care (initial or mark one):~~

~~(☐) whenever my agent reasonably believes it is in my best interest~~

~~(☐) only if I cannot make health care decisions for myself~~

(5) ~~OTHER LIMITS ON~~ LIMITING YOUR AGENT'S AUTHORITY: I give my agent the power to make all health care decisions for me if I cannot make those decisions for myself, except ~~{as I state here}~~ for the following:

(If you do not add any limitations here, your agent will be able make all health care decisions that an agent is permitted to make under state law.)

PART 2: HEALTH CARE INSTRUCTION

This part ~~{allows}~~ lets you ~~{to indicate}~~ state your priorities for health care and types of health care you do and do not want. ~~{You can leave all or some of it blank.}~~

(1) INSTRUCTIONS ABOUT LIFE-SUSTAINING TREATMENT

~~If I have a condition that is not curable and is expected to cause me to die soon even if treated (initial or mark your choices):~~ This section gives you the opportunity to say how you want your agent to act while making decisions for you. You may mark or initial each item. You may also leave any item blank.

Medical treatment needed to keep me alive but not needed for comfort or any other purpose should (mark all that apply):

- ☐ ~~I want to receive all medical treatments available to prolong my life.~~ Always be given to me.
- ☐ ~~I do not want medical treatment if its only purpose is to prolong my life.~~ Not be given to me if I have a condition that is not curable and is expected to cause my death soon, even if treated.
- ☐ ~~If I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to prolong my life.~~ Not be given to me if I am unconscious and I am not expected to be conscious again.
- ☐ ~~I want to receive care that will help me be comfortable even if it may shorten my life.~~ Not be given to me if I have a medical condition from which I am not expected to recover that prevents me from communicating with people I care about, caring for myself and recognizing family and friends.
- ☐ ~~Other~~ Other (write what you want or do not want):

~~If I am unconscious and am not expected to ever be conscious again (initial or mark your choices):~~ cannot swallow and staying alive requires me to get liquid or food through a tube or other means for the rest of my life, liquid or food should (mark all that apply):

- ☐ ~~I want to receive all medical treatments available to prolong my life.~~ Always be given to me.
- ☐ ~~I do not want medical treatment if its only purpose is to prolong my life.~~ Not be given to me if I have a condition that is not curable and is expected to cause my death soon, even if treated.
- ☐ ~~If I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to prolong my life.~~ Not be given to me if I am unconscious and I am not expected to be conscious again.
- ☐ ~~I want to receive care that will help me be comfortable even if it may shorten my life.~~ Not be given to me if I have a medical condition from which I am not expected to recover that prevents me from communicating with people I care about, caring for myself and recognizing family and friends.
- ☐ ~~Other~~ Other (write what you want or do not want):

~~If I have a medical condition that prevents me from communicating with people I care about, care for myself and recognizing family and~~

~~friends and I am not expected to recover (initial or mark your choice).]~~
am in significant pain, care that will keep me comfortable but is likely to shorten my life should (mark all that apply):

- ☐ [I want to receive all medical treatments available to prolong my life] Always be given to me.
- ☐ [I do not want medical treatment if its only purpose is to prolong my life] Never be given to me.
- ☐ ~~[If I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to prolong my life.]~~ Be given to me if I have a condition that is not curable and is expected to cause my death soon, even if treated.
- ☐ [I want to receive care that will help me be comfortable even if it may shorten my life] Be given to me if I am unconscious and I am not expected to be conscious again.
- ☐ Be given to me if I have a medical condition from which I am not expected to recover that prevents me from communicating with people I care about, caring for myself and recognizing family and friends.
- ☐ ~~[other]~~ Other (write what you want or do not want):

(2) INSTRUCTION ABOUT PRIORITIES ~~]~~

You can use this section to indicate what is important to you, and what is not important to you. This information can help ~~others]~~ your agent make decisions for you if you cannot, make them for yourself.] It also helps others understand your preferences.

You may mark or initial each item. You also may leave any item blank.

Staying alive as long as possible even if I have substantial physical limitations is : ~~[(initial or mark your choice).]~~

- ☐ very important
- ☐ somewhat important
- ☐ not important

Staying alive as long as possible even if I have substantial mental limitations is : ~~[(initial or mark your choice).]~~

- ☐ very important
- ☐ somewhat important
- ☐ not important

Being free from significant pain is : ~~[(initial or mark your choice).]~~

- ☐ very important
- ☐ somewhat important
- ☐ not important

Being independent is : ~~{{(initial or mark your choice):}}~~

- ☐ very important
- ☐ somewhat important
- ☐ not important

Having my agent talk with my family ~~{and friends involved in}~~ before making decisions about my care is : ~~{{(initial or mark your choice):}}~~

- ☐ very important
- ☐ somewhat important
- ☐ not important

Having my agent talk with my friends before making decisions about my care is:

- ☐ very important
- ☐ somewhat important
- ☐ not important

~~{You can indicate other values and goals that are important to you below. This can include things you want and things you do not want.}~~

(3) OTHER INSTRUCTIONS

You can use this section to provide any other information about your goals, ~~{preferences}~~ values and ~~{wishes}~~ preferences for treatment ~~{about the health}~~, including care you want or do not want. You can also use this section to name anyone who you do not want to make decisions for you under any conditions.

~~{{4}}~~ PART 3: OPTIONAL ~~{ADDITIONAL}~~ SPECIAL POWERS AND GUIDANCE ~~{FOR YOUR AGENT}~~

~~Initial or mark your choice if you want to provide}~~ This part allows you to give your agent additional powers and to provide your agent with more guidance ~~{,}~~ about your wishes. You may mark or initial each item. You also may leave any item blank.

(1) OPTIONAL SPECIAL POWERS

My agent can do the following things ONLY if I have initialed or marked them below:

- ☐ ~~{The instructions I stated in this document should guide the person making decisions for me, but I give that person permission to be flexible in applying these statements if they think it would be in my best interest based on what they know about me.}~~ Admit me as a voluntary patient to a facility for mental health treatment for up to 7 days, 14 days or 30 days (circle one).

(If I do not mark or initial this, my agent MAY NOT admit me as a voluntary patient to this type of facility.)

- ☐ ~~[The instructions I stated in this document should guide the person making decisions for me and I want them to follow them exactly as written if possible, even if they think something else is better.]~~ Place me in a nursing home for more than 100 days even if my needs can be met somewhere else, I am not terminally ill and I object.
(If I do not mark or initial this, my agent MAY NOT do this.)

(2) ACCESS TO MY HEALTH INFORMATION

My agent may obtain, examine and share information about my health needs and health care if I am not able to make decisions for myself. If I initial or mark below, my agent may also do this at any time he or she thinks it will help me.

- ☐ I give my agent permission to obtain, examine and share information about my health needs and health care whenever he or she thinks it will help me.

(3) GUIDANCE FOR MY AGENT

The instructions I have stated in this document should guide my agent in making decisions for me (initial or mark one of the below items to tell your agent more about how to use these instructions):

- ☐ I give my agent permission to be flexible in applying these instructions if he or she thinks it would be in my best interest based on what they know about me.
- ☐ I want my agent to follow these instructions exactly as written if possible, even if he or she thinks something else is better.

(4) NOMINATION OF GUARDIAN

Here you can say who you would want as your guardian if you need one. A guardian is a person appointed by a court to make decisions for someone who cannot make decisions. Filling this out does NOT mean you want or need a guardian right now.

If a court appoints a guardian to make personal decisions for me, I want the court to choose:

- ☐ My agent named in this form. If my agent cannot be a guardian, I want my alternate agent named in this form.
- ☐ ~~Other [(You can use this section to tell your agent more about how to treat your instructions.)]~~ (write who you would want and their contact information):

PART ~~3~~ 4: ORGAN DONATION

This part allows you to donate your organs when you die. ~~If you do not want to use this form to make a donation, you can.~~ You may mark or initial each item. You also may leave ~~it~~ any item blank.

~~Even if ~~procedures necessary to evaluate, maintain or preserve my organs, tissues or other body parts conflict with other instructions I have put in this form or another document, upon my death (initial or mark the box that indicates what you want).~~ it requires maintaining treatments that could prolong my dying process and might be in conflict with other instructions I have put in this form, upon my death:~~

☐ I donate my organs, tissues and other body parts, except for those listed below (~~if you do not~~ list any ~~if all can be donated~~ body parts you do not want to donate):

~~☐ I donate the following organs, tissues or body parts only (list the ones you want to give):~~

☐ I do not want my organs, tissues or body parts donated to anybody for any reason.

~~My organs,~~ Organs, tissues ~~and~~ or body parts that I donate may be used for : (~~initial or mark the box or boxes that indicate what you want~~)

- ☐ transplant
- ☐ therapy
- ☐ research
- ☐ education
- ☐ all of the above

PART ~~4~~ 5: SIGNATURES REQUIRED ON THIS FORM

YOUR SIGNATURE

~~My~~ Sign your name:.....

~~My signature:~~.....

~~Date:~~ Today's date:

~~Optional: My contact information (you can include your address, phone number, email address or other contact information):~~

~~(A witness is needed)~~

SIGNATURE OF WITNESSES

You need two witnesses if you are using this form to name an agent. The ~~witness~~ witnesses must be adults and cannot be ~~at~~ the person you are

~~naming as agent for that person's spouse, domestic partner or cohabitant. If you live in a nursing home, the witness cannot be an employee operator or owner of the home or or someone who owns or runs the home.~~

~~Witness name:.....~~

~~Witness signature : {only sign as a witness if you believe the person above is voluntarily making this advance directive}:~~

~~Witness address (providing the full address of the witness is recommended):~~

~~Date witness signed:~~

~~(Only sign as a witness if you think that the person signing above is doing it voluntarily.)~~

~~Witness name:.....~~

~~Witness signature:~~

~~.....~~

~~Date witness signed:~~

~~(Only sign as a witness if you think that the person signing above is doing it voluntarily.)~~

~~PART 5 6: INFORMATION FOR AGENTS~~

~~(1) If this form appoints names you as an agent, you may can make decisions about health care for the person who appointed named you when they cannot make their own.~~

~~(2) If making you make a decision for the person, you should follow any instructions the person gave, including any in this form.~~

~~(3) If you make a decision for the person and you don't know what the person would want, you should make the decision that you think is in the person's best interest. To figure out what is in the individual's person's best interest, is, you must consider the individual's person's values, preferences and goals if you know them or can learn them. Some of those preferences might be in this form. You should also consider any behaviors or communications from the person that indicate what they currently want.~~

~~(4) If this form appoints names you as an agent, you can also get and share the individual's health information. But unless the person has said so in this form, you can only get or share this information when the person cannot make their own decisions about their health care.~~

~~Sec. 37. [1. A default surrogate may make a health care decision for an individual who lacks capacity to make health care decisions and for whom an agent or guardian authorized to make health care decisions has not been appointed or is not reasonably available;~~

~~2. Unless the individual has an advance health care directive that indicates otherwise, a member of the following classes, in descending order of priority, who is reasonably available and not disqualified under section 39 of this act, may act as a default surrogate for the individual:~~

~~(a) An adult who the individual has designated in an advance health care directive or in another manner;~~

~~(b) The spouse or domestic partner of the individual, unless a petition for annulment, divorce, dissolution of marriage, legal separation or termination has been filed and not dismissed or withdrawn, or the spouse or domestic partner has abandoned the individual for more than 1 year;~~

~~(c) The adult child or parent of the individual;~~

~~(d) The cohabitant of the individual;~~

~~(e) The adult sibling of the individual;~~

~~(f) The adult grandchild or grandparent of the individual;~~

~~(g) An adult not listed in paragraphs (a) to (f), inclusive, who has assisted the individual with supported decision making routinely during the preceding 6 months;~~

~~(h) The adult stepchild of the individual not listed in paragraphs (a) to (g), inclusive, who the individual actively parented during the minor years of the stepchild and with whom the individual has an ongoing relationship;~~
~~or~~

~~(i) An adult not listed in paragraphs (a) to (h), inclusive, who has exhibited special care and concern for the individual and is familiar with the personal values of the individual.~~

~~3. A member of a class who assumes authority to act as default surrogate shall communicate the assumption of authority as promptly as practicable to other members who can be readily contacted in the same class and in classes with higher priority listed in subsection 2 and to a responsible health care provider.~~

~~4. A responsible health care provider may require an individual who assumes authority to act as a default surrogate to provide a declaration in a record under penalty of perjury stating facts and circumstances reasonably sufficient to establish the authority.~~

~~5. If a responsible health care provider reasonably determines that an individual who has assumed authority to act as a default surrogate is not willing or able to comply with a duty under section 42 of this act or fails to do so in a timely manner, the provider may recognize the individuals next in priority under subsection 2 as the default surrogates.~~

~~6. A health care decision made by a default surrogate is effective without judicial approval. (Deleted by amendment.)~~

Sec. 38. ~~{1. A default surrogate who has assumed authority under subsection 3 of section 37 of this act shall inform a responsible health care provider if two or more members of the class have assumed authority to act as default surrogates and the members do not agree on a health care decision.~~

~~—2. A responsible health care provider shall comply with the decision of a majority of the members of the class with higher priority who have communicated their views to the provider.~~

~~—3. If a responsible health care provider is informed that the members of the class are evenly divided concerning the health care decision, the provider shall make a reasonable effort to solicit the views of other members of the class who are reasonably available but have not yet communicated their views to the provider. The provider, after the solicitation, shall comply with the decision of a majority of the members who have communicated their views to the provider.~~

~~—4. If the class remains evenly divided after additional class members have provided their views under subsection 3, a responsible health care provider shall make a reasonable effort to solicit the views of members of the next class in priority, if any, who are reasonably available and, after the solicitation, comply with the decision of a majority of the members in the two classes who have communicated their views to the provider.~~

~~—5. If a responsible health care provider is informed that the views of the members of the two classes providing their views under subsection 4 remain evenly divided, the health care decision shall be made as provided in other law of this State regarding the treatment of an individual who has been found or determined under section 29 or 31 of this act to lack capacity.}~~
(Deleted by amendment.)

Sec. 39. ~~{1. At any time, an individual for whom health care decisions would be made may disqualify another individual from acting as default surrogate for the first individual. The disqualification may be in a record signed by the first individual or communicated verbally or nonverbally to the individual being disqualified, another individual or a responsible health care provider. Disqualification under this subsection is effective even if made by an individual who has been found or determined under section 29 or 31 of this act to lack capacity to make health care decisions.~~

~~—2. An individual is disqualified from acting as a default surrogate for an individual found or determined under section 29 or 31 of this act to lack capacity to make health care decisions if the court finds that the potential default surrogate poses a danger to the individual for whom health care decisions would be made, even if the court does not impose a protective order against the individual being disqualified. Advocating for the withholding or withdrawal of health care from an individual does not itself indicate that the potential default surrogate poses a danger to the individual.~~

~~—3. An owner, operator or employee of a residential long-term health care institution at which an individual is receiving care is disqualified from acting~~

~~as a default surrogate for the individual unless the owner, operator or employee is the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual or a descendant of the spouse, child, parent, grandparent or domestic partner of the individual.~~

~~4. An individual who refuses to provide a timely declaration under subsection 4 of section 37 of this act is disqualified from acting as default surrogate.} (Deleted by amendment.)~~

Sec. 40. ~~{1. Unless found or determined to lack capacity to do so under section 29 or 31 of this act, an individual may revoke the designation of an agent under a power of attorney for health care, the designation of a default surrogate or a health care instruction in whole or in part. The revocation must be by any act clearly indicating that the individual intends to revoke the designation or instruction, including an oral statement to a health care provider.~~

~~2. An advance health care directive that conflicts with an earlier advance health care directive revokes the earlier directive to the extent of the conflict.~~

~~3. Unless otherwise provided in the advance health care directive of an individual, the appointment of a spouse or domestic partner of an individual as agent for the individual is revoked by:~~

~~(a) A filing for annulment, divorce, dissolution of marriage, legal separation or termination that has not been dismissed or withdrawn;~~

~~(b) A decree of annulment, divorce, dissolution of marriage, legal separation or termination; or~~

~~(c) Abandonment of the individual for more than 1 year by the spouse or domestic partner of the individual.} (Deleted by amendment.)~~

Sec. 41. ~~{1. An advance health care directive created outside this State is valid if the advance health care directive complies with:~~

~~(a) The law of the state specified in the directive or, if no state is specified, the state in which the individual created the directive; or~~

~~(b) The provisions of sections 3 to 56, inclusive, of this act.~~

~~2. A person may assume without inquiry that an advance health care directive is genuine, valid and still in effect and may implement or rely on it if the person does not have good cause to believe that the directive is invalid or has been revoked.~~

~~3. An advance health care directive or a revocation of a directive may not be denied legal effect or enforceability solely because the directive is in electronic form. If this act requires a signature on a directive or revocation, an electronic signature satisfies the requirement.~~

~~4. Evidence relating to an advance health care directive, revocation of a directive or a signature on a directive or revocation may not be excluded in a proceeding solely because it is in electronic form.~~

~~5. If the provisions of this act conflict with other law of this State relating to the creation, execution, implementation or revocation of an advance health care directive, this act prevails.} (Deleted by amendment.)~~

Sec. 42. ~~[1. An agent or default surrogate has a fiduciary duty to the individual for whom the agent or default surrogate is acting when exercising or purporting to exercise a power under section 43 of this act.~~

~~2. An agent or default surrogate shall make a health care decision in accordance with the direction of the individual in an advance health care directive and other goals, preferences and wishes of the individual to the extent known to or reasonably ascertainable by the agent or default surrogate. If there is no direction and the goals, preferences and wishes of the individual regarding a health care decision are not known or reasonably ascertainable by the agent or default surrogate, the agent or default surrogate shall make the decision in accordance with the agent's or default surrogate's determination of the individual's best interest.~~

~~3. In determining the best interest of the individual, an agent or default surrogate shall give primary consideration to the contemporaneous communications of the individual, including, without limitation, verbal and nonverbal expressions.~~

~~4. An agent or default surrogate who is informed of a revocation of an advance health care directive or disqualification of an agent or default surrogate shall promptly communicate the revocation or disqualification to a responsible health care provider.} (Deleted by amendment.)~~

Sec. 43. ~~[1. Except as otherwise provided in subsection 4, the power of an agent or default surrogate commences when the individual is found under paragraph (b) of subsection 1 of section 29 of this act, or is determined by a court pursuant to section 31 of this act, to lack capacity to make a health care decision. The power ceases if the individual later is found or determined to have capacity to make a health care decision, or the individual makes an objection under section 30 of this act to the finding of lack of capacity under paragraph (b) of subsection 1 of section 29 of this act. If the power ceases because an objection is made under section 30 of this act, the power resumes if a court later determines that the person lacks capacity to make a health care decision.~~

~~2. Subject to subsection 6 and section 44 of this act, an agent or default surrogate may make a health care decision for the individual.~~

~~3. An agent or default surrogate may request, receive, examine and copy and consent to the disclosure of medical and other health care information about the individual if the individual would have the right to request, receive, examine, copy or disclose the information.~~

~~4. The power of attorney for health care may provide that the power of an agent under subsection 3 commences upon appointment.~~

~~5. If no other person is authorized, an agent or default surrogate has the power to apply for public or private health insurance and benefits on behalf of the individual. An agent or default surrogate who has the power to apply for insurance and benefits does not, solely by reason of the power, have a duty to apply for the insurance or benefits.~~

~~6. An agent or default surrogate has the following powers only if specifically authorized by the individual in an advance health care directive:~~

~~(a) Consent to have the individual participate in medical research that does not provide direct benefit to the individual and creates a risk of more than minimal harm to the individual, but is otherwise authorized by law;~~

~~(b) Consent to voluntary admission of the individual to a facility for mental health treatment for not longer than the number of days specified in the directive or, if no number is specified, for not more than 14 days; or~~

~~(c) Consent to placement of the individual, if not terminally ill, in a nursing home if the placement is intended to be for more than 100 days and an alternative living arrangement is reasonably feasible.} (Deleted by amendment.)~~

Sec. 44. ~~{1. If an individual has a long term disability requiring routine treatment by artificial nutrition, hydration or mechanical ventilation and the individual has a history of using the treatment without objection, an agent or default surrogate may not consent to withdrawal of the treatment unless:~~

~~(a) The treatment is not necessary to sustain the life of the individual;~~

~~(b) The individual has expressly authorized the withdrawal in a health care instruction that has not been revoked; or~~

~~(c) The individual has experienced a major reduction in health or functional ability from which the individual is not expected to recover, even with other appropriate treatment, and the individual has not:~~

~~— (1) Given a direction inconsistent with withdrawal; or~~

~~— (2) Communicated, by verbal or nonverbal expression, a desire for artificial nutrition, hydration or mechanical ventilation.~~

~~2. A default surrogate may not make a health care decision if, under other law of this State, the decision:~~

~~(a) May not be made by a guardian; or~~

~~(b) May be made by a guardian only if the court appointing the guardian specifically authorizes the guardian to make the decision.} (Deleted by amendment.)~~

Sec. 45. ~~{1. A power of attorney for health care may designate two or more individuals to act as co-agents. Unless the power of attorney provides otherwise, each co-agent may exercise independent authority.~~

~~2. A power of attorney for health care may designate one or more alternate agents to act if an agent resigns, dies, becomes disqualified, is not reasonably available or is otherwise unwilling or unable to serve as agent. Unless the power of attorney provides otherwise, an alternate agent:~~

~~(a) Has the same authority as the original agent; and~~

~~(b) May act only if all predecessor agents have resigned, died, become disqualified, are not reasonably available or are otherwise unwilling or unable to act as an agent.} (Deleted by amendment.)~~

Sec. 46. ~~{1. If possible before implementing a health care decision by a surrogate for an individual, a responsible health care provider shall~~

~~promptly communicate to the individual the decision made and the identity of the person making the decision.~~

~~2. A responsible health care provider who makes or is informed of a determination or finding that an individual lacks capacity to make a health care decision or no longer lacks capacity, or that other circumstances exist that affect a health care instruction or the authority of a surrogate, shall promptly:~~

~~—(a) Document the determination, finding or circumstance in the medical record of the individual; and~~

~~—(b) If possible, communicate to the individual and the surrogate of the individual:~~

~~—(I) The determination, finding or circumstance; and~~

~~—(II) That the individual may object to the determination or finding.~~

~~3. A responsible health care provider who is informed that an individual has created or revoked an advance health care directive or that a surrogate for an individual has been designated or disqualified, shall:~~

~~—(a) Document the information promptly in the medical record of the individual; and~~

~~—(b) If evidence of the directive, revocation, designation or disqualification is in a record, request a copy and, on receipt, cause the copy to be included in the medical record of the individual.~~

~~4. Except as provided in subsections 5 and 6, a health care provider or health care institution providing health care to an individual shall comply with:~~

~~—(a) A health care instruction given by the individual regarding the health care of the individual;~~

~~—(b) A reasonable interpretation by the surrogate of the individual of an instruction given by the individual; and~~

~~—(c) A health care decision for the individual made by the surrogate of the individual to the same extent as if the decision had been made by the individual at a time when the individual had capacity.~~

~~5. A health care provider or a health care institution may refuse to provide care consistent with a health care instruction or health care decision if:~~

~~—(a) The instruction or decision is contrary to a policy of the health care institution providing health care to the individual that is expressly based on reasons of conscience and the policy was timely communicated to the individual who gave the instruction or about whom the decision was to be made or to the surrogate of the individual;~~

~~—(b) The care would require the use of a form of care or treatment that is not available to the provider or institution; or~~

~~—(c) Compliance would:~~

~~—(1) Require the provider or institution to provide care that is contrary to generally accepted health care standards applicable to the provider or institution; or~~

~~—(2) Violate a court order or other law.~~

~~—6. A health care provider or health care institution that refuses care under paragraph (a) or (b) of subsection 5 shall:~~

~~—(a) If possible, promptly inform the individual and the surrogate of the individual of the refusal;~~

~~—(b) Immediately make a reasonable effort to transfer the individual to another health care provider or health care institution that is willing to comply with the instruction or decision;~~

~~—(c) If the refusal is made under paragraph (a) of subsection 5, provide medically appropriate care to the individual until a transfer under paragraph (b) is made; and~~

~~—(d) If the refusal is made under paragraph (b) of subsection 5, provide continuing care to the individual until a transfer under paragraph (b) is made or it reasonably appears transfer cannot be made not later than 10 days after the refusal. (Deleted by amendment.)~~

~~Sec. 47. [1. A guardian shall comply with the direction of the individual subject to guardianship and may not refuse to comply with or revoke the advance health care directive of the individual, unless the court appointing the guardian expressly orders the noncompliance or revocation.~~

~~—2. Unless a court orders otherwise, a health care decision made by an agent appointed by an individual subject to guardianship prevails over the decision of the guardian appointed for the individual.] (Deleted by amendment.)~~

~~Sec. 48. [1. A health care provider or health care institution acting in good faith is not subject to civil or criminal liability or to discipline for unprofessional conduct for:~~

~~—(a) Complying with a health care decision of a person based on a reasonable belief that the person has authority to make the decision for an individual, including, without limitation, a decision to withhold or withdraw health care;~~

~~—(b) Refusing to comply with a health care decision of a person based on a reasonable belief that the person lacked authority or capacity to make the decision;~~

~~—(c) Complying with an advance health care directive based on a reasonable belief that the directive is valid; or~~

~~—(d) Determining that an individual who might otherwise be authorized to act as an agent or default surrogate is not reasonably available.~~

~~—2. An agent or default surrogate, or an individual with a reasonable belief that the individual is an agent or a default surrogate, is not subject to civil or criminal liability or to discipline for unprofessional conduct for a health care decision made in a good faith effort to comply with the provisions of section 42 of this act.] (Deleted by amendment.)~~

~~Sec. 49. [1. A person may not:~~

~~—(a) Intentionally falsify an advance health care directive;~~

~~—(b) Intentionally conceal, deface, obliterate, or delete an advance health care directive or revocation of an advance health care directive without consent of the individual who created or revoked the directive;~~

~~—(c) Coerce or fraudulently induce an individual to create, revoke or refrain from creating or revoking an advance health care directive;~~

~~—(d) Intentionally withhold knowledge of the existence or revocation of an advance health care directive from a responsible health care provider or health care institution providing health care to the individual who created or revoked the directive; or~~

~~—(e) Require or prohibit the creation or revocation of an advance health care directive as a condition for providing health care.~~

~~—2. An individual who is the subject of conduct prohibited by subsection 1, or the estate of the individual, has a cause of action against a person that violates subsection 1 for statutory damages of \$25,000 or actual damages resulting from the violation, whichever is greater.~~

~~—3. An individual who makes a health care instruction or the estate of the individual has a cause of action against a health care provider or health care institution that intentionally violates subsection 4 of section 46 of this act for statutory damages of \$50,000, or actual damages resulting from the violation, whichever is greater.~~

~~—4. In an action under this section, a prevailing plaintiff may recover reasonable attorney's fees, court costs and other reasonable litigation expenses.~~

~~—5. The provisions of this section do not supersede or preclude another cause of action or a remedy available under other law.~~ (Deleted by amendment.)

Sec. 50. ~~{1. A physical or electronic copy of an advance health care directive, revocation of an advance health care directive or designation or disqualification of a surrogate has the same effect as the original.~~

~~—2. An individual may create a certified physical copy of an advance health care directive in electronic form or the revocation in electronic form of a directive by affirming under penalty of perjury that the physical copy is a complete and accurate copy of the directive or revocation.~~ (Deleted by amendment.)

Sec. 51. ~~{1. This act does not authorize mercy killing, assisted suicide or euthanasia.~~

~~—2. This act does not affect other law of this State governing the treatment for mental illness of an individual involuntarily committed to a mental health care institution pursuant to chapter 433 of NRS.~~

~~—3. Death of an individual caused by withholding or withdrawing health care in accordance with this act does not constitute a suicide or homicide or legally impair or invalidate a policy of insurance or an annuity providing a death benefit, notwithstanding any term of the policy or annuity to the contrary.~~

~~4. This act does not create a presumption concerning the intention of an individual who has not created or who has revoked an advance health care directive.} (Deleted by amendment.)~~

Sec. 52. ~~{1. On petition of an individual, the surrogate of an individual, a health care provider or health care institution providing health care to the individual or a person interested in the welfare of the individual, the court may:~~

~~—(a) Enjoin implementation of a health care decision made by an agent or default surrogate on behalf of the individual on a finding that the decision is inconsistent with section 42 or 43 of this act;~~

~~—(b) Enjoin an agent from making a health care decision for the individual on a finding that the individual's appointment of the agent has been revoked or the agent:~~

~~—(1) Is disqualified under subsection 3 of section 33 of this act;~~

~~—(2) Is unable or unwilling to comply with section 42 of this act; or~~

~~—(3) Poses a danger to the individual;~~

~~—(c) Enjoin another individual from acting as a default surrogate on a finding that the other individual's designation as a default surrogate did not comply with section 37 of this act, or the other individual:~~

~~—(1) Is unable or unwilling to comply with section 42 of this act; or~~

~~—(2) Poses a danger to the first individual;~~

~~—(d) Order implementation of a health care decision made by and for the individual if the individual has not been found or determined under section 29 or 31 of this act to lack capacity to make the decision; or~~

~~—(e) Order implementation of a health care decision made by an agent or default surrogate who is acting in compliance with the powers and duties of the agent or default surrogate.~~

~~2. Advocating for the withholding or withdrawal of health care from an individual is not itself an indication that an agent or default surrogate poses a danger to the individual.~~

~~3. A proceeding under this section is governed by chapter 159 of NRS.} (Deleted by amendment.)~~

Sec. 53. ~~{In applying and construing the Uniform Health Care Decisions Act, a court shall consider the promotion of uniformity of the law among states that enact it.} (Deleted by amendment.)~~

Sec. 54. ~~{Except as otherwise provided in sections 55 and 56 of this act, the form of a power of attorney for health care may be substantially in the following form, and must be witnessed in the same manner as the following form:~~

~~ADVANCE HEALTH CARE DIRECTIVE
HOW YOU USE THIS FORM~~

~~You can use this form if you wish to name someone to make health care decisions for you in case you cannot make them for yourself. This is~~

~~called giving someone Power of Attorney. This person is called your Agent.~~

~~You can also use this form to state your wishes, preferences, and goals for health care, and to say if you want to be an organ donor when you die.~~

~~YOUR NAME AND BIRTHDAY~~

~~Name:~~

~~Date of birth:~~

~~PART 1: POWER OF ATTORNEY FOR HEALTH CARE~~

~~Part 1 allows you to appoint someone else to make health care decisions for you. You do not have to respond to every item if you prefer not to.~~

~~1. NAMING AN AGENT~~

~~I want the following person to make health care decisions for me if I cannot make decisions for myself.~~

~~Name:~~

~~Address (optional):~~

~~Phone Number (optional):~~

~~Email (optional):~~

~~2. NAMING AN ALTERNATE AGENT~~

~~I want the following person to make health care decisions for me if I cannot and my Agent is not willing, able or reasonably available to make them for me.~~

~~Name:~~

~~Address (optional):~~

~~Phone Number (optional):~~

~~Email (optional):~~

~~3. ADDITIONAL POWERS~~

~~My Agent can do the following things ONLY if I have initialed or marked them below:~~

~~() Admit me as a voluntary patient to a facility for mental health treatment for not more than 7 days, or 14 days or 30 days (circle one)~~

~~() Place me in a nursing home for more than 100 days if I am not terminally ill, even if my needs can be met somewhere else, and even if I object to being placed in the nursing home~~

- ~~() Agree to my participating in medical research even if it will not directly benefit me and risks more than a little harm to me~~

~~4. SPECIAL LIMITS ON AGENT'S AUTHORITY~~

~~I give my Agent the power to make all health care decisions for me if I cannot make those decisions for myself, except the following:~~

~~Limitations:~~

~~(If you do not add any limitations here, your Agent will be able to make all health care decisions that an Agent is permitted to make under state law.)~~

~~5. HEALTH INFORMATION SHARING~~

~~My Agent may obtain, examine and share information about my health needs and health care (initial or mark one):~~

- ~~() Whenever my Agent reasonably believes it is in my best interest~~
~~() Only if I cannot make health care decisions for myself~~

~~PART 2: HEALTH CARE INSTRUCTION~~

~~Part 2 lets you state your priorities for health care and the types of health care you do and do not want.~~

~~1. INSTRUCTIONS ABOUT LIFE SUSTAINING TREATMENT~~

~~This section gives you the opportunity to say how you want your Agent to act in your behalf while making decisions for you. You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.~~

~~If I have a condition that is not curable and is expected to cause me to die soon even if treated:~~

- ~~() I want to receive all medical treatments available to continue my life.~~
~~() I do not want medical treatment if its only purpose is to continue my life.~~
~~() If I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to continue my life.~~
~~() I want to receive care that will help me be comfortable even if it shortens my life.~~
~~() Other (write what you want or do not want):~~

~~If I am unconscious and am not expected to be conscious again:~~

- ~~() I want to receive all medical treatments available to continue my life.~~

- ~~() I do not want medical treatment if its only purpose is to continue my life.~~
- ~~() If I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to continue my life.~~
- ~~() I want to receive care that will help me be comfortable even if it may shorten my life.~~
- ~~() Other (write what you want or do not want):~~

~~If I have a medical condition from which I am not expected to recover that prevents me from communicating with people I care about, caring for myself and recognizing family and friends:~~

- ~~() I want to receive all medical treatments available to continue my life.~~
- ~~() I do not want medical treatment if its only purpose is to continue my life.~~
- ~~() If I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to continue my life.~~
- ~~() I want to receive care that will help me be comfortable even if it may shorten my life.~~
- ~~() Other (write what you want or do not want):~~

~~2. INSTRUCTION ABOUT PRIORITIES~~

~~You can use this section to indicate what is important to you, and what is not important to you. This information can help your Agent make decisions for you if you cannot make them for yourself. It also helps others understand your preferences.~~

~~You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.~~

~~Staying alive as long as possible even if I have substantial physical limitations is:~~

- ~~() Very important~~
- ~~() Somewhat important~~
- ~~() Not important~~

~~Staying alive as long as possible even if I have substantial mental limitations is:~~

- ~~() Very important~~
- ~~() Somewhat important~~
- ~~() Not important~~

~~Being free from significant pain is:~~

- ~~() Very important~~

- ~~() Somewhat important~~
~~() Not important~~

~~Being independent is:~~

- ~~() Very important~~
~~() Somewhat important~~
~~() Not important~~

~~Having my family and friends involved in making decisions about my care is:~~

- ~~() Very important~~
~~() Somewhat important~~
~~() Not important~~

~~3. OTHER INSTRUCTIONS~~

~~You can use this section to provide any other information about your goals, preferences, values and wishes for treatment about the health care you want or do not want. You can also use this section to name anyone who you do not want to make decisions for you under any conditions.~~

~~4. OPTIONAL, ADDITIONAL GUIDANCE FOR YOUR AGENT~~

~~You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.~~

- ~~() The instructions I stated in this document should guide the person making decisions for me. However, I give my Agent permission to be flexible in applying these instructions if they think it would be in my best interest based on what they know about me.~~
- ~~() The instructions I stated in this document should guide the person making decisions for me. I want them to follow them exactly as written if possible, even if they think something else is better.~~

~~PART 3: ORGAN DONATION~~

~~Part 3 allows you to donate your organs when you die. If you do not want to use this form to make a donation, you may leave it blank.~~

~~You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.~~

~~Even if procedures necessary to evaluate, maintain or preserve my organs, tissues or other body parts conflict with other instructions I have put in this form or another document, upon my death:~~

~~() I donate my organs, tissues and other body parts, except for those listed below (list any body parts you do NOT want to donate):~~

~~() I donate the following organs, tissues or body parts only (list any body parts you DO want to donate):~~

~~() I do not want my organs, tissues or body parts donated to anybody for any reason.~~

~~My organs, tissues and body parts may be used for (mark each item you want with a check, an X or your initials):~~

~~() Transplant~~

~~() Therapy~~

~~() Research~~

~~() Education~~

~~() All of the above~~

~~PART 4: SIGNATURES REQUIRED ON THIS FORM~~

~~YOUR SIGNATURE:~~

~~Sign your name:~~

~~Today's date:~~

~~SIGNATURE OF A WITNESS~~

~~You need a witness if you are using this form to name an Agent. The witness cannot be the person you are naming as Agent or the Agent's spouse, domestic partner or someone the Agent lives with as a couple. If you live in a nursing home, the witness cannot be an employee of the home or someone who owns or runs the home.~~

~~Witness's name:~~

~~Witness's signature:~~

~~(Only sign as a witness if you believe that the person filling out this form is doing so voluntarily.)~~

~~Witness's address:~~

~~Date witness signed:~~

~~PART 5: INFORMATION FOR AGENTS~~

~~1. If this form appoints you as an Agent, you may make decisions about health care for the person who appointed you when they cannot make their own.~~

~~2. If you make a decision for the person, follow any instructions the person gave, including any in this form.~~

~~3. If you don't know what the person would want, make the decision that you think is in the person's best interest. To figure out what is in the individual's best interest, consider the individual's values, preferences and goals if you know them or can learn them. Some of these preferences may be on this form. You should also consider any behavior or communications from the person that indicate what they currently want.~~

~~4. If this form appoints you as an Agent, you can also get and share the individual's health information. But unless the person has said so in this form, you can only get or share this information when the person cannot make their own decisions about their health care.~~ (Deleted by amendment.)

Sec. 55. ~~[1. The form of a power of attorney for health care for an adult with an intellectual disability may be substantially in the following form and must be witnessed in the same manner as the following form:~~

~~ADVANCE HEALTH CARE DIRECTIVE
HOW YOU USE THIS FORM~~

~~You can use this form if you wish to name someone to make health care decisions for you in case you cannot make them for yourself. This is called giving someone Power of Attorney. This person is called your Agent.~~

~~You can also use this form to state your wishes, preferences and goals for health care, and to say if you want to be an organ donor when you die.~~

~~YOUR NAME AND BIRTHDAY~~

~~Name:~~

~~Date of birth:~~

~~PART 1: POWER OF ATTORNEY FOR HEALTH CARE~~

~~Part 1 allows you to appoint someone else to make health care decisions for you. You do not have to respond to every item if you prefer not to.~~

~~1. NAMING AN AGENT~~

~~I would like to designate (insert the name of the person you wish to designate as your agent for health care decisions for you) as my agent for health care decisions for me if I am sick or hurt and need to see a doctor or an advanced practice registered nurse or go to the hospital. I understand what this means.~~

~~Name (of agent):~~

~~Address (optional):~~

~~Phone Number (optional):.....~~

~~Email (optional):.....~~

~~2. NAMING AN ALTERNATE AGENT~~

~~I want the following person to make health care decisions for me if I cannot and my Agent is not willing, able or reasonably available to make them for me:~~

~~Name:.....~~

~~Address (optional):.....~~

~~Phone Number (optional):.....~~

~~Email (optional):.....~~

~~3. ADDITIONAL POWERS~~

~~—If I am sick or hurt, my agent should take me to the doctor or an advanced practice registered nurse. If my agent is not with me when I become sick or hurt, please contact my agent and ask him or her to come to the doctor's or advanced practice registered nurse's office. I would like the doctor or advanced practice registered nurse to speak with my agent and me about my sickness or injury and whether I need any medicine or other treatment. After we speak with the doctor or advanced practice registered nurse, I would like my agent to speak with me about the care or treatment. When we have made decisions about the care or treatment, my agent will tell the doctor or advanced practice registered nurse about our decisions and sign any necessary papers.~~

~~—If I am very sick or hurt, I may need to go to the hospital. I would like my agent to help me decide if I need to go to the hospital. If I go to the hospital, I would like the people who work at the hospital to try very hard to care for me. If I am able to communicate, I would like the doctor or advanced practice registered nurse at the hospital to speak with me and my agent about what care or treatment I should receive, even if I am unable to understand what is being said about me. After we speak with the doctor or advanced practice registered nurse, I would like my agent to help me decide what care or treatment I should receive. Once we decide, my agent will sign any necessary paperwork. If I am unable to communicate because of my illness or injury, I would like my agent to make decisions about my care or treatment based on what he or she thinks I would do and what is best for me.~~

~~—I would like my agent to help me decide if I need to see a dentist and help me make decisions about what care or treatment I should receive from the dentist. Once we decide, my agent will sign any necessary paperwork.~~

~~I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either by telling my agent that he or she is no longer my agent or by putting it in writing.~~

~~4. SPECIAL LIMITS ON AGENT'S AUTHORITY~~

~~I give my Agent the power to make all health care decisions for me if I cannot make those decisions for myself, except the following:~~

~~Limitations:~~

~~(If you do not add any limitations here, your Agent will be able to make all health care decisions that an Agent is permitted to make under state law.)~~

~~5. HEALTH INFORMATION SHARING~~

~~I would like my agent to be able to see and have copies of all my medical records. If my agent requests to see or have copies of my medical records, please allow him or her to see or have copies of the records.~~

~~PART 2: HEALTH CARE INSTRUCTION~~

~~Part 2 lets you state your priorities for health care and the types of health care you do and do not want.~~

~~1. INSTRUCTIONS ABOUT LIFE-SUSTAINING TREATMENT~~

~~You can, but are not required to, state what you want to happen if you get very sick and are not likely to get well. You do not have to complete this form, but if you do, your agent must do as you ask if you cannot speak for yourself.~~

~~..... (Insert name of agent) might have to decide, if you get very sick, whether to continue with your medicine or to stop your medicine, even if it means you might not live. (Insert name of agent) will talk to you to find out what you want to do, and will follow your wishes.~~

~~If you are not able to talk to (insert name of agent), you can help him or her make these decisions for you by letting your agent know what you want.~~

~~Here are your choices. Please circle yes or no to each of the following statements and sign your name below:~~

~~1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel.~~

~~YES NO~~

~~2. I do not want to take medicine or receive treatment if my doctors or advanced practice registered nurses think that the medicine or treatment will not help me.~~ ~~YES~~ ~~NO~~

~~3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better.~~ ~~YES~~ ~~NO~~

~~4. I want to get food and water even if I do not want to take medicine or receive treatment.~~ ~~YES~~ ~~NO~~

~~2. INSTRUCTION ABOUT PRIORITIES~~

~~You can use this section to indicate what is important to you, and what is not important to you. This information can help your Agent make decisions for you if you cannot make them for yourself. It also helps others understand your preferences.~~

~~You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.~~

~~Staying alive as long as possible even if I have substantial physical limitations is:~~

- ~~() Very important~~
- ~~() Somewhat important~~
- ~~() Not important~~

~~Staying alive as long as possible even if I have substantial mental limitations is:~~

- ~~() Very important~~
- ~~() Somewhat important~~
- ~~() Not important~~

~~Being free from significant pain is:~~

- ~~() Very important~~
- ~~() Somewhat important~~
- ~~() Not important~~

~~Being independent is:~~

- ~~() Very important~~
- ~~() Somewhat important~~
- ~~() Not important~~

~~Having my family and friends involved in making decisions about my care is:~~

- ~~() Very important~~

- ~~() Somewhat important~~
- ~~() Not important~~

~~3. OTHER INSTRUCTIONS~~

~~You can use this section to provide any other information about your goals, preferences, values and wishes for treatment about the health care you want or do not want. You can also use this section to name anyone who you do not want to make decisions for you under any conditions.~~

~~4. OPTIONAL, ADDITIONAL GUIDANCE FOR YOUR AGENT~~

~~You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.~~

- ~~() The instructions I stated in this document should guide the person making decisions for me. However, I give my Agent permission to be flexible in applying these instructions if they think it would be in my best interest based on what they know about me.~~
- ~~() The instructions I stated in this document should guide the person making decisions for me. I want them to follow them exactly as written if possible, even if they think something else is better.~~

~~PART 3: ORGAN DONATION~~

~~Part 3 allows you to donate your organs when you die. If you do not want to use this form to make a donation, you may leave it blank.~~

~~You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.~~

~~Even if procedures necessary to evaluate, maintain or preserve my organs, tissues or other body parts conflict with other instructions I have put in this form or another document, upon my death:~~

- ~~() I donate my organs, tissues and other body parts, except for those listed below (list any body parts you do NOT want to donate):~~
- ~~() I donate the following organs, tissues or body parts only (list any body parts you DO want to donate):~~
- ~~() I do not want my organs, tissues or body parts donated to anybody for any reason.~~

~~My organs, tissues and body parts may be used for (mark each item you want with a check, an X or your initials):~~

- ~~() Transplant~~
- ~~() Therapy~~
- ~~() Research~~
- ~~() Education~~
- ~~() All of the above~~

~~PART 4: SIGNATURES REQUIRED ON THIS FORM~~

~~YOUR SIGNATURE:~~

~~Sign your name:~~

~~Today's date:~~

~~SIGNATURE OF A WITNESS~~

~~You need a witness if you are using this form to name an Agent. The witness cannot be the person you are naming as Agent or the Agent's spouse, domestic partner or someone the Agent lives with as a couple. If you live in a nursing home, the witness cannot be an employee of the home or someone who owns or runs the home.~~

~~Witness's name:~~

~~Witness's signature:~~

~~(Only sign as a witness if you believe that the person filling out this form is doing so voluntarily.)~~

~~Witness's address:~~

~~Date witness signed:~~

~~PART 5: INFORMATION FOR AGENTS~~

- ~~1. If this form appoints you as an Agent, you may make decisions about health care for the person who appointed you when they cannot make their own.~~
- ~~2. If you make a decision for the person, follow any instructions the person gave, including any in this form.~~
- ~~3. If you don't know what the person would want, make the decision that you think is in the person's best interest. To figure out what is in the individual's best interest, consider the individual's values, preferences and goals if you know them or can learn them. Some of these preferences may be on this form. You should also consider any behavior or communications from the person that indicate what they currently want.~~
- ~~4. If this form appoints you as an Agent, you can also get and share the individual's health information. But unless the person has said so in this form, you can only get or share this information when~~

~~the person cannot make their own decisions about their health care.] (Deleted by amendment.)~~

Sec. 56. ~~[The form of a power of attorney for health care for an adult with any form of dementia may be substantially in the following form and must be witnessed in the same manner as the following form:~~

~~**ADVANCE HEALTH CARE DIRECTIVE
HOW YOU USE THIS FORM**~~

~~You can use this form if you wish to name someone to make health care decisions for you in case you cannot make them for yourself. This is called giving someone Power of Attorney. This person is called your Agent.~~

~~You can also use this form to state your wishes, preferences and goals for health care, and to say if you want to be an organ donor when you die.~~

~~**YOUR NAME AND BIRTHDAY**~~

~~Name:~~

~~Date of birth:~~

~~**PART 1: POWER OF ATTORNEY FOR HEALTH CARE**~~

~~Part 1 allows you to appoint someone else to make health care decisions for you. You do not have to respond to every item if you prefer not to.~~

~~**1. NAMING AN AGENT**~~

~~I would like to designate (insert the name of the person you wish to designate as your agent for health care decisions for you) as my agent for health care decisions for me if I am sick or hurt and need to see a doctor or an advanced practice registered nurse or go to the hospital. I understand what this means.~~

~~Name (of agent):~~

~~Address (optional):~~

~~Phone Number (optional):~~

~~Email (optional):~~

~~**2. NAMING AN ALTERNATE AGENT**~~

~~I want the following person to make health care decisions for me if I cannot and my Agent is not willing, able or reasonably available to make them for me:~~

~~Name:~~

~~Address (optional):~~

~~Phone Number (optional):~~

~~Email (optional):~~

~~3. ADDITIONAL POWERS~~

~~—If I am sick or hurt, my agent should take me to the doctor or an advanced practice registered nurse. If my agent is not with me when I become sick or hurt, please contact my agent and ask him or her to come to the doctor's or advanced practice registered nurse's office. I would like the doctor or advanced practice registered nurse to speak with my agent and me about my sickness or injury and whether I need any medicine or other treatment. After we speak with the doctor or advanced practice registered nurse, I would like my agent to speak with me about the care or treatment. When we have made decisions about the care or treatment, my agent will tell the doctor or advanced practice registered nurse about our decisions and sign any necessary papers.~~

~~—If I am very sick or hurt, I may need to go to the hospital. I would like my agent to help me decide if I need to go to the hospital. If I go to the hospital, I would like the people who work at the hospital to try very hard to care for me. If I am able to communicate, I would like the doctor or advanced practice registered nurse at the hospital to speak with me and my agent about what care or treatment I should receive, even if I am unable to understand what is being said about me. After we speak with the doctor or advanced practice registered nurse, I would like my agent to help me decide what care or treatment I should receive. Once we decide, my agent will sign any necessary paperwork. If I am unable to communicate because of my illness or injury, I would like my agent to make decisions about my care or treatment based on what he or she thinks I would do and what is best for me.~~

~~—I would like my agent to help me decide if I need to see a dentist and help me make decisions about what care or treatment I should receive from the dentist. Once we decide, my agent will sign any necessary paperwork.~~

~~—I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either by telling my agent that he or she is no longer my agent or by putting it in writing.~~

~~—If my agent is unable to make health care decisions for me, then I designate (insert the name of another person you wish to designate as your alternative agent to make health care decisions for you) as my agent to make health care decisions for me as authorized in this document.~~

~~4. SPECIAL LIMITS ON AGENT'S AUTHORITY~~

~~I give my Agent the power to make all health care decisions for me if I cannot make those decisions for myself, except the following:~~

~~Limitations:~~

~~(If you do not add any limitations here, your Agent will be able to make all health care decisions that an Agent is permitted to make under state law.)~~

~~5. HEALTH INFORMATION SHARING~~

~~I would also like my agent to be able to see and have copies of all my medical records. If my agent requests to see or have copies of my medical records, please allow him or her to see or have copies of the records.~~

~~PART 2: HEALTH CARE INSTRUCTION~~

~~Part 2 lets you state your priorities for health care and the types of health care you do and do not want.~~

~~1. INSTRUCTIONS ABOUT LIFE SUSTAINING TREATMENT~~

~~You can, but are not required to, state what you want to happen if you get very sick and are not likely to get well. You do not have to complete this form, but if you do, your agent must do as you ask if you cannot speak for yourself.~~

~~..... (Insert name of agent) might have to decide, if you get very sick, whether to continue with your medicine or to stop your medicine, even if it means you might not live (Insert name of agent) will talk to you to find out what you want to do, and will follow your wishes.~~

~~If you are not able to talk to (insert name of agent), you can help him or her make these decisions for you by letting your agent know what you want.~~

~~Here are your choices. Please circle yes or no to each of the following statements and sign your name below:~~

~~—1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel. _____ YES _____ NO~~

~~—2. I do not want to take medicine or receive treatment if my doctors or advanced practice registered nurses think that the medicine or treatment will not help me. _____ YES _____ NO~~

~~3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better.~~ ~~YES~~ ~~NO~~

~~4. I want to get food and water even if I do not want to take medicine or receive treatment.~~ ~~YES~~ ~~NO~~

~~2. INSTRUCTION ABOUT PRIORITIES~~

~~You can use this section to indicate what is important to you, and what is not important to you. This information can help your Agent make decisions for you if you cannot make them for yourself. It also helps others understand your preferences.~~

~~You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.~~

~~Staying alive as long as possible even if I have substantial physical limitations is:~~

- ~~() Very important~~
- ~~() Somewhat important~~
- ~~() Not important~~

~~Staying alive as long as possible even if I have substantial mental limitations is:~~

- ~~() Very important~~
- ~~() Somewhat important~~
- ~~() Not important~~

~~Being free from significant pain is:~~

- ~~() Very important~~
- ~~() Somewhat important~~
- ~~() Not important~~

~~Being independent is:~~

- ~~() Very important~~
- ~~() Somewhat important~~
- ~~() Not important~~

~~Having my family and friends involved in making decisions about my care is:~~

- ~~() Very important~~
- ~~() Somewhat important~~
- ~~() Not important~~

~~3. OTHER INSTRUCTIONS~~

~~You can use this section to provide any other information about your goals, preferences, values and wishes for treatment about the health care you want or do not want. You can also use this section to name anyone who you do not want to make decisions for you under any conditions.~~

~~4. OPTIONAL, ADDITIONAL GUIDANCE FOR YOUR AGENT~~

~~You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.~~

- ~~() The instructions I stated in this document should guide the person making decisions for me. However, I give my Agent permission to be flexible in applying these instructions if they think it would be in my best interest based on what they know about me.~~
- ~~() The instructions I stated in this document should guide the person making decisions for me. I want them to follow them exactly as written if possible, even if they think something else is better.~~

~~PART 3: ORGAN DONATION~~

~~Part 3 allows you to donate your organs when you die. If you do not want to use this form to make a donation, you may leave it blank.~~

~~You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.~~

~~Even if procedures necessary to evaluate, maintain or preserve my organs, tissues or other body parts conflict with other instructions I have put in this form or another document, upon my death:~~

- ~~() I donate my organs, tissues and other body parts, except for those listed below (list any body parts you do NOT want to donate):~~
- ~~() I donate the following organs, tissues or body parts only (list any body parts you DO want to donate):~~
- ~~() I do not want my organs, tissues or body parts donated to anybody for any reason.~~

~~My organs, tissues and body parts may be used for (mark each item you want with a check, an X or your initials):~~

- ~~() Transplant~~
- ~~() Therapy~~
- ~~() Research~~
- ~~() Education~~
- ~~() All of the above~~

~~PART 4: SIGNATURES REQUIRED ON THIS FORM~~

~~YOUR SIGNATURE:~~

~~Sign your name:~~

~~Today's date:~~

~~SIGNATURE OF A WITNESS~~

~~You need a witness if you are using this form to name an Agent. The witness cannot be the person you are naming as Agent or the Agent's spouse, domestic partner or someone the Agent lives with as a couple. If you live in a nursing home, the witness cannot be an employee of the home or someone who owns or runs the home.~~

~~Witness's name:~~

~~Witness's signature:~~

~~(Only sign as a witness if you believe that the person filling out this form is doing so voluntarily.)~~

~~Witness's address:~~

~~Date witness signed:~~

~~PART 5: INFORMATION FOR AGENTS~~

- ~~1. If this form appoints you as an Agent, you may make decisions about health care for the person who appointed you when they cannot make their own.~~
- ~~2. If you make a decision for the person, follow any instructions the person gave, including any in this form.~~
- ~~3. If you don't know what the person would want, make the decision that you think is in the person's best interest. To figure out what is in the individual's best interest, consider the individual's values, preferences and goals if you know them or can learn them. Some of these preferences may be on this form. You should also consider any behavior or communications from the person that indicate what they currently want.~~
- ~~4. If this form appoints you as an Agent, you can also get and share the individual's health information. But unless the person has said so in this form, you can only get or share this information when the person cannot make their own decisions about their health care.} (Deleted by amendment.)~~

Sec. 57. ~~[NRS 162A.220 is hereby amended to read as follows:~~

~~162A.220 1. A power of attorney must be signed by the principal or, in the principal's conscious presence, by another individual directed by the principal to sign the principal's name on the power of attorney. A signature on~~

a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.

~~—2.— If the principal resides in a hospital, residential facility for groups, facility for skilled nursing or home for individual residential care, at the time of execution of the power of attorney, a certification of competency of the principal from an advanced practice registered nurse, a physician, psychologist or psychiatrist must be attached to the power of attorney.~~

~~—3.— If the principal resides or is about to reside in a hospital, assisted living facility or facility for skilled nursing at the time of execution of the power of attorney, in addition to the prohibition set forth in [NRS 162A.840] **section 33 of this act** and except as otherwise provided in subsection 4, the principal may not name as agent in any power of attorney for any purpose:~~

~~—(a) The hospital, assisted living facility or facility for skilled nursing;~~

~~—(b) An owner or operator of the hospital, assisted living facility or facility for skilled nursing; or~~

~~—(c) An employee of the hospital, assisted living facility or facility for skilled nursing.~~

~~—4.— The principal may name as agent any person identified in subsection 3 if that person is:~~

~~—(a) The spouse, legal guardian or next of kin of the principal; or~~

~~—(b) Named only for the purpose of assisting the principal to establish eligibility for Medicaid and the power of attorney complies with the provisions of subsection 5.~~

~~—5.— A person may be named as agent pursuant to paragraph (b) of subsection 4 only if:~~

~~—(a) A valid financial power of attorney for the principal does not exist;~~

~~—(b) The agent has made a good faith effort to contact each family member of the principal identified in the records of the hospital, assisted living facility or facility for skilled nursing, as applicable, to request that the family member establish a financial power of attorney for the principal and has documented his or her effort;~~

~~—(c) The power of attorney specifies that the agent is only authorized to access financial documents of the principal which are necessary to prove eligibility of the principal for Medicaid as described in the application for Medicaid and specifies that any request for such documentation must be accompanied by a copy of the application for Medicaid or by other proof that the document is necessary to prove eligibility for Medicaid;~~

~~—(d) The power of attorney specifies that the agent does not have authority to access money or any other asset of the principal for any purpose; and~~

~~—(e) The power of attorney specifies that the power of attorney is only valid until eligibility of the principal for Medicaid is determined or 6 months after the power of attorney is signed, whichever is sooner.~~

~~—6.— A person who is named as agent pursuant to paragraph (b) of subsection 4 shall not use the power of attorney for any purpose other than to assist the~~

principal to establish eligibility for Medicaid and shall not use the power of attorney in a manner inconsistent with the provisions of subsection 5. A person who violates the provisions of this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~7. As used in this section:~~

~~(a) “Assisted living facility” has the meaning ascribed to it in NRS 422.3962.~~

~~(b) “Facility for skilled nursing” has the meaning ascribed to it in NRS 449.0039.~~

~~(c) “Home for individual residential care” has the meaning ascribed to it in NRS 449.0105.~~

~~(d) “Hospital” has the meaning ascribed to it in NRS 449.012.~~

~~(e) “Residential facility for groups” has the meaning ascribed to it in NRS 449.017.~~ **(Deleted by amendment.)**

Sec. 57.3. NRS 162A.710 is hereby amended to read as follows:

162A.710 As used in NRS 162A.700 to 162A.870, inclusive, **and sections 5 to 36, inclusive, of this act**, unless the context otherwise requires, the words and terms defined in NRS 162A.720 to 162A.780, inclusive, **and sections 5 to 19, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 57.7. NRS 162A.790 is hereby amended to read as follows:

162A.790 1. Any adult person may execute a power of attorney enabling the agent named in the power of attorney to make decisions concerning health care for the principal if that principal becomes incapable of giving informed consent concerning such decisions.

2. A power of attorney for health care must be signed by the principal. The principal’s signature on the power of attorney for health care must be:

(a) Acknowledged before a notary public; or

(b) Witnessed by two adult witnesses. ~~[who know the principal personally.]~~

3. Neither of the witnesses to a principal’s signature may be ~~he~~

~~(a) A provider of health care;~~

~~(b) An employee of a provider of health care;~~

~~(c) An operator of a health care facility;~~

~~(d) An employee of a health care facility; or~~

~~(e) The agent.]~~ **the owner, operator or employee of a nursing home if the principal resides in the nursing home.**

4. ~~[At least one of the witnesses to a principal’s signature must be a person who is:~~

~~(a) Not related to the principal by blood, marriage or adoption; and~~

~~(b) To the best of the witnesses’ knowledge, not entitled to any part of the estate of the principal upon the death of the principal.~~

~~5. If the principal resides in a hospital, residential facility for groups, facility for skilled nursing or home for individual residential care, at the time of the execution of the power of attorney, a certification of competency of the principal from an advanced practice registered nurse, a physician, psychologist or psychiatrist must be attached to the power of attorney.~~

~~—6.4~~ A power of attorney executed in a jurisdiction outside of this State is valid in this State if, when the power of attorney was executed, the execution complied with the laws of that jurisdiction or the requirements for a military power of attorney pursuant to 10 U.S.C. § 1044b.

~~{7. As used in this section:~~

~~—(a) “Facility for skilled nursing” has the meaning ascribed to it in NRS 449.0039.~~

~~—(b) “Home for individual residential care” has the meaning ascribed to it in NRS 449.0105.~~

~~—(c) “Hospital” has the meaning ascribed to it in NRS 449.012.~~

~~—(d) “Residential facility for groups” has the meaning ascribed to it in NRS 449.017.}~~

Sec. 58. ~~{NRS 200.495 is hereby amended to read as follows:~~

~~—200.495 1. A professional caretaker who fails to provide such service, care or supervision as is reasonable and necessary to maintain the health or safety of a patient is guilty of criminal neglect of a patient if:~~

~~—(a) The act or omission is aggravated, reckless or gross;~~

~~—(b) The act or omission is such a departure from what would be the conduct of an ordinarily prudent, careful person under the same circumstances that it is contrary to a proper regard for danger to human life or constitutes indifference to the resulting consequences;~~

~~—(c) The consequences of the negligent act or omission could have reasonably been foreseen; and~~

~~—(d) The danger to human life was not the result of inattention, mistaken judgment or misadventure, but the natural and probable result of an aggravated reckless or grossly negligent act or omission.~~

~~—2. Unless a more severe penalty is prescribed by law for the act or omission which brings about the neglect, a person who commits criminal neglect of a patient:~~

~~—(a) If the neglect results in death, 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 20 years.~~

~~—(b) If the neglect results in substantial bodily harm, 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, or by a fine of not more than \$5,000, or by both fine and imprisonment.~~

~~—(c) If the neglect does not result in death or substantial bodily harm, is guilty of a gross misdemeanor.~~

~~—3. For the purposes of this section, a patient is not neglected for the sole reason that:~~

~~—(a) According to the patient’s desire, the patient is being furnished with treatment by spiritual means through prayer alone in accordance with the tenets and practices of a church or religious denomination. Subsection 1 does not authorize or require any medical care or treatment over the implied or express objection of such a patient.~~

~~—(b) Life sustaining treatment was withheld or withdrawn in accordance with a valid declaration by the patient or his or her agent pursuant to [NRS 162A.790.] **section 33 of this act.**~~

~~—4. Upon the conviction of a person for a violation of the provisions of subsection 1, the Attorney General shall give notice of the conviction to the licensing boards which:~~

~~—(a) Licensed the facility in which the criminal neglect occurred; and~~

~~—(b) If applicable, licensed the person so convicted.~~

~~—5. As used in this section:~~

~~—(a) “Medical facility” has the meaning ascribed to it in NRS 449.0151.~~

~~—(b) “Patient” means a person who resides or receives health care in a medical facility.~~

~~—(c) “Professional caretaker” means a person who:~~

~~—(1) Holds a license, registration or permit issued pursuant to title 54 or chapter 449 of NRS;~~

~~—(2) Is employed by, an agent of or under contract to perform services for, a medical facility; and~~

~~—(3) Has responsibility to provide care to patients.~~

~~— The term does not include a person who is not involved in the day to day operation or management of a medical facility unless that person has actual knowledge of the criminal neglect of a patient and takes no action to cure such neglect. **(Deleted by amendment.)**~~

~~Sec. 59. [NRS 225.330 is hereby amended to read as follows:~~

~~—225.330 “Other document” means a document registered with the Secretary of State pursuant to NRS 225.370 and may include, without limitation, a passport, a birth certificate, a marriage license, a form requesting to nominate a guardian that is executed in accordance with NRS 159.0752 or a power of attorney for health care that is properly executed pursuant to [NRS 162A.790.] **section 33 of this act.**] **(Deleted by amendment.)**~~

~~Sec. 60. [NRS 232.459 is hereby amended to read as follows:~~

~~—232.459 1. The Advocate shall:~~

~~—(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers’ compensation;~~

~~—(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees’ Benefits Program, and policies of industrial insurance;~~

~~—(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees’ Benefits Program, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:~~

~~—(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and~~

~~—(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;~~

~~—(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;~~

~~—(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;~~

~~—(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;~~

~~—(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;~~

~~—(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;~~

~~—(i) Establish and maintain an Internet website which includes:~~

~~—(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;~~

~~—(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and~~

~~—(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;~~

~~—(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;~~

~~—(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;~~

~~—(l) Assist consumers with filing complaints against health care facilities and health care professionals;~~

~~—(m) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; and~~

~~—(n) On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to;~~

~~(1) In even numbered years, the Joint Interim Standing Committee on Health and Human Services; and~~

~~(2) In odd numbered years, the next regular session of the Legislature.~~

~~2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.~~

~~3. As used in this section:~~

~~(a) "Health care facility" [has the meaning ascribed to it in NRS 162A.740.] means any:~~

~~(1) Medical facility as defined in NRS 449.0151; and~~

~~(2) Facility for the dependent as defined in NRS 449.0045.~~

~~(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.] (Deleted by amendment.)~~

Sec. 61. NRS 433A.190 is hereby amended to read as follows:

433A.190 1. The administrative officer of a public or private mental health facility or hospital shall ensure that, within 24 hours of the emergency admission of a person alleged to be a person in a mental health crisis who is at least 18 years of age, the person is asked to give permission to provide notice of the emergency admission to a family member, friend or other person identified by the person.

2. If a person alleged to be a person in a mental health crisis who is at least 18 years of age gives permission to notify a family member, friend or other person of the emergency admission, the administrative officer shall ensure that:

(a) The permission is recorded in the medical record of the person; and

(b) Notice of the admission is promptly provided to the family member, friend or other person in person or by telephone, facsimile, other electronic communication or certified mail.

3. Except as otherwise provided in subsections 4 and 5, if a person alleged to be a person in a mental health crisis who is at least 18 years of age does not give permission to notify a family member, friend or other person of the emergency admission of the person, notice of the emergency admission must not be provided until permission is obtained.

4. If a person alleged to be a person in a mental health crisis who is at least 18 years of age is not able to give or refuse permission to notify a family member, friend or other person of the emergency admission, the administrative officer of the mental health facility or hospital may cause notice as described in paragraph (b) of subsection 2 to be provided if the administrative officer determines that it is in the best interest of the person in a mental health crisis.

5. If a guardian has been appointed for a person alleged to be a person in a mental health crisis who is at least 18 years of age or the person has executed a durable power of attorney for health care pursuant to NRS 162A.700 to 162A.870, inclusive, and sections 3 to 56, inclusive, of this act or appointed an attorney-in-fact using an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, the administrative officer of the mental health facility or hospital must ensure that the guardian, agent designated by

the durable power of attorney or the attorney-in-fact, as applicable, is promptly notified of the admission as described in paragraph (b) of subsection 2, regardless of whether the person alleged to be a person in a mental health crisis has given permission to the notification.

Sec. 62. ~~[NRS 439.4923 is hereby amended to read as follows:
439.4923 “Health care facility” [has the meaning ascribed to it in NRS 162A.740.] means any:~~

- ~~1. Medical facility as defined in NRS 449.0151; and~~
- ~~2. Facility for the dependent as defined in NRS 449.0045.] (Deleted by amendment.)~~

Sec. 63. ~~[NRS 439.4972 is hereby amended to read as follows:
439.4972 “Health care facility” [has the meaning ascribed to it in NRS 162A.740.] means any:~~

- ~~1. Medical facility as defined in NRS 449.0151; and~~
- ~~2. Facility for the dependent as defined in NRS 449.0045.] (Deleted by amendment.)~~

Sec. 64. NRS 449A.309 is hereby amended to read as follows:
449A.309 “Representative of the patient” means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449A.433 or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive, **inclusive, and sections 3 to 56, inclusive, of this act.**

Sec. 65. ~~[NRS 449A.433 is hereby amended to read as follows:
449A.433 1. A person of sound mind and 18 or more years of age may execute at any time a declaration governing the withholding or withdrawal of life sustaining treatment. The declarant may designate another natural person of sound mind and 18 or more years of age to make decisions governing the withholding or withdrawal of life sustaining treatment. The declaration must be signed by the declarant, or another at the declarant’s direction, and attested by two witnesses.~~

~~2. A physician or other provider of health care who is furnished a copy of the declaration shall make it a part of the declarant’s medical record and, if unwilling to comply with the declaration, promptly so advise the declarant and any person designated to act for the declarant.~~

~~3. A durable power of attorney for health care properly executed pursuant to [NRS 162A.790] **section 33 of this act** regarding the withholding or withdrawal of life sustaining treatment constitutes for the purposes of NRS 449A.400 to 449A.481, inclusive, a properly executed declaration pursuant to this section.] (Deleted by amendment.)~~

Sec. 66. ~~[NRS 449A.524 is hereby amended to read as follows:
449A.524 “Health care facility” [has the meaning ascribed to it in NRS 162A.740.] means any:~~

- ~~1. Medical facility as defined in NRS 449.0151; and~~

~~2. Facility for the dependent as defined in NRS 449.0045.] (Deleted by amendment.)~~

Sec. 67. NRS 449A.545 is hereby amended to read as follows:

449A.545 “Representative of the patient” means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449A.433 or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive ~~[-], and sections 3 to 56, inclusive, of this act.~~

Sec. 68. NRS 449A.621 is hereby amended to read as follows:

449A.621 The form of an advance directive for psychiatric care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

NOTICE TO PERSON MAKING AN ADVANCE DIRECTIVE FOR
PSYCHIATRIC CARE

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

THIS DOCUMENT ALLOWS YOU TO MAKE DECISIONS IN ADVANCE ABOUT CERTAIN TYPES OF PSYCHIATRIC CARE. THE INSTRUCTIONS YOU INCLUDE IN THIS ADVANCE DIRECTIVE WILL BE FOLLOWED IF TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120, DETERMINES THAT YOU ARE INCAPABLE OF MAKING OR COMMUNICATING TREATMENT DECISIONS. OTHERWISE YOU WILL BE CONSIDERED CAPABLE TO GIVE OR WITHHOLD CONSENT FOR THE TREATMENTS. YOUR INSTRUCTIONS MAY BE OVERRIDDEN IF YOU ARE BEING HELD IN ACCORDANCE WITH CIVIL COMMITMENT LAW. BY EXECUTING A DURABLE POWER OF ATTORNEY FOR HEALTH CARE AS SET FORTH IN NRS 162A.700 TO 162A.870, INCLUSIVE, AND SECTIONS 3 TO 56, INCLUSIVE, OF THIS ACT, YOU MAY ALSO APPOINT A PERSON AS YOUR AGENT TO MAKE TREATMENT DECISIONS FOR YOU IF YOU BECOME INCAPABLE. THIS DOCUMENT IS VALID FOR TWO YEARS FROM THE DATE YOU EXECUTE IT UNLESS YOU REVOKE IT. YOU HAVE THE RIGHT TO REVOKE THIS DOCUMENT AT ANY TIME YOU HAVE NOT BEEN DETERMINED

TO BE INCAPABLE. YOU MAY NOT REVOKE THIS ADVANCE DIRECTIVE WHEN YOU ARE FOUND INCAPABLE BY TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120. A REVOCATION IS EFFECTIVE WHEN IT IS COMMUNICATED TO YOUR ATTENDING PHYSICIAN OR OTHER HEALTH CARE PROVIDER. THE PHYSICIAN OR OTHER PROVIDER SHALL NOTE THE REVOCATION IN YOUR MEDICAL RECORD. TO BE VALID, THIS ADVANCE DIRECTIVE MUST BE SIGNED BY TWO QUALIFIED WITNESSES, PERSONALLY KNOWN TO YOU, WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE. IT MUST ALSO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

NOTICE TO PHYSICIAN OR OTHER PROVIDER OF HEALTH CARE

Under Nevada law, a person may use this advance directive to provide consent or refuse to consent to future psychiatric care if the person later becomes incapable of making or communicating those decisions. By executing a durable power of attorney for health care as set forth in NRS 162A.700 to 162A.870, inclusive, and sections 3 to 56, inclusive, of this act, the person may also appoint an agent to make decisions regarding psychiatric care for the person when incapable. A person is “incapable” for the purposes of this advance directive when in the opinion of two providers of health care, one of whom must be a physician or licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, the person currently lacks sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. If a person is determined to be incapable, the person may be found capable when, in the opinion of the person’s attending physician or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 and has an established relationship with the person, the person has regained sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. This document becomes effective upon its proper execution and remains valid for a period of 2 years after the date of its execution unless revoked. Upon being presented with this advance

directive, the physician or other provider of health care must make it a part of the person's medical record. The physician or other provider must act in accordance with the statements expressed in the advance directive when the person is determined to be incapable, except as otherwise provided in NRS 449A.636. The physician or other provider shall promptly notify the principal and, if applicable, the agent of the principal, and document in the principal's medical record any act or omission that is not in compliance with any part of an advance directive. A physician or other provider may rely upon the authority of a signed, witnessed, dated and notarized advance directive.

ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE

I, ..., being an adult of sound mind or an emancipated minor, willfully and voluntarily make this advance directive for psychiatric care to be followed if it is determined by two providers of health care, one of whom must be my attending physician or a licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, that my ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that I lack the capacity to refuse or consent to psychiatric care. I understand that psychiatric care may not be administered without my express and informed consent or, if I am incapable of giving my informed consent, the express and informed consent of my legally responsible person, my agent named pursuant to a valid durable power of attorney for health care or my consent expressed in this advance directive for psychiatric care. I understand that I may become incapable of giving or withholding informed consent or refusal for psychiatric care due to the symptoms of a diagnosed mental disorder. These symptoms may include:

.....

PSYCHOACTIVE MEDICATIONS

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding psychoactive medications are as follows: (Place initials beside choice.)

I consent to the administration of the
following medications: [.....]

.....

I do not consent to the administration of the
following medications: [.....]

.....

Conditions or limitations:

ADMISSION TO AND RETENTION IN FACILITY

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding admission to and retention in a medical facility for psychiatric care are as follows: (Place initials beside choice.)

I consent to being admitted to a medical facility for psychiatric care. [.....]
My facility preference is:

I do not consent to being admitted to a medical facility for psychiatric care. [.....]

This advance directive cannot, by law, provide consent to retain me in a facility beyond the specific number of days, if any, provided in this advance directive.

Conditions or limitations:

ADDITIONAL INSTRUCTIONS

These instructions shall apply during the entire length of my incapacity.
In case of a mental health crisis, please contact:

1.
Name:
Address:
Home Telephone Number:
Work Telephone Number:
Relationship to Me:

2.
Name:
Address:
Home Telephone Number:
Work Telephone Number:
Relationship to Me:

3. My physician:
Name:
Work Telephone Number:

4. My therapist or counselor:
Name:
Work Telephone Number:

The following may cause me to experience a mental health crisis:

The following may help me avoid a hospitalization:

I generally react to being hospitalized as follows:

Staff of the hospital or crisis unit can help me by doing the following:

I give permission for the following person or people to visit me:

Instructions concerning any other medical interventions, such as electroconvulsive (ECT) treatment (commonly referred to as “shock treatment”):

Other instructions:

I have attached an additional sheet of instructions to be followed and considered part of this advance directive. [.....]

SHARING OF INFORMATION BY PROVIDERS

I understand that the information in this document may be shared by my provider of mental health care with any other provider who may serve me when necessary to provide treatment in accordance with this advance directive.

Other instructions about sharing of information:

SIGNATURE OF PRINCIPAL

By signing here, I indicate that I am mentally alert and competent, fully informed as to the contents of this document, and understand the full impact of having made this advance directive for psychiatric care.

Signature of Principal

Date _____

AFFIRMATION OF WITNESSES

We affirm that the principal is personally known to us, that the principal signed or acknowledged the principal's signature on this advance directive for psychiatric care in our presence, that the principal appears to be of sound mind and not under duress, fraud, or undue influence, and that neither of us is:

1. A person appointed as an attorney-in-fact by this document;
2. The principal's attending physician or provider of health care or an employee of the physician or provider; or
3. The owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident.

Witnessed by:

~~STATE OF NEVADA~~
COUNTY OF

STATE OF NEVADA
COUNTY OF

I further certify that and, witnesses, appeared before me and swore or affirmed that each witnessed sign the attached advance directive for psychiatric care believing him or her to be of sound mind and also swore that at the time each witnessed the signing, each person was: (1) not the attending physician or provider of health care, or an employee of the physician or provider, of the principal; (2) not the owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident; and (3) not a person appointed as an attorney-in-fact by the attached advance directive for psychiatric care. I further certify that I am satisfied as to the genuineness and due execution of the instrument. This is the day of, ...

.....

My Commission expires:

449A.703 “Advance directive” means an advance directive for health care. The term includes:

1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449A.400 to 449A.481, inclusive;
2. A durable power of attorney for health care as set forth in NRS 162A.700 to 162A.870, inclusive ~~§ 1~~, ***and sections 3 to 56, inclusive, of this act***;
3. An advance directive for psychiatric care as set forth in NRS 449A.600 to 449A.645, inclusive;
4. A do-not-resuscitate order as defined in NRS 450B.420; and
5. A Provider Order for Life-Sustaining Treatment form as defined in NRS 449A.542.

Sec. 70. NRS 449A.727 is hereby amended to read as follows:

449A.727 1. The provisions of NRS 449A.700 to 449A.739, inclusive, do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) NRS 449A.460, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449A.400 to 449A.481, inclusive, or a durable power of attorney for health care executed pursuant to NRS 162A.700 to 162A.870, inclusive, ~~§ 1~~, and sections 3 to 56, inclusive, of this act.

(b) NRS 449A.642, if the advance directive is an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive;

(c) NRS 449A.500 to 449A.581, inclusive, if the advance directive is a Provider Order for Life-Sustaining Treatment form; or

(d) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

Sec. 71. ~~NRS 450B.440 is hereby amended to read as follows:~~

~~450B.440 “Health care facility” [has the meaning ascribed to it in NRS 162A.740.] means any:~~

~~1. Medical facility as defined in NRS 449.0151; and~~

~~2. Facility for the dependent as defined in NRS 449.0045. (Deleted by amendment.)~~

Sec. 72. NRS 450B.520 is hereby amended to read as follows:

450B.520 Except as otherwise provided in NRS 450B.525:

1. A qualified patient may apply to the health authority for a do-not-resuscitate identification by submitting an application on a form provided by the health authority. To obtain a do-not-resuscitate identification, the patient must comply with the requirements prescribed by the board and sign a form which states that the patient has informed each member of his or her family within the first degree of consanguinity or affinity, whose whereabouts are known to the patient, or if no such members are living, the patient’s legal guardian, if any, or if he or she has no such members living and has no legal guardian, his or her caretaker, if any, of the patient’s decision to apply for an identification.

2. An application must include, without limitation:

(a) Certification by the patient’s attending physician or attending advanced practice registered nurse that the patient suffers from a terminal condition;

(b) Certification by the patient’s attending physician or attending advanced practice registered nurse that the patient is capable of making an informed decision or, when the patient was capable of making an informed decision, that the patient:

(1) Executed:

(I) A written directive that life-resuscitating treatment be withheld under certain circumstances;

(II) A durable power of attorney for health care pursuant to NRS 162A.700 to 162A.870, inclusive ~~[-], and sections 3 to 56, inclusive, of this act~~; or

(III) A Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment; or

(2) Was issued a do-not-resuscitate order pursuant to NRS 450B.510;

(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(d) The name, signature and telephone number of the patient's attending physician or attending advanced practice registered nurse; and

(e) The name and signature of the patient or the agent who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care decisions.

Sec. 73. ~~[NRS 451.595 is hereby amended to read as follows:
451.595 1. As used in this section:~~

~~—(a) “Advance health care directive” means a power of attorney for health care or other record signed by a prospective donor, or executed in the manner set forth in [NRS 162A.790,] **section 33 of this act**, containing the prospective donor's direction concerning a health care decision for the prospective donor.~~

~~—(b) “Declaration” means a record signed by a prospective donor, or executed as set forth in NRS 449A.433, specifying the circumstances under which life sustaining treatment may be withheld or withdrawn from the prospective donor. The term includes a Provider Order for Life-Sustaining Treatment form executed pursuant to NRS 449A.500 to 449A.581, inclusive.~~

~~—(c) “Health care decision” means any decision made regarding the health care of the prospective donor.~~

~~—2. If a prospective donor has a declaration or advance health care directive and the terms of the declaration or advance health care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:~~

~~—(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:~~

~~—(1) An agent acting under the declaration or advance health care directive of the prospective donor; or~~

~~—(2) If an agent is not named in the declaration or advance health care directive or the agent is not reasonably available, any other person authorized by law, other than by a provision of NRS 451.500 to 451.598, inclusive, to make a health care decision for the prospective donor.~~

~~—(b) The conflict must be resolved as expeditiously as practicable.~~

~~—(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under NRS 451.556.~~

~~—(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor, if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his or her life.~~ **(Deleted by amendment.)**

Sec. 74. ~~[NRS 457.020 is hereby amended to read as follows:~~

~~457.020 As used in this chapter, unless the context requires otherwise:~~

~~1. "Cancer" means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia.~~

~~2. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~3. "Health care facility" [has the meaning ascribed to it in NRS 162A.740 and also includes freestanding facilities] means any:~~

~~(a) Medical facility as defined in NRS 449.0151;~~

~~(b) Facility for the dependent as defined in NRS 449.0045; and~~

~~(c) Freestanding facility for plastic reconstructive, oral and maxillofacial surgery.~~

~~4. "Other treatment facility" means a facility, other than a health care facility, that provides services to patients with cancer and other neoplasms, including, without limitation, screening, diagnosis and treatment.~~

~~5. "Provider of health care" has the meaning ascribed to it in NRS 629.031.] (Deleted by amendment.)~~

Sec. 75. ~~[NRS 631.313 is hereby amended to read as follows:~~

~~631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental therapist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.~~

~~2. The performance of these tasks must be:~~

~~(a) If performed by a dental assistant or a person, other than a dental hygienist or dental therapist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.~~

~~(b) If performed by a dental hygienist or dental therapist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.~~

~~3. No such assignment is permitted that requires:~~

~~(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.~~

~~—(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.~~

~~—(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.~~

~~—(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.~~

~~—4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility [, as defined in NRS 162A.740,] if:~~

~~—(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and~~

~~—(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.~~

~~—5. As used in this section, “health care facility” means any:~~

~~—(a) Medical facility as defined in NRS 449.0151; and~~

~~—(b) Facility for the dependent as defined in NRS 449.0045.} (Deleted by amendment.)~~

Sec. 76. [NRS 639.0155 is hereby amended to read as follows:

~~—639.0155 1. “Wholesale distribution” means the distribution of drugs to persons other than consumers or patients, but does not include:~~

~~—[1.] (a) Sales within a company.~~

~~—[2.] (b) The purchase or other acquisition of a drug by a health care facility or a pharmacy that is a member of a purchasing organization.~~

~~—[3.] (c) The sale, purchase or trade of a drug or an offer to sell, purchase or trade a drug;~~

~~—[(a)] (1) By a charitable organization, as defined by section 501(c)(3) of the Internal Revenue Code of 1954, 26 U.S.C. § 501(c)(3), to a nonprofit affiliate of the organization;~~

~~—[(b)] (2) Between health care facilities or pharmacies that are under common control.~~

~~—[(c)] (3) For emergency medical reasons.~~

~~—[(d)] (4) Pursuant to a prescription.~~

~~—[4.] (d) A transfer of drugs, in an amount not to exceed 5 percent of the total annual sales, by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage.~~

~~—[5.] (e) The distribution of drug samples by a representative of the manufacturer or distributor.~~

~~—[6.] (f) The sale, purchase or exchange of blood or blood components for transfusions.~~

~~[↗] 2. As used in this section, “health care facility” [has the meaning ascribed to it in NRS 162A.740.] means any:~~

~~—(a) Medical facility as defined in NRS 449.0151; and~~

~~**(b) Facility for the dependent as defined in NRS 449.0045, (Deleted by amendment.)**~~

Sec. 77. 1. The provisions of this act apply to an advance health-care directive created before, on or after January 1, 2024.

2. An advance health-care directive created before January 1, 2024, is valid if it complies with the provisions of this act or complied at the time of creation with the law of the state in which it was created.

3. The provisions of this act do not affect the validity or effect of an act done before January 1, 2024.

4. An individual who assumed authority to act as a default surrogate before January 1, 2024, may continue to act as a default surrogate until the individual for whom the default surrogate is acting no longer lacks capacity or the default surrogate is disqualified, whichever occurs first.

5. An advance health-care directive created before, on or after January 1, 2024, must be interpreted in accordance with the law of this State, excluding the State's choice-of-law rules, at the time the directive is implemented.

Sec. 78. NRS ~~[162A.700, 162A.710, 162A.720, 162A.730, 162A.740, 162A.745, 162A.750, 162A.760, 162A.770, 162A.780, 162A.790, 162A.800, 162A.810, 162A.815, 162A.820, 162A.830, 162A.840, 162A.850,] 162A.860 [162A.865 and 162A.870 are]~~ is hereby repealed.

Sec. 79. This act becomes effective on January 1, 2024.

~~**LEADLINES, TEXT OF REPEALED SECTIONS, SECTION**~~

~~[162A.700 Applicability;
162A.710 Definitions;
162A.720 "Attending physician" defined;
162A.730 "Declaration" defined;
162A.740 "Health care facility" defined;
162A.745 "Intellectual disability" defined;
162A.750 "Life-sustaining treatment" defined;
162A.760 "Provider of health care" defined;
162A.770 "Qualified patient" defined;
162A.780 "Terminal condition" defined;
162A.790 Execution of power of attorney; acknowledgment; witnesses;
certification of competency required for certain principals; validity of power
of attorney executed outside this State;
162A.800 Nomination of guardian of person; relation of agent to court-
appointed guardian; duties of guardian;
162A.810 Time at which power of attorney is effective;
162A.815 Acceptance and reliance upon acknowledged power of
attorney;
162A.820 Termination of power of attorney or authority of agent;
162A.830 Co-agents and successor agents;
162A.840 Persons not eligible for designation as agent;~~

~~162A.850 Agents: Prohibited acts; decisions concerning use or nonuse of life-sustaining treatment.~~

~~162A.860 Power of attorney: Form.~~

~~162A.865 Power of attorney for adult with intellectual disability: Form.~~

~~162A.870 Power of attorney for adult with dementia: Form.]~~

162A.860 Power of attorney: Form. Except as otherwise provided in NRS 162A.865 and 162A.870, the form of a power of attorney for health care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

**DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS**

WARNING TO PERSON EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.

2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR OR ADVANCED PRACTICE REGISTERED NURSE NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.

4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF

YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.

5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.

6. YOU HAVE THE RIGHT TO DECIDE WHERE YOU LIVE, EVEN AS YOU AGE. DECISIONS ABOUT WHERE YOU LIVE ARE PERSONAL. SOME PEOPLE LIVE AT HOME WITH SUPPORT, WHILE OTHERS MOVE TO ASSISTED LIVING FACILITIES OR FACILITIES FOR SKILLED NURSING. IN SOME CASES, PEOPLE ARE MOVED TO FACILITIES WITH LOCKED DOORS TO PREVENT PEOPLE WITH COGNITIVE DISORDERS FROM LEAVING OR GETTING LOST OR TO PROVIDE ASSISTANCE TO PEOPLE WHO REQUIRE A HIGHER LEVEL OF CARE. YOU SHOULD DISCUSS WITH THE PERSON DESIGNATED IN THIS DOCUMENT YOUR DESIRES ABOUT WHERE YOU LIVE AS YOU AGE OR IF YOUR HEALTH DECLINES. YOU HAVE THE RIGHT TO DETERMINE WHETHER TO AUTHORIZE THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE DECISIONS FOR YOU ABOUT WHERE YOU LIVE WHEN YOU ARE NO LONGER CAPABLE OF MAKING THAT DECISION. IF YOU DO NOT PROVIDE SUCH AUTHORIZATION TO THE PERSON DESIGNATED IN THIS DOCUMENT, THAT PERSON MAY NOT BE ABLE TO ASSIST YOU TO MOVE TO A MORE SUPPORTIVE LIVING ARRANGEMENT WITHOUT OBTAINING APPROVAL THROUGH A JUDICIAL PROCESS.

7. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.

8. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, ADVANCED PRACTICE REGISTERED NURSE, HOSPITAL OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.

9. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.

10. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

11. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

12. YOU MAY REQUEST THAT THE NEVADA SECRETARY OF STATE ELECTRONICALLY STORE WITH THE NEVADA LOCKBOX A COPY OF THIS DOCUMENT TO ALLOW ACCESS BY AN AUTHORIZED PROVIDER OF HEALTH CARE AS DEFINED IN NRS 629.031.

1. DESIGNATION OF HEALTH CARE AGENT.

I, ...
(insert your name) do hereby designate and appoint:

Name:

Address:

Telephone Number:

as my agent to make health care decisions for me as authorized in this document.

(Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED.

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority: to make health care decisions for me before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request,

review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that may be required to obtain medical care and/or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility including any skilled nursing facility; and subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

4. SPECIAL PROVISIONS AND LIMITATIONS.

(Your agent is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization or abortion. If there are any other types of treatment or placement that you do not want your agent's authority to give consent for or other restrictions you wish to place on his or her agent's authority, you should list them in the space below. If you do not write any limitations, your agent will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my agent is subject to the following special provisions and limitations:

.....
.....
.....
.....

5. DURATION.

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent will continue to exist until the time when I become able to make health care decisions for myself.

(IF APPLICABLE)

I wish to have this power of attorney end on the following date:

6. STATEMENT OF DESIRES CONCERNING TREATMENT.

(With respect to decisions to withhold or withdraw life-sustaining treatment, your agent must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your agent has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court

can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

(If the statement reflects your desires, initial the box next to the statement.)

A. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures. [.....]

B. If I am in a coma which my doctors or advanced practice registered nurses have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. [.....]

C. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. [.....]

D. Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. I want to receive or continue receiving artificial nutrition and hydration by way of the gastrointestinal tract after all other treatment is withheld. [.....]

E. I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My agent is to consider the relief of suffering, the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of my life. [.....]

F. If I have an incurable or terminal condition, including late stage dementia, or illness and no reasonable hope of long-term recovery or survival, I desire my attending physician to administer any medication to alleviate suffering without regard that the medication is

likely to cause addiction or reduce the
extension of my life. [.....]

(If you wish to change your answer, you may do so by drawing an
“X” through the answer you do not want, and circling the answer you
prefer.)

Other or Additional Statements of Desires:

.....
.....
.....
.....
.....

7. STATEMENT OF DESIRES CONCERNING LIVING
ARRANGEMENTS

A. I desire to live in my home as long as it
is safe and my medical needs can be met.
My agent may arrange for a natural
person, employee of an agency or provider
of community-based services to come into
my home to provide care for me. When it
is no longer safe for me to live in my home,
I authorize my agent to place me in a
facility or home that can provide any
medical assistance and support in my
activities of daily living that I require.
Before being placed in such a facility or
home, I wish for my agent to discuss and
share information concerning the placement
with me. [.....]

B. I desire to live in my home for as long
as possible without regard for my medical
needs, personal safety or ability to engage
in activities of daily living. My agent may
arrange for a natural person, an employee
of an agency or a provider of community-
based services to come into my home and
provide care for me. I understand that,
before I may be placed in a facility or
home other than the home in which I
currently reside, a guardian must be
appointed for me. [.....]

(If you wish to change your answer, you may do so by drawing an
“X” through the answer you do not want, and circling the answer you
prefer.)

Other or Additional Statements of Desires:

.....

.....

.....

.....

8. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same health care decisions as the agent designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my agent is unable to make health care decisions for me, then I designate the following persons to serve as my agent to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. First Alternative Agent

Name:

Address:

Telephone Number:

B. Second Alternative Agent

Name:

Address:

Telephone Number:

9. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

10. WAIVER OF CONFLICT OF INTEREST.

If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.

11. CHALLENGES.

If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my advanced practice registered nurse, my agent or a third party, then my agent is authorized to commence an action for declaratory judgment as to the legality of the provision in question. The cost of any such action is to be paid from my estate. This Durable Power of Attorney for Health

Care must be construed and interpreted in accordance with the laws of the State of Nevada.

12. NOMINATION OF GUARDIAN.

If, after execution of this Durable Power of Attorney for Health Care, proceedings seeking an adjudication of incapacity are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

13. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information by any government agency, medical provider, business, creditor or third party who may have information pertaining to my health care, to my agent named herein, pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on (date) at (city),
..... (state)

.....
(Signature)

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of..... }

On this..... day of....., in the year..., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it.

NOTARY SEAL
(Signature of Notary Public)

STATEMENT OF WITNESSES

(You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure. If you elect to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. None of the following may be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: Residence Address:
Print Name:
Date:

Signature: Residence Address:
Print Name:
Date:

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature:

Signature:

Names: Address:
Print Name:
Date:

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care. This includes requesting the Nevada Secretary of State to electronically store this document with the Nevada Lockbox to allow access by authorized providers of healthcare.

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. 416.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 448.

AN ACT relating to taxation; providing an exemption from property taxes for accessory dwelling units rented or leased to tenants receiving certain tenant-based housing assistance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes the Secretary of the United States Department of Housing and Urban Development to provide assistance to public housing agencies for tenant-based assistance through the Housing Choice Voucher Program. (Section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f) **Section 1** of this bill provides an exemption from property taxes for an accessory dwelling unit ~~and the land upon which it is situated~~ if the accessory dwelling unit is : **(1) is** rented or leased to a tenant receiving assistance under the Housing Choice Voucher Program pursuant to a lease which is for a period of not less than 12 consecutive months ~~;~~ ; **(2) located on the same parcel as a single-family residence which is the primary residence of the owner of the accessory dwelling unit; and (3) complies with all applicable local zoning laws.** **Section 1** requires a person claiming the exemption to **annually** file with the county assessor a verification from the appropriate public housing authority that : **(1) the person has entered into a housing assistance payment contract ; (2) the tenant is receiving assistance under the Housing Choice Voucher Program; and that (3) the** accessory dwelling unit meets the relevant federal housing quality standards. **Section 1 prohibits the exemption from being granted for more than one accessory dwelling unit per parcel.** **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~An accessory dwelling unit and the land upon which it is situated~~ is exempt from taxation if, for the year in which the exemption applies, the accessory dwelling unit ~~is~~:

(a) Is rented or leased to a qualified tenant receiving assistance under the Housing Choice Voucher Program pursuant to a written lease which is for a period of not less than 12 consecutive months; ~~and~~

(b) Is located on the same parcel as a single-family residence which is the primary residence of the owner of the accessory dwelling unit; and

(c) Complies with all applicable local zoning laws.

2. Any person claiming the exemption must file annually with the county assessor verification from the appropriate public housing authority that:

(a) The person has entered into a housing assistance payment contract with the public housing authority to receive tenant-based assistance payments under the Housing Choice Voucher Program for the accessory dwelling unit; ~~and~~

(b) The qualified tenant to whom the accessory dwelling unit is rented or leased is receiving assistance under the Housing Choice Voucher Program pursuant to a written lease which is for a period of not less than 12 consecutive months; and

(c) The accessory dwelling unit, at the time it was last inspected, met the housing quality standards pursuant to 42 U.S.C. 1437f(o).

3. The exemption pursuant to this section may only be claimed for one accessory dwelling unit per parcel.

4. A county assessor may prescribe forms and adopt procedures for claiming the exemption pursuant to this section not inconsistent with any regulations, forms and procedures prescribed or adopted by the Department or the Nevada Tax Commission.

5. As used in this section:

(a) “Accessory dwelling unit” means an ancillary or secondary living unit, that has a separate kitchen, bathroom and sleeping area, existing ~~either within the same structure, or~~ on the same lot, as a single-family residence.

(b) “Housing Choice Voucher Program” means the federal tenant-based assistance program established under 42 U.S.C. 1437f(o).

(c) “Qualified tenant” means a person who is not related to the owner of the property on which the accessory dwelling unit is located by consanguinity or affinity within the third degree.

Sec. 2. NRS 361.160 is hereby amended to read as follows:

361.160 1. Personal property in transit through this State is personal property:

(a) Which is moving in interstate commerce through or over the territory of the State of Nevada; or

(b) Which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward.

➡ Such property is deemed to have acquired no situs in Nevada for purposes of taxation. Such property is not deprived of exemption because while in the warehouse the property is assembled, bound, joined, manufactured, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged, or because the property is being held for resale to customers outside the State of Nevada. The exemption granted shall be liberally construed to effect the purposes of NRS 361.160 to 361.185, inclusive.

2. Personal property within this State as mentioned in NRS 361.030 and 361.045 to 361.155, inclusive, **and section 1 of this act**, does not include personal property in transit through this State as defined in this section.

Sec. 3. The Legislature hereby finds that the exemption provided by this act from any ad valorem tax on property:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 4. This act becomes effective on July 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. 422.

Bill read second time.

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

Amendment No. 508.

SUMMARY—Revises provisions relating to ~~autism~~ **fetal alcohol spectrum disorder disorders.** (BDR ~~[38-774]~~ **S-774**)

AN ACT relating to persons with disabilities; ~~providing for presumptive eligibility of certain infants and toddlers who are determined to be at risk of autism~~ **requiring the Aging and Disability Services Division of the Department of Health and Human Services to create a pilot program to serve children diagnosed with a fetal alcohol spectrum disorder; for certain early intervention services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Individuals with Disabilities Education Act establishes a federal grant program to assist states in operating a statewide comprehensive system of early intervention services for infants and toddlers with disabilities. (20 U.S.C. §§ 1431 et seq.) Existing law establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department of Health and Human Services to serve as the primary autism program within the Department and to provide and coordinate services to persons diagnosed or determined to have autism spectrum disorders through the age of 19 years. (NRS 427A.875) Existing law requires the Division to refer an infant or toddler with a disability who has autism spectrum disorder and is eligible for early intervention services to the Program and develop a plan of treatment for the infant or toddler. (NRS 427A.880) **Existing law additionally requires certain providers of health care to notify an agency which provides child welfare services when the provider knows or has reasonable cause to believe that a newborn infant has been affected by a fetal alcohol spectrum disorder. (NRS 432B.220)** This bill: (1) ~~provides that certain infants or toddlers who are determined to be at risk for having autism~~ **requires the Division to create a pilot program to serve children diagnosed with a fetal alcohol spectrum disorder** ~~are presumptively eligible for early intervention services provided according to the Individuals with Disabilities Education Act; and (2) requires the Division to refer such a child to~~ **and requires the pilot program to be administered by** the Autism Treatment Assistance Program.

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

Section 1. ~~[NRS 427A.880 is hereby amended to read as follows:~~
~~427A.880 1. For an infant or toddler with a disability who has autism spectrum disorder and is eligible for early intervention services, the Division shall refer the infant or toddler to the Autism Treatment Assistance Program established by NRS 427A.875 and coordinate with the Program to develop a plan of treatment for the infant or toddler pursuant to that section.~~
~~2. If an infant or toddler is less than 3 years of age and is determined to be at risk of having autism spectrum disorder according to the assessment and evaluation conducted pursuant to NRS 427A.872:~~
~~(a) The infant or toddler is presumptively eligible for early intervention services provided in accordance with Part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1431 et seq.; and~~
~~(b) The Division shall refer the infant or toddler to the Autism Treatment Assistance Program as required by subsection 1.] (Deleted by amendment.)~~

Sec. 1.5. 1. The Aging and Disability Services Division of the Department of Health and Human Services shall create a pilot program to be administered by the Autism Treatment Assistance Program

established by NRS 427A.875 to serve children diagnosed with a fetal alcohol spectrum disorder.

2. The pilot program created pursuant to subsection 1 must provide evidence-based services and support for children diagnosed with a fetal alcohol spectrum disorder who do not meet the requirements to receive such services from existing programs.

3. On or before July 1, 2025, the Division shall submit a report of findings and recommendations resulting from the pilot program created pursuant to subsection 1 to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.

~~Sec. 2. [1.] This [section becomes effective on 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 January 1, 2024, for all other purposes.] act becomes effective on July 1, 2023, and expires by limitation on December 31, 2025.~~

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. 428.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 327.

AN ACT relating to economic development; requiring the ~~[Office of Economic Development to establish and administer a Career Pathways Demonstration Program;]~~ State Treasurer to establish a tuition reimbursement program; revising the membership of the Board of Economic Development; requiring the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation to establish and administer a Career Pathways Demonstration Program; requiring large school districts to offer a Teacher Academy College Pathway Program; authorizing the Board of Regents of the University of Nevada to enter into certain agreements ~~[-; authorizing the Board of Regents to offer certain benefits to participants in a Teacher Academy College Pathway Program;]~~ and establish a program to provide information regarding admissions to certain pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Governor's Office of [Economic Development] Workforce Innovation within the ~~[Office of the Governor]~~ Department of

Employment, Training and Rehabilitation and prescribes the duties of the Office and its Executive Director, which include, without limitation, ~~the development of a State Plan for Economic Development and the designation of regional development authorities for the regions of this State.~~ **defining career pathways and identifying priority career pathways for secondary and postsecondary education.** (NRS ~~[231.043, 231.053]~~ **232.965, 232.975**) **Section 2.3** of this bill requires the **Governor's** Office of ~~Economic Development~~ **Workforce Innovation** to establish and administer a Career Pathways Demonstration Program. **Section 2.3** requires the Office to identify not more than three priority industries, including K-12 education, for the development and implementation of career pathways and to take certain steps to implement the Program, including, without limitation, establishing measurable objectives for the outcomes of the Program and implementing a competitive process to select proposals for career pathway projects. **Section 2.3** establishes requirements for proposals for career pathway projects selected by the Office. **Section 7** of this bill requires the **Governor's** Office of ~~Economic Development~~ **Workforce Innovation** to submit certain reports regarding the status of the Career Pathways Demonstration Program. **Section 9** of this bill provides that the provisions of **section 2.3** governing the Career Pathways Demonstration Program expire on June 30, 2028. **Section 2.7 of this bill makes a conforming change to indicate the proper placement of section 2.3 in the Nevada Revised Statutes.**

Existing law creates the Board of Economic Development, which is required to review and make recommendations on various aspects of economic development in Nevada. (NRS 231.033, 231.037) **Section 2** of this bill adds the Superintendent of Public Instruction as a nonvoting member of the Board.

Section 3 of this bill requires each large school district, meaning a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District), to offer a Teacher Academy College Pathway Program at every high school in the school district to enable pupils in grades 10-12 to prepare for employment in professions in K-12 education. **Section 3** requires a large school district to take certain actions to implement the Teacher Academy College Pathway Program.

Section 1.5 of this bill requires the State Treasurer to establish a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who completed the Teacher Academy College Pathway Program and who worked as a full-time, licensed teacher for at least 3 consecutive school years at a public school in this State.

Section 5 of this bill authorizes the Board of Regents of the University of Nevada to: (1) enter into an agreement with a large school district to assist in the implementation of the Teacher Academy College Pathway Program; and (2) ~~offer an earlier application period for~~ **establish a program to identify** pupils who have completed the Teacher Academy College Pathway Program,

or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the Nevada System of Higher Education ~~[. Section 6 of this bill authorizes the Board of Regents to establish a program to provide loans for registration fees or other fees assessed against students who are enrolled in a program developed by the System for the education of teachers and who have completed the Teacher Academy College Pathway Program. Section 6 requires such a loan program, if created, to provide: (1) loan forgiveness for a person who is employed as a full-time, licensed teacher for 3 consecutive school years at a Title I school in this State; and (2) loans at an interest rate of 0 percent per annum for students who commit to employment as a full-time, licensed teacher at a public school in this State for not less than 2 consecutive school years.] , and inform such pupils of the institutions within the System where such pupils may qualify for admission.~~

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

Section 1. ~~[Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~— 1. The Office shall establish and administer a Career Pathways Demonstration Program to develop and implement career pathways that will enable students to prepare for employment in professions which serve the long-term needs of this State. The Office shall identify not more than three priority industries, including, without limitation, K-12 education, for the development and implementation of career pathways as part of the Program.~~

~~— 2. In implementing the Program, the Office shall:~~

~~— (a) Establish clear, measurable objectives for the outcomes of the Program which are aligned with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053, including, without limitation, targets based on reliable data concerning:~~

~~— (1) The number of persons entering the career pathway;~~

~~— (2) The number and percentage of persons completing distinct phases of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway;~~

~~— (3) The number and percentage of participants in a career pathway who obtain high-quality employment in the target industry; and~~

~~— (4) The number and percentage of participants in a career pathway employed for at least 2 years in the target industry.~~

~~— (b) Rely on economic and workforce development data to inform decision-making, including, without limitation:~~

~~— (1) Estimates of the number of high-quality jobs that will be required in this State in the next 5 to 10 years;~~

~~—(2) Projected workforce capacity in relation to the estimates pursuant to subparagraph (1);~~

~~—(3) The number and capacity of existing industry aligned career pathway programs;~~

~~—(4) Enrollment, participation and completion rates for industry aligned career pathway programs;~~

~~—(5) Credentialing rates or other industry aligned indicators of workforce readiness;~~

~~—(6) Industry aligned, skill based employee retention rates; and~~

~~—(7) Other relevant data available through the statewide longitudinal data system maintained by the Executive Director of the Governor's Office of Workforce Innovation pursuant to NRS 232.975.~~

~~—(c) Collaborate with school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.~~

~~—(d) Establish criteria for evaluating the performance of career pathway projects and the entities that assist in the development and implementation of career pathway projects, including, without limitation, school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.~~

~~—3. The Office shall develop and implement a competitive process to select proposals for career pathway projects. Each proposal for a career pathway project selected by the Office must incorporate best practices for career pathway design and address, including, without limitation:~~

~~—(a) The types of high quality jobs which the career pathway project will prepare students for, based on a definition of "high quality job" which shall be developed and promulgated by the Office.~~

~~—(b) The educational opportunities that the project will offer to K-12 pupils and students of the Nevada System of Higher Education which may include, without limitation:~~

~~—(1) Early exposure to career options for pupils in elementary, junior high or middle school;~~

~~—(2) Multiple entry points into the career pathway;~~

~~—(3) Meaningful, practice based learning opportunities aligned to the career pathway and the workforce priorities within the target industry, including, without limitation, paid work based learning opportunities; and~~

~~—(4) Opportunities for students to receive credentials aligned to the skills and experience needed for employment in the target industry.~~

~~—(c) The practices that will be implemented to recruit students for the career pathway, including, without limitation, practices that will foster equity and the inclusion in the career pathway of students from historically underserved communities.~~

~~—(d) The types of early career guidance, incentives and support that will be offered to participants in the career pathway, which may include, without limitation:~~

~~(1) Employment opportunities for students who participate in the career pathway, including, without limitation, employer commitments to recruiting students who successfully obtain the qualifications for employment through the career pathway;~~

~~(2) Professional support and development opportunities for participants early in their career in the target industry, including, without limitation, mentoring; and~~

~~(3) Financial incentives which eliminate or substantially reduce financial barriers to entry into professions in the target industry.~~

~~(e) The roles and responsibilities of the persons necessary to develop and implement the career pathway, which may include, without limitation:~~

~~(1) Program staff;~~

~~(2) School districts and the Nevada System of Higher Education;~~

~~(3) Regional development authorities; and~~

~~(4) Representatives from the target industries.~~

~~(f) The financial plan for the career pathway project, including, without limitation:~~

~~(1) The projected 5-year budget for the career pathway project;~~

~~(2) Existing funding sources for the career pathway project and the amount of funding that the person submitting the proposal will allocate to the project;~~

~~(3) Anticipated funding sources for the career pathway project; and~~

~~(4) Any additional funding necessary to implement the career pathway project which is not addressed by the existing funding sources.~~

~~(g) The goals and anticipated outcomes of the career pathway project, including, without limitation:~~

~~(1) The target number of total participants in the career pathway project;~~

~~(2) The target number of participants who will successfully complete each stage of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway; and~~

~~(3) The target number of participants who will complete the career pathway, regardless of their entry point into the career pathway.~~

~~4. As used in this section, "career pathway" means a series of structured and connected educational opportunities designed to help a person enter or advance within a given occupation or industry sector.} (Deleted by amendment.)~~

Sec. 1.5. Chapter 226 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Treasurer shall establish by regulation a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who:

(a) Completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act; and

(b) Has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years.

2. The program may not provide reimbursement for any tuition charge, registration fee, laboratory fee or any other mandatory fee which was paid or otherwise provided for through a scholarship, financial aid, waiver or similar financial assistance.

Sec. 2. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

- (1) The Governor;
- (2) The Lieutenant Governor;
- (3) The Secretary of State; and
- (4) Six members who must be selected from the private sector and appointed as follows:

- (I) Three members appointed by the Governor;
- (II) One member appointed by the Speaker of the Assembly;
- (III) One member appointed by the Majority Leader of the Senate; and
- (IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the Senate shall appoint the member for the initial term, the Minority Leader of the Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

- (1) The Chancellor of the Nevada System of Higher Education or his or her designee;
- (2) **The Superintendent of Public Instruction or his or her designee;**
- (3) The Director of the Department of Business and Industry; and
- ~~1(3)1~~ (4) The Director of the Department of Employment, Training and Rehabilitation.

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including, without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 are appointed for terms of 4 years. The initial members of the Board shall by lot select three of the initial members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. The Governor, the Lieutenant Governor or the Secretary of State may designate a person to serve as a member of the Board for the Governor, Lieutenant Governor or Secretary of State, respectively. Any person designated to serve pursuant to this subsection shall serve for the term of the officer appointing him or her and serves at the pleasure of that officer. If the Governor designates a person to serve on his or her behalf, that person shall serve as the Chair of the Board. Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority of the voting members of the Board constitutes a quorum, and the affirmative vote of a majority of the voting members of the Board is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the voting members of the Board.

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 2.3. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor's Office of Workforce Innovation shall establish and administer a Career Pathways Demonstration Program to develop and implement career pathways that will enable students to prepare for employment in professions which serve the long-term needs of this State. The Office shall identify not more than three priority industries, including, without limitation, K-12 education, for the development and implementation of career pathways as part of the Program.

2. In implementing the Program, the Office shall:

(a) Establish clear, measurable objectives for the outcomes of the Program which are aligned with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development within the Office of the Governor pursuant to subsection 2 of NRS 231.053, including, without limitation, targets based on reliable data concerning:

(1) The number of persons entering the career pathway;

(2) The number and percentage of persons completing distinct phases of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway;

(3) The number and percentage of participants in a career pathway who obtain high-quality employment in the target industry; and

(4) The number and percentage of participants in a career pathway employed for at least 2 years in the target industry.

(b) Rely on economic and workforce development data to inform decision-making, including, without limitation:

(1) Estimates of the number of high-quality jobs that will be required in this State in the next 5 to 10 years;

(2) Projected workforce capacity in relation to the estimates pursuant to subparagraph (1);

(3) The number and capacity of existing industry-aligned career pathway programs;

(4) Enrollment, participation and completion rates for industry-aligned career pathway programs;

(5) Credentialing rates or other industry-aligned indicators of workforce readiness;

(6) Industry-aligned, skill-based employee retention rates;

(7) The demographic information of the participants in the Program, including, without limitation, race, gender and enrollment at a Title I school; and

(8) Other relevant data available through the statewide longitudinal data system maintained by the Executive Director of the Office pursuant to NRS 232.975.

(c) Collaborate with school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

(d) Establish criteria for evaluating the performance of career pathway projects and the entities that assist in the development and implementation of career pathway projects, including, without limitation, school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

3. The Office shall develop and implement a competitive process to select proposals for career pathway projects. Each proposal for a career pathway project selected by the Office must incorporate best practices for career pathway design and address, including, without limitation:

(a) The types of high-quality jobs which the career pathway project will prepare students for, based on a definition of “high-quality job” which shall be developed and promulgated by the Office.

(b) The educational opportunities that the project will offer to K-12 pupils and students of the Nevada System of Higher Education which may include, without limitation:

(1) Early exposure to career options for pupils in elementary, junior high or middle school;

(2) Multiple entry points into the career pathway;

(3) Meaningful, practice-based learning opportunities aligned to the career pathway and the workforce priorities within the target industry, including, without limitation, paid work-based learning opportunities; and

(4) Opportunities for students to receive credentials aligned to the skills and experience needed for employment in the target industry.

(c) The practices that will be implemented to recruit students for the career pathway, including, without limitation, practices that will foster

equity and the inclusion in the career pathway of students from historically underserved communities.

(d) The types of early career guidance, incentives and support that will be offered to participants in the career pathway, which may include, without limitation:

(1) Employment opportunities for students who participate in the career pathway, including, without limitation, employer commitments to recruiting students who successfully obtain the qualifications for employment through the career pathway;

(2) Professional support and development opportunities for participants early in their career in the target industry, including, without limitation, mentoring; and

(3) Financial incentives which eliminate or substantially reduce financial barriers to entry into professions in the target industry.

(e) The roles and responsibilities of the persons necessary to develop and implement the career pathway, which may include, without limitation:

(1) Program staff;

(2) School districts and the Nevada System of Higher Education;

(3) Regional development authorities; and

(4) Representatives from the target industries.

(f) The financial plan for the career pathway project, including, without limitation:

(1) The projected 5-year budget for the career pathway project;

(2) Existing funding sources for the career pathway project and the amount of funding that the person submitting the proposal will allocate to the project;

(3) Anticipated funding sources for the career pathway project; and

(4) Any additional funding necessary to implement the career pathway project which is not addressed by the existing funding sources.

(g) The goals and anticipated outcomes of the career pathway project, including, without limitation:

(1) The target number of total participants in the career pathway project;

(2) The target number of participants who will successfully complete each stage of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway; and

(3) The target number of participants who will complete the career pathway, regardless of their entry point into the career pathway.

4. The Office may enter into an agreement with the Department of Education to administer the Teacher Academy College Pathway Program offered pursuant to section 3 of this act. Such an agreement may require the Department of Education to administer any local, state or federal funding appropriated or otherwise available to implement the Teacher Academy College Pathway Program.

5. As used in this section, “career pathway” means a series of structured and connected educational opportunities designed to help a person enter or advance within a given occupation or industry sector.

Sec. 2.7. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.980, inclusive, and section 2.3 of this act, unless the context otherwise requires:

1. “Department” means the Department of Employment, Training and Rehabilitation.

2. “Director” means the Director of the Department.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each large school district shall offer a Teacher Academy College Pathway Program at every high school in the school district that will enable interested pupils in grades 10, 11 and 12 to prepare for employment in professions in K-12 education.

2. A large school district shall:

(a) Advertise the Program and the benefits of participation in the Program.

(b) Ensure each high school in the large school district is staffed by a full-time employee who is:

(1) A licensed teacher or administrator; and

(2) Responsible for implementing the Program at the school.

(c) Assess each pupil entering grade 10 who is interested in participating in the Program, identify any academic, socio-economic or other barriers to the participation in and completion of the Program by such interested pupils and implement appropriate supportive measures to assist pupils to participate in and complete the Program., if such barriers are identified, inform the pupil and the parents or legal guardian of the pupil of any programs and services which are available to help the pupil to overcome such barriers and provide such programs and services to the pupil.

(d) Offer internships at elementary, junior high and middle schools in the large school district to qualified pupils in grade 12 who participate in the Program.

(e) Offer employment as a paraprofessional to qualified high school graduates who have completed the Program and are enrolled in a program to become a teacher at an institution in the Nevada System of Higher Education.

(f) For qualified applicants for employment with the large school district who have completed the Program and who have submitted a timely application, provide an offer of employment or decline to provide an offer of employment to such an applicant not later than January 31 of the year immediately preceding the school year for which the applicant applied for employment.

(g) Enter into an agreement with the Board of Regents of the University of Nevada to:

(1) *Enable pupils who participate in the Program to earn up to 12 units of college credit for courses taken and internships engaged in as part of the Program at no cost to the pupil.*

~~(2) *Provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program which are eligible for college credit to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education.*~~

~~(3)~~ Establish qualifications for teachers of the school district who teach courses in the Program which are eligible for college credit, which may include, without limitation, a minimum of 4 years of classroom teaching experience or a Master's degree.

~~(4)~~ (3) Guarantee the admission of otherwise academically qualified pupils who complete the Program to institutions in the Nevada System of Higher Education.

(4) Provide programs, services, scholarships and financial aid to assist pupils who participate in the Program in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

(h) Inform pupils who participate in the Program and the parents and legal guardians of such pupils about programs, services, scholarships and financial aid which are available to assist pupils in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

3. A large school district may enter into an agreement with the Board of Regents of the University of Nevada to provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education. If the provisions of this subsection conflict with the provisions of chapter 388G of NRS, the provisions of this subsection prevail.

4. As used in this section:

(a) *"Large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.*

(b) *"Program" means the Teacher Academy College Pathway Program created pursuant to this section.*

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. *The Board of Regents may enter into an agreement with a large school district pursuant to section 3 of this act to assist in the implementation of a Teacher Academy College Pathway Program.*

2. *The Board of Regents may ~~offer an earlier application period for~~, by regulation, establish a program to:*

(a) Identify pupils who have completed the Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the System ~~for~~ ; and

(b) Inform such pupils of the institutions within the System where such pupils may academically qualify for admission.

3. As used in this section:

(a) “Large school district” has the meaning ascribed to it in section 3 of this act.

(b) “Program” has the meaning ascribed to it in section 3 of this act.

Sec. 6. ~~1. The Board of Regents may establish and administer a program to provide loans for registration fees or other fees assessed against students other than tuition charges pursuant to NRS 396.540 to students who:~~

~~(a) Are enrolled in a program developed by the System for the education of teachers; and~~

~~(b) Completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act.~~

~~2. If the Board of Regents establishes a loan program pursuant to subsection 1, the Board of Regents shall:~~

~~(a) Forgive the outstanding balance of a loan made through the program to a person who is employed as a full-time, licensed teacher for 3 consecutive school years at a Title I school in this State.~~

~~(b) Provide loans at an interest rate of 0 percent per annum for students who commit to employment as a full-time, licensed teacher at a public school in this State for not less than 2 consecutive school years.~~

~~3. The Board of Regents may adopt regulations as are necessary to carry out the provisions of this section.~~ (Deleted by amendment.)

Sec. 7. 1. On or before October 1, 2026, the Governor’s Office of ~~Economic Development~~ Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) The status of the implementation of each career pathway;

(g) A summary of the proposals for career pathway projects which were received by the Office but were not selected for the Program; and

(h) An evaluation of each career pathway, including, without limitation:

(1) Whether progress has been made towards achieving the goals and objectives of each career pathway;

(2) A description of any challenges to implementation of the career pathways; and

(3) A description of any changes made to the design or implementation of the career pathways, if any, or any changes which are anticipated in the future and the reason for such changes.

2. On or before June 1, 2028, the Governor's Office of ~~Economic Development~~ Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) An evaluation of each career pathway, including, without limitation:

(1) The success of the career pathway at achieving the industry-specific goals and objectives;

(2) An assessment of the return on investment for the State with respect to the career pathway;

(3) A description of any opportunities to extend or expand the career pathway;

(4) An evaluation of ability of the career pathway to serve as a model for the creation of career pathways in other industries which should be prioritized to aid in the economic development of this State; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

(g) An evaluation of the success of the Program as a whole, including, without limitation:

(1) The overall outcomes of the Program, in relation to the goals and objectives established by the Office;

(2) Successful aspects of the Program and key elements contributing to the success of the Program;

(3) Shortcomings of the Program and key elements hindering the success of the Program;

(4) Recommendations for policy changes that would foster successful expansion of the development and implementation of career pathways by the Office; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

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.

Sec. 9. 1. This act becomes effective on July 1, 2023.

2. Section ~~HH~~ 2.3 of this act expires on June 30, 2028.

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. 429.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 506.

ASSEMBLYMEN GURR, DICKMAN, HAFEN ~~HH~~ .GRAY; ANDERSON, BROWN-MAY, DELONG, GALLANT, ~~GRAY,~~ HANSEN, HARDY, HIBBETTS, KASAMA, KOENIG, MCARTHUR, O'NEILL AND YUREK

AN ACT relating to aviation; revising provisions governing the Nevada Air Service Development Commission ~~and~~ ; **providing that money in the Nevada Air Service Development Fund ~~HH~~ does not revert at the end of a fiscal year; requiring the Commission to prepare and submit an annual report to the Director of the Legislative Counsel Bureau relating to grants awarded from the Fund;** making an appropriation to the Nevada Air Service Development Fund ~~HH~~ **for the purpose of conducting a study of the development of intrastate air service and making certain grants;** making an appropriation to the Fund for Aviation for the enlargement, improvement or maintenance of rural airports, landing areas or air navigation facilities in Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic Development in the Office of the Governor and the members of the Commission on Tourism. (NRS 231.680) Existing law also creates the Nevada Air Service Development Fund and requires the Nevada Air Service Development Commission to develop a program to make grants of money from the Fund to air carriers that will service or provide enhanced air service routes that will service certain airports in this State. (NRS 231.690, 231.710) **Section ~~HH~~ 1.6** of this bill provides that the Nevada Air Service Development Commission is part of the Office of Economic Development. **Section ~~HH~~ 1.6** also maintains the Executive Director of the Office of Economic Development as a member of the Nevada Air Service Development Commission, but revises the membership of the Nevada Air Service Development Commission to include: (1) one member of the Commission on Tourism who is appointed by the Governor rather than all of the members of the Commission on Tourism;

~~and~~ (2) ~~[certain other members appointed by the Governor.]~~ **one member who represents the Nevada Aviation Association; (3) one member who represents the department of aviation in a county whose population is 700,000 or more (currently only Clark County); (4) one member who represents the Reno-Tahoe Airport Authority; (5) one member who represents the Nevada Resort Association; (6) one member who represents the Nevada League of Cities; and (7) one member who represents the Nevada Association of Counties. Section 1.6 further provides that the terms of office for the members of the Commission are 2 years and must be staggered.**

Section 1 of this bill requires the Commission to prepare and submit an annual report to the Director of the Legislative Counsel Bureau relating to applications for grants received and grants awarded by the Commission during the immediately preceding calendar year. Section 1.3 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Section 2 of this bill provides that money in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year and must be carried forward to the next fiscal year.

Section 3 of this bill revises the entities to which the Nevada Air Service Development Commission is authorized to award grants to include governmental entities.

Section 4 of this bill makes an appropriation from the State General Fund to the Nevada Air Service Development Fund ~~for~~ **for the purpose of conducting a study of the development of intrastate air service in this State and for the purpose of making grants of money to an air carrier that will service or provide enhanced air service routes to certain airports.**

Existing law creates the Fund for Aviation in the State Treasury and requires the Director of the Department of Transportation to administer the Fund. Existing law authorizes the Director to award grants to counties, cities and other local governments, except for facilities owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more (currently Clark County) for the planning, establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government. (NRS 494.048) **Section 5** of this bill makes an appropriation to the Fund for Aviation for these purposes.

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

Section 1. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

On or before February 1 of each year, the Commission shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to

the Legislature, or if the Legislature is not in session, the Legislative Commission, a report detailing for the immediately preceding calendar year:

1. The total number of applications for grants of money from the Fund that were received;

2. The total amount of grants from the Fund that were awarded by the Commission to air carriers; and

3. For each grant of money awarded from the Fund, the amount of each grant and an explanation of how the grant will be used by the air carrier to provide or enhance air service to an airport.

Sec. 1.3. NRS 231.600 is hereby amended to read as follows:

231.600 As used in NRS 231.600 to 231.720, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 231.610 to 231.670, inclusive, have the meanings ascribed to them in those sections.

~~[Section 1.]~~ Sec. 1.6. NRS 231.680 is hereby amended to read as follows:

231.680 1. There is hereby created ***within the Office of Economic Development*** the Nevada Air Service Development Commission, consisting of:

(a) The Executive Director; ~~and~~

(b) ~~[The members]~~ ***One member appointed by the Governor who is a member of the Commission on Tourism [as provided in NRS 231.170.]***;

(c) ***One member appointed by the Governor who represents the Nevada Aviation Association or its successor organization;***

(d) ***One member appointed by the Governor who represents the department of aviation in a county whose population is 700,000 or more;***

(e) ***One member appointed by the Governor who represents the Reno-Tahoe Airport Authority;***

(f) ***One member appointed by the Governor who represents the Nevada Resort Association or its successor organization; and***

(g) ***One member appointed by the Governor who represents the Nevada Association of Counties or its successor organization; and***

(h) ***One member appointed by the Governor who represents the Nevada League of Cities or its successor organization.***

2. The Governor shall ensure that at least one member appointed pursuant to subsection 1 is a resident of a county whose population is less than 100,000.

3. The terms of office for the members of the Commission appointed pursuant to paragraphs (b) to (h), inclusive, of subsection 1 are 2 years, which terms must be staggered.

4. At the first meeting of each fiscal year, the Commission shall elect from among its members a Chair, a Vice Chair and a Secretary.

~~[5.]~~ 5. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

~~[4.]~~ 6. A majority of the members of the Commission constitutes a quorum for the transaction of all business.

Sec. 2. NRS 231.690 is hereby amended to read as follows:

231.690 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund. ***Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.***

2. The Commission may accept gifts, bequests, grants, appropriations and donations from any source 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 the 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 Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in NRS 231.710.

Sec. 3. NRS 231.710 is hereby amended to read as follows:

231.710 1. The Commission shall develop a program to provide grants of money from the Fund to an air carrier ~~that will~~ ***or any governmental entity for the purpose of establishing air*** service or ~~provide~~ ***providing*** enhanced air service routes that service an airport that is:

(a) A small hub airport, a nonhub airport or, if the air carrier provides air service through a large hub airport that services small hub airports and nonhub airports, a large hub airport; and

(b) Certified by the Federal Aviation Administration of the United States Department of Transportation pursuant to 14 C.F.R. Part 139.

2. An application for a grant of money from the Fund must be in the form prescribed by the Commission and must include, without limitation:

(a) A statement designating the small hub airport, nonhub airport or large hub airport described in subsection 1 for which the air carrier will commence or continue air service if the grant is awarded;

(b) Commitments from the air carrier that if the Commission awards the grant to the air carrier, the air carrier will enter into a written agreement with the Commission that provides for the air carrier to commence or continue air service to the airport designated in the application in exchange for receiving from the Commission one of the guarantees set forth in subsection 2 of NRS 231.720; and

(c) Letters of support from each airport that participates in the air service route offered by an air carrier pursuant to subsection 1.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Nevada Air Service Development Fund created by NRS 231.690 the sum of \$10,000,000.

2. The amount appropriated by subsection 1 must be used for the purpose of conducting a study of the development of intrastate air service in this State and for the purpose of making grants of money pursuant to NRS 231.710.

Sec. 5. 1. There is hereby appropriated from the State General Fund to the Fund for Aviation created by NRS 494.048 the following sums:

For the Fiscal Year 2023-2024 \$1,000,000

For the Fiscal Year 2024-2025 \$1,000,000

2. The money appropriated by subsection 1 must be used by rural airports to match money that is available from the Federal Aviation Administration.

Sec. 5.5. 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. This act becomes effective on July 1, 2023.

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. 430.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 328.

AN ACT relating to taxation; revising the definition of “vapor product”; revising provisions governing the excise tax on cannabis; ~~imposing a tax on the sale at wholesale of cannabis products by cannabis production facilities;~~ requiring the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law imposes a tax upon the receipt, purchase or sale of other tobacco products by a customer in this State at a rate of 30 percent of the wholesale price of those products. (NRS 370.450) Under existing law, vapor products, including electronic cigarettes, cigars, cigarillos, pipes, hookahs, vape pens and similar products or devices and their components are taxed as other tobacco products. (NRS 370.0318, 370.450) ~~Section 1.7 of this bill revises~~ **Section 1 and 1.7 of this bill revise** the definition of “vapor product” to exclude ~~products~~ **cannabis vaporizers** which are ~~primarily~~ **products that: (1) are solely** designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing cannabis or cannabis products into the human body ~~;~~ **and (2) include a clear and conspicuous label that includes certain information. Section 1.3 makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.**

Existing law imposes an excise tax at the rate of 15 percent of the fair market value at wholesale upon each wholesale sale of cannabis by a medical cannabis cultivation facility or an adult-use cannabis cultivation facility to another cannabis establishment. (NRS 372A.290) Existing law imposes an excise tax at the rate of 10 percent of the sales price of each retail sale of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge. (NRS 372A.290) **Section 7** of this bill revises the excise

tax on the wholesale sale of cannabis to apply the tax only to the first wholesale sale and to provide that the tax is at the rate of 15 percent of: (1) the fair market value at wholesale for sales made to an affiliate of the medical cannabis cultivation facility or adult-use cannabis cultivation facility; or (2) the sales price, if the sale is made to a cannabis establishment that is not an affiliate of the medical cannabis cultivation facility or adult-use cannabis cultivation facility.

~~[Existing law provides for the licensing of adult-use cannabis production facilities and medical cannabis production facilities, which are authorized to acquire, possess, manufacture, deliver, transfer, supply or sell cannabis products to adult-use cannabis retail stores and medical cannabis dispensaries, respectively. (NRS 678A.060, 678A.205, 678B.210) Section 7 imposes an excise tax upon each wholesale sale of cannabis products by a cannabis production facility at a rate of 15 percent of: (1) the fair market value at wholesale for sales made to an affiliate of the cannabis production facility; or (2) the sales price, if the sale is made to a cannabis establishment that is not an affiliate of the cannabis production facility. Sections 5, 6 and 8 of this bill make conforming changes related to the imposition of the excise tax on cannabis production facilities. Section 2 of this bill defines “cannabis production facility” for the purposes of the provisions of this bill relating to excise taxes. Section 3 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes.]~~

Section 4 of this bill revises the definition of “sales price” to exclude the amount of any excise tax on cannabis or cannabis products.

Existing law requires the Department of Taxation to adopt regulations to establish procedures to determine the fair market value at wholesale of cannabis. (NRS 678B.640) **Section 9** of this bill ~~[requires the Department to also adopt regulations establishing procedures to determine the wholesale value of cannabis products and]~~ establishes certain additional requirements for the regulations adopted by the Department. **Section 9** requires the Cannabis Compliance Board to ensure that any computer software used for the seed-to-sale tracking of cannabis ~~[and cannabis products]~~ adopted by the Board includes a method to denote transfers of cannabis ~~[or cannabis products]~~ between affiliates.

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

Section 1. Chapter 370 of NRS is hereby amended by adding thereto a new section to read as follows:

1. “Cannabis vaporizer” means a product that:
(a) Is solely designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing cannabis, as defined in NRS 678A.085, or any cannabis product into the human body; and

(b) Includes a clear and conspicuous label which identifies the product as a cannabis vaporizer and states that the product is not for tobacco, nicotine, e-liquid or any synthetic nicotine substance.

2. The term does not include a product that may also be used for vaporizing, ingesting, inhaling or otherwise introducing nicotine into the human body.

Sec. 1.3. NRS 370.007 is hereby amended to read as follows:

370.007 As used in NRS 370.007 to 370.430, inclusive, **and section 1 of this act**, and 370.505 to 370.530, inclusive, unless the context otherwise requires, the words and terms defined in NRS 370.008 to 370.055, inclusive, **and section 1 of this act**, have the meanings ascribed to them in those sections.

Sec. 1.7. NRS 370.054 is hereby amended to read as follows:

370.054 “Vapor product”:

1. Means any noncombustible product containing nicotine or any other substance that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from nicotine or any other substance in a solution or other form, the use or inhalation of which simulates smoking.

2. Includes, without limitation:

(a) An electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device; and

(b) The components of such a product or device, whether or not sold separately, including, without limitation, vapor cartridges or other container of nicotine or any other substance in a solution or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device, atomizers, cartomizers, digital displays, clearomizers, tank systems, flavors, programmable software or other similar products or devices. As used in this paragraph, “component” means a product intended primarily or exclusively to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device.

3. Does not include any product:

(a) Regulated by the United States Food and Drug Administration pursuant to subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

(b) Subject to the excise tax on cannabis or cannabis products pursuant to NRS 372A.200 to 372A.380, inclusive.

(c) Purchased by a person who holds a current, valid medical cannabis establishment license pursuant to chapter 678B of NRS.

(d) Which is ~~primarily designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing~~ a cannabis ~~as defined in NRS 678A.085, or any cannabis product, as defined in NRS 678A.120, into the human body,~~ vaporizer.

Sec. 2. ~~Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~“Cannabis production facility” has the meaning ascribed to it in NRS 678A.125.} (Deleted by amendment.)~~

Sec. 3. ~~{NRS 372A.200 is hereby amended to read as follows:~~

~~372A.200 As used in NRS 372A.200 to 372A.380, inclusive, and section 2 of this act, unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.} (Deleted by amendment.)~~

Sec. 4. NRS 372A.247 is hereby amended to read as follows:

372A.247 1. “Sales price” means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. “Sales price” does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit, except that this exclusion does not apply in any instance when the customer, to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount of any tax, not including any manufacturers’ or importers’ excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

~~(d) The amount of any tax imposed pursuant to NRS 372A.200 to 372A.380, inclusive, and section 2 of this act.}~~

Sec. 5. ~~{NRS 372A.250 is hereby amended to read as follows:~~

~~372A.250 “Taxpayer” means a:~~

~~1. Cannabis cultivation facility;~~

~~2. Cannabis production facility;~~

~~3. Adult use cannabis retail store; or~~

~~{3.} 4. Cannabis consumption lounge.} (Deleted by amendment.)~~

Sec. 6. ~~{NRS 372A.285 is hereby amended to read as follows:~~

~~372A.285 1. Each cannabis cultivation facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:~~

~~(a) The current production of the cannabis cultivation facility;~~

~~(b) Sales by product type;~~

~~(c) Prices by product type; and~~

~~(d) Such other information as the Department may require.~~

~~2. Each cannabis production facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:~~

- ~~(a) The amount of cannabis purchased;~~
- ~~(b) The amount of cannabis products produced;~~
- ~~(c) Sales by product type;~~
- ~~(d) Prices by product type; and~~
- ~~(e) Such other information as the Department may require.~~

~~3. Each cannabis sales facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:~~

- ~~(a) The amount of cannabis purchased by the cannabis sales facility from cannabis cultivation facilities or cannabis production facilities;~~
- ~~(b) Sales to consumers by product type;~~
- ~~(c) Prices by product type; and~~
- ~~(d) Such other information as the Department may require.~~

~~4. The Department shall adopt regulations prescribing the frequency of the reports required pursuant to this section which must be submitted not less frequently than quarterly and not more frequently than monthly.~~

~~5. As used in this section:~~

~~(a) [“Cannabis production facility” has the meaning ascribed to it in NRS 678A.125.~~

~~(b)] “Cannabis products” has the meaning ascribed to it in NRS 678A.120.~~

~~[(c)] (b) “Cannabis sales facility” has the meaning ascribed to it in NRS 678A.130.] (Deleted by amendment.)~~

Sec. 7. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on ~~each~~ *the first* 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~~ :

(a) The fair market value at wholesale of the cannabis [], if the sale is made to an affiliate of the medical cannabis cultivation facility; or

(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the medical cannabis cultivation facility.

↪ 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~~ *the first* 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~~ :

(a) The fair market value at wholesale of the cannabis [], if the sale is made to an affiliate of the adult-use cannabis cultivation facility; or

(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the adult-use cannabis cultivation facility.

↪ 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 the first wholesale sale in this State of a cannabis product by a cannabis production facility to another cannabis establishment at the rate of 15 percent of:~~

~~—(a) The fair market value at wholesale of the cannabis product, if the sale is made to an affiliate of the cannabis production facility; or~~

~~—(b) The sales price of the cannabis product, if the sale is made to a cannabis establishment that is not an affiliate of the cannabis production facility.~~

~~↪ The excise tax imposed pursuant to this subsection is the obligation of the cannabis production facility.~~

~~4.~~ 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 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 ~~{;}~~ **but may be recovered from the purchaser.**

(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. ~~{5.}~~ 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. ~~{6.}~~ 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. ~~{7.}~~ For the purpose of subsections 4 ~~{5.}~~ and 5, ~~{6.}~~ 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. **9.**~~ The revenues collected from the excise tax imposed pursuant to ~~subsection **subsections** 3 **and 4**~~ must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

~~8. **10.**~~ As used in this section:

(a) “Adult-use cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.025.

(b) *“Affiliate” means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with, a specified person.* ~~For the purposes of this paragraph, control exists if any person directly or indirectly owns, controls, holds with the power to vote or holds proxies representing 51 percent or more of the voting securities of any other person.~~

(c) “Cannabis product” has the meaning ascribed to it in NRS 678A.120.

~~{(e)}~~ (d) “Local government” has the meaning ascribed to it in NRS 360.640.

~~{(d)}~~ (e) “Medical cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.170.

~~{(e)}~~ (f) “Medical cannabis establishment” has the meaning ascribed to it in NRS 678A.180.

~~{(f)}~~ (g) “Wholesale sale” means ~~the first~~ sale or transfer of cannabis by a cannabis cultivation facility ~~for a cannabis product by a cannabis production 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. 8. ~~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] 5 of NRS 372A.290;~~
- ~~—(n) The proceeds of the tax imposed pursuant to [subsection] subsections 3 and 4 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 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 2.~~
- ~~—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.} (Deleted by amendment.)~~

Sec. 9. NRS 678B.640 is hereby amended to read as follows:

678B.640 **1.** The Department of Taxation shall adopt regulations to establish procedures to determine the fair market value at wholesale of cannabis ~~and cannabis products.~~ **The regulations shall:**

(a) Provide that the fair market value of cannabis is ~~and cannabis products.~~

(1) Will be calculated and published by the Department on a quarterly basis not more than 30 days after the end of each calendar quarter; and

(2) ~~Must be determined based on the sales price of the cannabis or cannabis products; and~~

~~(3) Must be calculated using a weighted average, except~~ Is the median sales price for ~~seeds~~ wholesale sales between cannabis cultivation facilities and ~~immature plants, which must be calculated by unit.~~ cannabis establishments that are not affiliates, per pound or each, during the period specified in subparagraph (1).

(b) Prescribe any information required by the Department to determine the fair market value at wholesale of cannabis ~~for cannabis products.~~

2. The Board shall ensure that any computer software used for the seed-to-sale tracking of cannabis ~~and cannabis products~~ adopted by the Board includes a method to denote transfers of cannabis ~~for cannabis products~~ between affiliates.

3. The Board shall furnish the Department with such information as the Department determines to be necessary to adopt the regulations required by this section.

4. As used in this section, “affiliate” has the meaning ascribed to it in NRS 372A.290.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, 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 Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 434.

Bill read second time.

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

Amendment No. 435.

AN ACT relating to prescription drugs; prohibiting ~~for~~ certain pharmacy benefit ~~manager or~~ managers and health ~~carrier~~ carriers from taking certain actions against entities that participate in a federal program to facilitate the discounted purchase of prescription drugs; prohibiting a program administered by the Department of Health and Human Services to provide therapeutics to persons with human immunodeficiency virus from taking similar actions; imposing certain limitations on the use of money available to administer the program to provide therapeutics to persons with human immunodeficiency virus; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law creates a program, known as the 340B Program, by which certain hospitals and other facilities that provide health care to low-income patients are able to purchase certain drugs at discounted rates. (42 U.S.C. § 256b) Existing law prohibits a pharmacy benefit manager from prohibiting a pharmacist or pharmacy from taking certain actions to assist a person in obtaining a less expensive alternative or generic drug. (NRS 683A.179) Existing law imposes certain requirements relating to the operation of health carriers. (NRS 687B.470-687B.850) **Sections 1, 3, 6 and 7** of this bill prohibit pharmacy benefit managers and health carriers, including governmental entities that provide coverage for employees, from: (1) discriminating against a covered entity that participates in the 340B Program to purchase drugs at a discounted rate or a pharmacy that contracts with such an entity with regard to reimbursement; (2) taking certain actions to limit the ability of such an entity or pharmacy to receive the full benefit of participating in that program; (3) excluding such an entity or pharmacy from an insurance network because the entity or pharmacy participates in that program; (4) restricting the ability of a person to receive a 340B drug; or (5) taking certain other actions to limit the participation of an entity or pharmacy in the Program. **Section 1 exempts from those prohibitions a pharmacy benefit manager that manages prescription drug benefits under Medicaid where reimbursement is provided on a fee-for-service basis.** **Sections 2, 4 and 5** of this bill make conforming changes to indicate the proper placement of **sections 1 and 3** in the Nevada Revised Statutes.

Existing law authorizes the Department of Health and Human Services to administer a program pursuant to federal law to provide therapeutics to treat certain persons who have been diagnosed with the human immunodeficiency virus. (NRS 439.529) **Section 9** of this bill prescribes certain limitations on the use of money allocated to the program. **Section 8** of this bill requires the program to take certain actions and refrain from certain activity to ensure that a covered provider that participates in the 340B Program to purchase drugs at a discounted rate or a pharmacy that contracts with such a provider receives the full benefit of participating in the Program. **Section 8** additionally prohibits

the program administered by the Department from: (1) denying a request from such a covered provider or contract pharmacy to participate in the network of the program in certain circumstances; or (2) engaging in certain discrimination against a covered provider or contract pharmacy.

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

Section 1. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pharmacy benefit manager shall not:

(a) *Discriminate against a covered entity, a contract pharmacy or a 340B drug in the amount of reimbursement for any item or service or the procedures for obtaining such reimbursement;*

(b) *Assess any fee, chargeback, clawback or adjustment against a covered entity or contract pharmacy on the basis that the covered entity or contract pharmacy dispenses a 340B drug or otherwise limit the ability of a covered entity or contract pharmacy to receive the full benefit of purchasing the 340B drug at or below the ceiling price, as calculated pursuant to 42 U.S.C. § 256b(a)(1);*

(c) *Exclude a covered entity or contract pharmacy from any network because the covered entity or contract pharmacy dispenses a 340B drug;*

(d) *Restrict the ability of a person to receive a 340B drug ~~for~~, including, without limitation, by imposing a copayment, coinsurance, deductible or other cost-sharing obligation on the drug that is different from a similar drug on the basis that the drug is a 340B drug;*

(e) *Restrict the methods by which a covered entity or contract pharmacy may dispense or deliver a 340B drug or the entity through which a covered entity may dispense or deliver such a drug in a manner that does not apply to drugs that are not 340B drugs; or*

(f) *Prohibit a covered entity or contract pharmacy from purchasing a 340B drug or interfere with the ability of a covered entity or contract pharmacy to purchase a 340B drug.*

2. This section does not apply to a pharmacy benefit manager that has entered into a contract with the Department of Health and Human Services pursuant to NRS 422.4053 when the pharmacy benefit manager is managing prescription drug benefits under Medicaid where reimbursement is provided on a fee-for-service basis.

3. As used in this section:

(a) *“340B drug” means a prescription drug that is purchased by ~~an~~ a covered entity ~~that participates in~~ under the 340B Program . ~~for~~ and that is dispensed by a covered entity.*

(b) *“340B Program” means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.*

(c) “Contract pharmacy” means a pharmacy that enters into a contract with a covered entity to dispense 340B drugs and provide related pharmacy services to the patients of the covered entity.

(d) “Covered entity” has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).

(e) “Network” means a defined set of providers of health care who are under contract with a pharmacy benefit manager or third party to provide health care services to covered persons.

Sec. 2. NRS 683A.171 is hereby amended to read as follows:

683A.171 As used in NRS 683A.171 to 683A.179, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 683A.172 to 683A.176, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A ~~pharmacy benefit manager~~ health carrier shall not:

(a) Discriminate against a covered entity, a contract pharmacy or a 340B drug in the amount of reimbursement for any item or service or the procedures for obtaining such reimbursement;

(b) Assess any fee, chargeback, clawback or adjustment against a covered entity or contract pharmacy on the basis that the covered entity or contract pharmacy dispenses a 340B drug or otherwise limit the ability of a covered entity or contract pharmacy to receive the full benefit of purchasing the 340B drug at or below the ceiling price, as calculated pursuant to 42 U.S.C. § 256b(a)(1);

(c) Exclude a covered entity or contract pharmacy from any network because the covered entity or contract pharmacy dispenses a 340B drug;

(d) Restrict the ability of a person to receive a 340B drug ~~for~~, including, without limitation, by imposing a copayment, coinsurance, deductible or other cost-sharing obligation on the drug that is different from a similar drug on the basis that the drug is a 340B drug;

(e) Restrict the methods by which a covered entity or contract pharmacy may dispense or deliver a 340B drug or the entity through which a covered entity may dispense or deliver such a drug in a manner that does not apply to drugs that are not 340B drugs; or

(f) Prohibit a covered entity or contract pharmacy from purchasing a 340B drug or interfere with the ability of a covered entity or contract pharmacy to purchase a 340B drug.

2. As used in this section:

(a) “340B drug” means a prescription drug that is purchased by ~~any~~ a covered entity that participates in under the 340B Program. ~~It and that is dispensed by a covered entity.~~

(b) “340B Program” means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.

(c) “Contract pharmacy” means a pharmacy that enters into a contract with a covered entity to dispense 340B drugs and provide related pharmacy services to the patients of the covered entity.

(d) “Covered entity” has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).

~~[(e) “Pharmacy benefit manager” has the meaning ascribed to it in NRS 683A.174.]~~

Sec. 4. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, **and section 3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[]~~, **and section 3 of this act**;

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[]~~, **and section 3 of this act**; and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[]~~, **and section 3 of this act**.

Sec. 6. 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, 689B.265, 689B.287 and 689B.500 **and section 3 of this act** 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. 7. 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, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, **and section 3 of this act**, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 8. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the Department administers a program pursuant to NRS 439.529:*

(a) *The program may not prohibit or interfere with the ability of a covered provider or contract pharmacy to purchase, administer or dispense, as applicable, a 340B drug, regardless of whether the drug is dispensed or administered to a person participating in the program or whether the program pays all, part or none of the cost of the drug.*

(b) *When a covered provider or contract pharmacy dispenses or administers a drug that is eligible to be a 340B drug to a person participating in the program and the program pays the insurance premium of the person and the copayment, coinsurance, deductible or other cost-sharing obligation of the person, the program shall pay to the covered provider or contract pharmacy the full amount of the copayment, coinsurance, deductible or other cost-sharing obligation, regardless of whether the drug is a 340B drug.*

(c) *The program may not deny a request from a covered provider or contract pharmacy to be included in the network of the program if the covered provider or contract pharmacy:*

(1) *Meets the terms and conditions for participation in the network of the program; and*

(2) *Requests to participate in the network of the program.*

(d) *The program shall not treat a covered provider or contract pharmacy differently from an entity that does not participate in the 340B Program or a pharmacy that has contracted with a covered provider, as applicable, in any manner, including, without limitation:*

(1) *In any regulation, guidance, policy, procedure or contract;*

(2) *With regard to participation in the network of the program; or*

(3) *In any matter relating to the dispensing of drugs or billing and reimbursement for drugs.*

2. *As used in this section:*

(a) *“340B drug” means a prescription drug that is purchased under the 340B Program.*

(b) *“340B Program” means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.*

(c) *“Contract pharmacy” means a pharmacy that enters into a contract with a covered provider to dispense 340B drugs and provide related pharmacy services to the patients of the covered provider.*

(d) *“Covered entity” has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).*

(e) *“Covered provider” means a covered entity other than the program established pursuant to NRS 439.529.*

(f) *“Network” means a defined set of providers of health care who are under contract with any program established pursuant to NRS 439.529 to provide health care services to persons who participate in the program.*

Sec. 9. NRS 439.529 is hereby amended to read as follows:

439.529 1. The Department may, to the extent that money is available, administer a program pursuant to 42 U.S.C. §§ 300ff-21 et seq. to provide therapeutics to treat certain persons who have been diagnosed with the human immunodeficiency virus and to prevent the serious deterioration of the health of such persons. The program may include the provision of subsidies and pharmaceutical services.

2. The Director shall:

(a) Establish the criteria for eligibility for participation in the program administered pursuant to this section, which must be in accordance with the provisions of 42 U.S.C. §§ 300ff-21 et seq.; and

(b) Prescribe the manner in which the program will be administered and services will be provided.

3. The Department may use any other program administered by the Department to facilitate the provision of subsidies and services pursuant to this section, including, without limitation, the provision of subsidies for pharmaceutical services to senior citizens and persons with disabilities pursuant to NRS 439.635 to 439.690, inclusive. If the Department uses another program to facilitate the provision of subsidies and services pursuant to this section, the Department shall not commingle the money available to carry out the provisions of this section and the money available to carry out the other program.

4. Money available to carry out the provisions of this section must be accounted for separately by the Department. ***The Department shall use such money only to pay for or subsidize the cost of:***

(a) ***Drugs approved by the United States Food and Drug Administration;***

(b) Insurance premiums, deductibles, copayments, coinsurance or other cost-sharing obligations associated with private health insurance; and

(c) Services that improve access to, adherence to and monitoring of drug treatment.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, 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. 439.

Bill read second time.

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

Amendment No. 296.

SUMMARY—Revises provisions governing certain contracts of insurance. (BDR 57-1044)

AN ACT relating to insurance; providing that no provision for arbitration in a contract for health insurance is binding upon the named insured or any other person who makes a claim under the contract; repealing certain provisions related to provisions for arbitration in a contract for health insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Insurance Code, which governs certain contracts of insurance. (Title 57 of NRS) Existing law provides that no provision for arbitration contained in an automobile liability or motor vehicle liability insurance policy delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy. (NRS 690B.017) ~~Section 10 of this bill provides instead that no provision for arbitration contained in any casualty insurance policy, including, without limitation, an automobile liability or motor vehicle liability insurance policy is binding.~~ **Sections [1-4,] 4, 6, 7, [9, 11-15,] 15, 16.5, 17, 18.5, 19 and 20** of this bill similarly provide that no provision for arbitration is binding that is contained in any: (1) ~~insurance contract;~~ (2) ~~contract of life insurance, endowment or annuity;~~ (3) ~~group life insurance or wholesale life insurance policy;~~ (4) ~~policy of health insurance [; (5)]~~ **by an insurer; (2)** ~~policy of group or blanket health insurance; [(6)]~~ **(3)** ~~health benefit plan; [(7)]~~ ~~policy or certificate of credit insurance;~~ (8) ~~service contract or contractual liability insurance policy;~~ (9) ~~guaranteed asset protection waiver;~~ (10) ~~policy of credit personal property insurance;~~ (11) ~~policy of title insurance;~~ (12)] **(4)**

benefit contract; ~~[(13)]~~ **(5) contract for hospital, medical or dental services;** **(6) evidence of coverage by a health maintenance organization;** ~~[(14)]~~ **(7) plan for dental care;** **(8) evidence of coverage by a prepaid limited health service organization; or** ~~[(15)]~~ **(9) evidence of coverage by a managed care organization.** **Sections 4, 6, 7, 15, 16.5, 17, 18.5, 19 and 20 further provide that a provision for arbitration included in any such contract of insurance must contain a statement that the provision for arbitration is not binding.** Sections 5, ~~[(1)]~~ **and 8** ~~and 16~~ of this bill make conforming changes to indicate the proper placement of sections ~~[(1)]~~ **4 and 7** of this bill, respectively, in the Nevada Revised Statutes.

Section 22 of this bill repeals certain provisions of the Nevada Insurance Code to eliminate requirements related to provisions for arbitration in certain contracts for insurance. Section 18 of this bill makes a conforming change to eliminate a reference to a repealed section.

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

Section 1. ~~Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~**No provision for arbitration contained in any insurance contract or annuity contract subject to this chapter that is delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the contract.**~~ **(Deleted by amendment.)**

Sec. 2. ~~Chapter 688A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~**No provision for arbitration contained in any contract of life insurance, endowment or annuity delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the contract.**~~ **(Deleted by amendment.)**

Sec. 3. ~~Chapter 688B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~**No provision for arbitration contained in any group life insurance or wholesale life insurance policy delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy.**~~ **(Deleted by amendment.)**

Sec. 4. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any policy of health insurance delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy.

2. If a policy of health insurance contains a provision for arbitration, the policy of health insurance must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the policy of health insurance.

Sec. 5. 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~~, **and section 4 of this act.**

Sec. 6. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any policy of group or blanket health insurance delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy.

2. If a policy of group or blanket health insurance contains a provision for arbitration, the policy of group or blanket health insurance must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the policy of group or blanket health insurance.

Sec. 7. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any health benefit plan delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the health benefit plan.

2. If a health benefit plan contains a provision for arbitration, the health benefit plan must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the health benefit plan.

Sec. 8. 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 7 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. 9. ~~Chapter 690A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~**No provision for arbitration contained in any policy or certificate of credit insurance delivered, issued for delivery or renewed in this State is binding upon the named debtor or any other person who makes a claim under the policy.**~~ **(Deleted by amendment.)**

Sec. 10. ~~NRS 690B.010 is hereby amended to read as follows:~~

~~690B.010 **1.** All contracts of casualty insurance covering subjects resident, located or to be performed in this State are subject to the applicable provisions of chapter 687B of NRS (the insurance contract), and to other applicable provisions of this Code.~~

~~2. No provision for arbitration contained in any casualty insurance policy, including, without limitation, an automobile liability or motor vehicle liability insurance policy, delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy.} (Deleted by amendment.)~~

Sec. 11. ~~{Chapter 690C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~=No provision for arbitration contained in any service contract or contractual liability insurance policy delivered, issued for delivery or renewed in this State is binding upon the named holder or any other person who makes a claim under the contract or policy.} (Deleted by amendment.)~~

Sec. 12. ~~{Chapter 690D of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~=No provision for arbitration contained in any guaranteed asset protection waiver delivered, issued for delivery or renewed in this State is binding upon the named borrower or any other person who makes a claim under the waiver.} (Deleted by amendment.)~~

Sec. 13. ~~{Chapter 691C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~=No provision for arbitration contained in any policy of credit personal property insurance delivered, issued for delivery or renewed in this State is binding upon the named debtor or any other person who makes a claim under the policy.} (Deleted by amendment.)~~

Sec. 14. ~~{Chapter 692A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~=No provision for arbitration contained in any policy of title insurance delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy.} (Deleted by amendment.)~~

Sec. 15. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any benefit contract delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the contract.

2. If a benefit contract contains a provision for arbitration, the benefit contract must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the benefit contract.

Sec. 16. ~~{NRS 695B.320 is hereby amended to read as follows:~~

~~695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, subsections 2, 4, 18, 19 and 31 of NRS 680B.010, NRS 680B.025 to 680B.060, inclusive, chapter 681B of NRS, NRS 686A.010 to 686A.315, inclusive, 686B.010 to 686B.175, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, section 1 of this act,~~

~~687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.~~

~~2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term “insurer.”~~ **(Deleted by amendment.)**

Sec. 16.5. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any contract for hospital, medical or dental services delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the contract for hospital, medical or dental services.

2. If a contract for hospital, medical or dental services contains a provision for arbitration, the contract must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the contract for hospital, medical or dental services.

Sec. 17. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon the named enrollee or any other person who makes a claim under the evidence of coverage.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon the named enrollee or any other person who makes a claim under the evidence of coverage.

Sec. 18. 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 ~~to~~

and 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 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. 18.5. Chapter 695D of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any plan for dental care delivered, issued for delivery or renewed in this State is binding upon the member or any other person who makes a claim under the plan for dental care.

2. If a plan for dental care contains a provision for arbitration, the plan for dental care must include a statement that the arbitration provision is not binding upon the member or any other person who makes a claim under the plan for dental care.

Sec. 19. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon the named enrollee or any other person who makes a claim under the evidence of coverage.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon the named enrollee or any other person who makes a claim under the evidence of coverage.

Sec. 20. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the evidence of coverage.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the evidence of coverage.

Sec. 21. The provisions of this act do not apply to any contract for insurance existing on October 1, 2023, but apply to any renewal of such a contract.

Sec. 22. NRS 689A.0403, 689B.067, 689B.270, ~~690B.017, 690B.155,~~ 695B.181, 695B.182, 695C.265 and 695C.267 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

689A.0403 Procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

689B.067 Provision in policy requiring binding arbitration for disputes with insurer authorized; procedure for arbitration; declaratory relief.

689B.270 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

~~690B.017 Provisions for arbitration not binding.~~

~~690B.155 Provision requiring binding arbitration authorized; procedures for arbitration.~~

695B.181 Provision in contract requiring binding arbitration authorized; procedures for arbitration; declaratory relief.

695B.182 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695C.265 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695C.267 Provision requiring binding arbitration authorized; procedures for arbitration; declaratory relief.

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. 441.

Bill read second time.

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

Amendment No. 436.

AN ACT relating to industrial insurance; revising certain requirements to make certain insurance records available for inspection; removing the requirement that certain entities maintain a telephone service to accept collect calls from injured employees; revising the circumstances under which the Administrator of the Division of Industrial Relations of the Department of Business and Industry is authorized to remove a physician or chiropractic physician from a list or panel of physicians and chiropractic physicians who may provide certain medical services relating to the Nevada Industrial Insurance Act; requiring the Administrator to publish annual and quarterly

reports; authorizing certain physicians and chiropractic physicians to decline to perform certain evaluations under certain circumstances; ~~authorizing certain injured employees to request certain additional~~ **revising provisions relating to independent medical** examinations; revising ~~requirements for calculating the value of certain payments pursuant to the Act~~ **provisions relating to benefits** for a permanent partial disability; revising provisions relating to an appeal of certain determinations of the Administrator; requiring certain insurance claims to be administered by certain persons; **revising procedures for the reimbursement of an insurer that pays for an increase in certain compensation or benefits; repealing certain restrictions relating to associations of self-insured employers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Industrial Insurance Act, which provides for the payment of compensation to employees who are injured or disabled as the result of an occupational injury. (Chapters 616A-616D of NRS)

Existing law requires certain insurers to maintain an office in this State that is operated by the insurer or its third-party administrator and to provide access to files relating to industrial insurance claims at that office. (NRS 616B.021, 616B.027) **Section 1** of this bill requires the insurer to make such files available for inspection and reproduction by electronic means or at an office operated by the insurer or its third-party administrator located in this State. **Section 1** also authorizes the insurer to keep physical records concerning a claim filed in this State at a location outside this State if those records are made available for inspection and reproduction in certain electronic forms or at offices located in this State.

Section 2 of this bill permits an office operated by an insurer or its third-party administrator to keep reproductions of certain files rather than the original copies. **Section 2** also removes the requirement that an insurer accept collect calls from injured employees.

Existing law requires an insurer to keep a list of physicians and chiropractic physicians from which an injured employee may choose to receive treatment and include in that list a certain number of physicians or chiropractic physicians from a panel established and maintained by the Administrator of the Division of Industrial Relations of the Department of Business and Industry. Existing law also sets forth procedures and limitations governing the removal of a physician or chiropractic physician from an insurer's list. (NRS 616C.087, 616C.090) **Section 4** of this bill expands the circumstances under which a physician or chiropractic physician may be involuntarily removed from an insurer's list and requires the Administrator to adopt regulations prescribing the format of the list which insurers must maintain. **Section 5** of this bill revises the reasons for which the Administrator may remove a physician or chiropractic physician from a panel ~~and~~ **and authorizes certain persons to notify the Administrator if the person believes a physician or chiropractic physician satisfies certain criteria for removal from a panel.**

Section 5 also authorizes a physician or chiropractic physician who is removed from a panel to reapply under certain circumstances for inclusion on the panel.

Existing law provides that an employee who is injured by an accident arising out of and in the course of employment is entitled to receive compensation under the Act for a permanent partial disability which is rated during an evaluation by certain physicians or chiropractic physicians. (NRS 616C.490) **Section 7** of this bill revises the methodology by which those physicians or chiropractic physicians are selected to perform such an evaluation and authorizes such a physician or chiropractic physician to decline to perform an evaluation if the physician or chiropractic physician believes he or she is not qualified to rate the disability at issue. **Sections 3 and 7** of this bill require the Administrator to prepare annual and quarterly reports containing certain information about those physicians and chiropractic physicians and the frequency with which they perform such evaluations and certain other examinations.

Existing law authorizes an injured employee, subject to various requirements and restrictions, to obtain an independent medical examination concerning an injury that is the subject of a claim filed pursuant to the Act. (NRS 616C.145) **Section 6** of this bill provides that such an injured employee is entitled to request such an independent examination for a permanent partial disability to determine if the employee has a ratable impairment or to dispute the initial rating determination of the employee's injury. **Section 6 also identifies the method by which the rate of reimbursement relating to certain independent medical examinations must be determined and authorizes an insurer to recover the cost of a second examination to determine a rating of a permanent partial disability under certain circumstances.**

Existing law provides that a claimant under the Act may elect to receive payment for a permanent partial disability in a lump sum under certain circumstances. (NRS 616C.495) **Section 8** of this bill requires an insurer to use the ~~age of the claimant~~ **actuarial annuity tables adopted by the Division that are in effect** on the date on which the claimant demands payment in a lump sum to calculate the present value of the lump sum payable.

Existing law authorizes the Administrator to order an insurer or certain other persons to pay to a claimant a benefit penalty if the Administrator determines the insurer or other person has refused to process a claim for compensation pursuant to the Act or committed certain other violations. (NRS 616D.120) Existing law authorizes a person to contest a decision of the Administrator to impose or refuse to impose a benefit penalty by filing a notice of appeal with an appeals officer. (NRS 616D.140) **Section 9** of this bill revises certain procedural requirements relating to such an appeal and authorizes a claimant on whose behalf a benefit penalty is imposed to bring a civil action to recover the amount of the benefit penalty.

Section 10 of this bill requires all claims brought pursuant to the Act or the Nevada Occupational Diseases Act to be administered by: (1) a salaried employee of an insurer located in this State; (2) a licensed adjuster located in or outside this State; or (3) a **person authorized to adjust claims under the authority of a** registered third-party administrator acting on behalf of an insurer located in or outside this State. **Section 10** also **exempts certain persons from those requirements and** requires all files relating to a claim filed pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act to be made available for inspection at certain locations in this State or by electronic means.

Section 10.5 of this bill repeals provisions prohibiting an association's administrator employed by an association of self-insured public or private employers and a third-party administrator of an association of public or private employers from holding a financial interest in or serving as employee, officer or director of one another.

Existing law authorizes an insurer or employer who pays an annual increase in compensation for permanent total disability to a claimant or dependent who is entitled to such compensation due to certain industrial injuries or disablements to obtain reimbursement from the Administrator and sets forth the procedure for obtaining such a reimbursement. (NRS 616C.266) Similarly, existing law entitles an insurer who pays an increase in certain death benefits to a widow, widower, surviving child or surviving dependent parent to be reimbursed annually for the amount of that increase and sets forth procedures for obtaining reimbursement. (NRS 616C.268) Sections 6.3 and 6.7 of this bill revise the procedures governing the issuance of such reimbursement to an insurer and impose various requirements on the Administrator with respect to such reimbursement.

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

Section 1. NRS 616B.021 is hereby amended to read as follows:

616B.021 1. An insurer shall ~~provide access to~~ **make** the files of claims **available for inspection and reproduction:**

(a) **At an office operated by the insurer or its third-party administrator located in ~~its offices~~ this State; or**

(b) **By electronic means.**

2. The physical records in a file concerning a claim filed in this State may be kept at ~~an office located~~ **a location** outside this State if all records in the file are ~~accessible~~ **made available for inspection and reproduction at ~~offices~~ an office operated by the insurer or its third-party administrator that is** located in this State ~~on~~ **or by** computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during regular business hours within 24 hours after requested by the employee or the employee's designated agent,

the employer or the employer's designated agent, or the Administrator or the Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.

3. Upon request, the insurer shall make copies or other reproductions of anything in the file and may charge a reasonable fee for this service. Copies or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.

4. The Administrator may adopt regulations concerning the:

- (a) Maintenance of records in a file on claims that are open or closed; and
- (b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.

5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 2. NRS 616B.027 is hereby amended to read as follows:

616B.027 1. Every insurer shall:

(a) Provide an office in this State operated by the insurer or its third-party administrator in which:

(1) A complete file, ***or a reproduction of the complete file***, of each claim is accessible, in accordance with the provisions of NRS 616B.021;

(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS, may receive information related to a claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS; and

(3) An employee or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021.

(b) Provide statewide toll-free telephone service to the office maintained pursuant to paragraph (a) . ~~for accept collect calls from injured employees.~~

2. Each private carrier shall provide:

- (a) Adequate services to its insured employers in controlling losses; and
- (b) Adequate information on the prevention of industrial accidents and occupational diseases.

Sec. 3. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall, not later than 30 days after the end of each calendar quarter, publish and make publicly available on the Internet website of the Division a report containing:

(a) The name of each rating physician or chiropractic physician, listed in alphabetical order by last name, who conducted an examination or evaluation on an injured employee pursuant to NRS 616.100, 616C.145,

616C.330, 616C.360 or 616C.490 in the immediately preceding calendar quarter; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a), the number of examinations or evaluations that were conducted by the rating physician or chiropractic physician as result of:

(1) The selection of the rating physician or chiropractic physician in rotation from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490; and

(2) An agreement by an insurer and an injured employee.

2. The Administrator shall retain an archive which is accessible by the public of each report published pursuant to subsection 1.

Sec. 3.5. NRS 616C.050 is hereby amended to read as follows:

616C.050 1. An insurer shall provide to each claimant:

(a) Upon written request, one copy of any medical information concerning the claimant's injury or illness.

(b) A statement which contains information concerning the claimant's right to:

(1) Receive the information and forms necessary to file a claim;

(2) Select a treating physician or chiropractic physician and an alternative treating physician or chiropractic physician in accordance with the provisions of NRS 616C.090;

(3) Request the appointment of the Nevada Attorney for Injured Workers to represent the claimant before the appeals officer;

(4) File a complaint with the Administrator;

(5) When applicable, receive compensation for:

(I) Permanent total disability;

(II) Temporary total disability;

(III) Permanent partial disability;

(IV) Temporary partial disability;

(V) All medical costs related to the claimant's injury or disease; or

(VI) The hours the claimant is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;

(6) Receive services for rehabilitation if the claimant's injury prevents him or her from returning to gainful employment;

(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and

(8) Judicial review of any final decision within the time specified by statute.

2. The insurer's statement must include a copy of the form designed by the Administrator pursuant to subsection ~~10~~ **12** of NRS 616C.090 that notifies injured employees of their right to select an alternative treating physician or chiropractic physician. The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.

Sec. 4. NRS 616C.087 is hereby amended to read as follows:

616C.087 1. The Legislature hereby declares that:

(a) The choice of a treating physician or chiropractic physician is a substantive right and substantive benefit of an injured employee who has a claim under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

(b) The injured employees of this State have a substantive right to an adequate choice of physicians and chiropractic physicians to treat their industrial injuries and occupational diseases.

2. Except as otherwise provided in this subsection and subsections 3 and 4, ~~and~~:

(a) The panel maintained by the Administrator pursuant to NRS 616C.090 must not include a physician or chiropractic physician in a discipline or specialization if the physician or chiropractic physician does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization; and

(b) An insurer's list of physicians and chiropractic physicians from which an injured employee may choose pursuant to NRS 616C.090 must include not less than 12 physicians or chiropractic physicians, as applicable, in each of the following disciplines and specializations, without limitation, from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090:

- ~~[(a)]~~ **(1)** Orthopedic surgery on spines;
- ~~[(b)]~~ **(2)** Orthopedic surgery on shoulders;
- ~~[(c)]~~ **(3)** Orthopedic surgery on elbows;
- ~~[(d)]~~ **(4)** Orthopedic surgery on wrists;
- ~~[(e)]~~ **(5)** Orthopedic surgery on hands;
- ~~[(f)]~~ **(6)** Orthopedic surgery on hips;
- ~~[(g)]~~ **(7)** Orthopedic surgery on knees;
- ~~[(h)]~~ **(8)** Orthopedic surgery on ankles;
- ~~[(i)]~~ **(9)** Orthopedic surgery on feet;
- ~~[(j)]~~ **(10)** Neurosurgery;
- ~~[(k)]~~ **(11)** Neurology;
- ~~[(l)]~~ **(12)** Cardiology;
- ~~[(m)]~~ **(13)** Pulmonology;
- ~~[(n)]~~ **(14)** Psychiatry;
- ~~[(o)]~~ **(15)** Pain management;
- ~~[(p)]~~ **(16)** Occupational medicine;
- ~~[(q)]~~ **(17)** Physiatry or physical medicine;
- ~~[(r)]~~ **(18)** General practice or family medicine; and
- ~~[(s)]~~ **(19)** Chiropractic medicine.

➔ If the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 12 physicians or chiropractic physicians, as applicable, for a discipline or specialization specifically identified in this subsection, all of the physicians or chiropractic

physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

3. For any other discipline or specialization not specifically identified in subsection 2, the insurer's list must include not fewer than 8 physicians or chiropractic physicians, as applicable, unless the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 8 physicians or chiropractic physicians, as applicable, for that discipline or specialization, in which case all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

4. For each county whose population is 100,000 or more, an insurer's list of physicians and chiropractic physicians must include for that county a number of physicians and chiropractic physicians, as applicable, that is not less than the number required pursuant to subsections 2 and 3 and that also maintain in that county:

- (a) An active practice; and
- (b) A physical office.

5. If an insurer fails to maintain a list of physicians and chiropractic physicians that complies with the requirements of subsections 2, 3 and 4, an injured employee may choose a physician or chiropractic physician from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090.

6. Each insurer shall, not later than October 1 of each year, update the list of physicians and chiropractic physicians and file the list with the Administrator. The list must be certified by an adjuster who is licensed pursuant to chapter 684A of NRS.

7. Upon receipt of a list of physicians and chiropractic physicians that is filed pursuant to subsection 6, the Administrator shall:

- (a) Stamp the list as having been filed; and
- (b) Indicate on the list the date on which it was filed.

8. The Administrator shall:

- (a) Provide a copy of an insurer's list of physicians and chiropractic physicians to any member of the public who requests a copy; or
- (b) Post a copy of each insurer's list of physicians and chiropractic physicians on an Internet website maintained by the Administrator and accessible to the public for viewing, printing or downloading.

9. At any time, a physician or chiropractic physician may request in writing that he or she be removed from an insurer's list of physicians and chiropractic physicians. The insurer must comply with the request and omit the physician or chiropractic physician from the next list which the insurer files with the Administrator.

10. A physician or chiropractic physician may not be involuntarily removed from an insurer's list of physicians and chiropractic physicians except for good cause. As used in this subsection, "good cause" means that one or more of the following circumstances apply:

- (a) The physician or chiropractic physician has died or is disabled.
- (b) The license of the physician or chiropractic physician has been revoked or suspended.
- (c) The physician or chiropractic physician has been convicted of:
 - (1) A felony; or
 - (2) A crime for a violation of a provision of chapter 616D of NRS.
- (d) The physician or chiropractic physician has been removed from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 by the Administrator upon a finding that the physician or chiropractic physician ~~has~~ :

(1) ~~Has~~ failed to comply with the standards for treatment of industrial injuries or occupational diseases as established by the Administrator ~~to~~ ; **or**

(2) Does not accept and treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

11. Unless a physician or chiropractic physician, as applicable, is removed from an insurer's list of physicians and chiropractic physicians pursuant to subsection 10, an injured employee may continue to receive treatment from that physician or chiropractic physician even if:

(a) The employer of the injured employee changes insurers or administrators.

(b) The physician or chiropractic physician is no longer included in the applicable insurer's list of physicians and chiropractic physicians, provided that the physician or chiropractic physician agrees to continue to accept compensation for that treatment at the rates which:

(1) Were previously agreed upon when the physician or chiropractic physician was most recently included in the list; or

(2) Are newly negotiated but do not exceed the amounts provided under the fee schedule adopted by the Administrator.

12. *The Administrator shall adopt regulations prescribing the form in which a list of physicians and chiropractic physicians created by an employer, insurer or third-party administrator pursuant to this section must be maintained. The Administrator shall require that any such list be ~~formatted as~~ in a format which is easily searchable, including, without limitation, an indexed database, a portable document format, a spreadsheet with data that may be filtered, a comma-separated values file ~~or~~ or any other comparable format.*

Sec. 5. NRS 616C.090 is hereby amended to read as follows:

616C.090 1. The Administrator shall establish, maintain and update not less frequently than annually on or before July 1 of each year, a panel of physicians and chiropractic physicians who have demonstrated special competence and interest in industrial health to treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS. The Administrator shall maintain the following information relating to each physician and chiropractic physician on the panel:

(a) The name of the physician or chiropractic physician.

(b) The title or degree of the physician or chiropractic physician.

(c) The legal name of the practice of the physician or chiropractic physician and the name under which the practice does business.

(d) The street address of the location of every office of the physician or chiropractic physician.

(e) The telephone number of every office of the physician or chiropractic physician.

(f) Every discipline and specialization practiced by the physician or chiropractic physician.

(g) Every condition and part of the body which the physician or chiropractic physician will treat.

2. Every employer whose insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 shall maintain a list of those physicians and chiropractic physicians on the panel who are reasonably accessible to his or her employees.

3. An injured employee whose employer's insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 may choose a treating physician or chiropractic physician from the panel of physicians and chiropractic physicians. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician from the panel if the choice is made within 90 days after his or her injury. The insurer shall notify the first physician or chiropractic physician in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractic physician must be reimbursed only for the services the physician or chiropractic physician, as applicable, rendered to the injured employee up to and including the date of notification. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is on the panel. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list.

4. An injured employee whose employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 must choose a treating physician or chiropractic

physician pursuant to the terms of that contract. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract without the approval of the insurer if the choice is made within 90 days after his or her injury. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. If the injured employee, after choosing a treating physician or chiropractic physician, moves to a county which is not served by the organization for managed care or providers of health care named in the contract and the insurer determines that it is impractical for the injured employee to continue treatment with the physician or chiropractic physician, the injured employee must choose a treating physician or chiropractic physician who has agreed to the terms of that contract unless the insurer authorizes the injured employee to choose another physician or chiropractic physician. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care pursuant to NRS 616B.527, as appropriate. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list. If the employee fails to select a physician or chiropractic physician, the insurer may select a physician or chiropractic physician with that specialization. If a physician or chiropractic physician with that specialization is not available pursuant to the terms of the contract, the organization for managed care or the provider of health care may select a physician or chiropractic physician with that specialization.

5. If the injured employee is not satisfied with the physician or chiropractic physician selected by himself or herself or by the insurer, the organization for managed care or the provider of health care pursuant to subsection 4, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract. A change in the treating physician or chiropractic physician may be made at any time but is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the insurer denies a request for a change in the treating physician or chiropractic physician under

this subsection, the insurer must include in a written notice of denial to the injured employee the specific reason for the denial of the request.

6. Except when emergency medical care is required and except as otherwise provided in NRS 616C.055, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractic physician or other person selected by the injured employee in disregard of the provisions of this section or for any compensation for any aggravation of the injured employee's injury attributable to improper treatments by such physician, chiropractic physician or other person.

7. The Administrator may order necessary changes in a panel of physicians and chiropractic physicians and shall ~~suspend~~:

(a) Suspend or remove any physician or chiropractic physician from a ~~panel~~ panel for good cause shown in accordance with NRS 616C.087 ~~for~~ for ~~and~~

(b) ~~Being~~ Remove from being included on a panel as a practitioner of a discipline or specialization in a list of physicians and chiropractic physicians if the Administrator determines that the any physician or chiropractic physician who does not accept and treat injured employees ~~under chapters 616A to 616D, inclusive, or chapter 617 of NRS using~~ for industrial injuries or occupational diseases in that discipline or specialization.

8. Any interested person may notify the Administrator, on a form prescribed by the Administrator, if the person believes that a physician or chiropractic physician does not accept and treat injured employees:

(a) Under chapters 616A to 616D, inclusive, or chapter 617 of NRS for industrial injuries or occupational diseases; or

(b) For industrial injuries or occupational diseases in a discipline or specialization for which the physician or chiropractic physician is included on a panel of physicians and chiropractic physicians maintained by the Administrator pursuant to this section.

9. If the Administrator receives notice pursuant to subsection 8, the Administrator shall:

(a) Conduct an investigation to determine whether the physician or chiropractic physician may remain on the panel for a discipline or specialization; and

(b) Publish or cause to be published on the Internet website of the Division not later than 90 days after receiving the notice the results of the investigation.

10. A physician or chiropractic physician who is removed pursuant to paragraph (b) of subsection 7 from a discipline or specialization on a panel may request, on a form prescribed by the Administrator, to be reinstated on a panel for that discipline or specialization if the physician or chiropractic physician demonstrates to the satisfaction of the Administrator that he or she accepts and treats injured employees for that discipline or specialization.

11. An injured employee may receive treatment by more than one physician or chiropractic physician:

- (a) If the insurer provides written authorization for such treatment; or
- (b) By order of a hearing officer or appeals officer.

~~10.1~~ **12.** The Administrator shall design a form that notifies injured employees of their right pursuant to subsections 3, 4 and 5 to select an alternative treating physician or chiropractic physician and make the form available to insurers for distribution pursuant to subsection 2 of NRS 616C.050.

Sec. 6. NRS 616C.145 is hereby amended to read as follows:

616C.145 1. An injured employee may obtain an independent medical examination:

- (a) Except as otherwise provided in subsections 2 and 3, whenever a dispute arises from a determination issued by the insurer regarding the approval of care, the direction of a treatment plan or the scope of the claim;
- (b) Within 30 days after an injured employee receives any report generated pursuant to a medical examination requested by the insurer pursuant to NRS 616C.140; or
- (c) At any time by leave of a hearing officer or appeals officer after the denial of any therapy or treatment.

2. An injured employee is entitled to an independent medical examination pursuant to paragraph (a) of subsection 1 only:

- (a) For a claim for compensation that is open;
- (b) When the closure of a claim for compensation is under dispute pursuant to NRS 616C.235; or
- (c) When a hearing or appeal is pending pursuant to NRS 616C.330 or 616C.360.

3. An injured employee is entitled to only one independent medical examination per calendar year pursuant to paragraph (a) of subsection 1.

4. Except as otherwise provided in subsection 5, an independent medical examination must not involve treatment and must be conducted by a physician or chiropractic physician selected by the injured employee from the panel of physicians and chiropractic physicians established pursuant to subsection 1 of NRS 616C.090.

5. ~~If the dispute concerns the rating of a permanent disability,~~ ***An injured employee is entitled to request an independent medical examination that may be conducted by a rating physician or chiropractic physician pursuant to paragraph (a) of subsection 1 for a permanent partial disability to determine if the injured employee has a ratable impairment or, if the injured employee is seeking to dispute an initial rating ~~for~~ determination, to obtain a second rating.*** The injured employee must select the next rating physician or chiropractic physician in rotation from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. ***Nothing in this***

subsection shall be construed to prohibit an injured employee from obtaining a ~~second~~ determination for a permanent partial disability pursuant to NRS 616C.100.

6. The insurer shall:

(a) Pay the costs of any independent medical examination conducted pursuant to this section in accordance with ~~NRS 616C.260;~~ **subsection 7;** and

(b) Upon request, receive a copy of any report or other document that is generated as a result of the independent medical examination.

7. **The rates of reimbursement for an independent medical examination conducted pursuant to this section must be:**

(a) For an independent medical examination other than an independent medical examination conducted pursuant to subsection 5, the rates applicable to independent medical examinations, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

(b) For an independent medical examination conducted pursuant to subsection 5, the rates applicable to a permanent partial disability, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

8. **If an injured employee requests an independent medical examination pursuant to subsection 5 to obtain a second rating and the second rating does not result in a higher percentage of disability than the initial rating determination, the insurer may recover the cost of the independent medical examination, determined in accordance with the rates of reimbursement specified in paragraph (b) of subsection 7, from the amount of the award for permanent partial disability that the injured employee is entitled to be paid for that claim pursuant to NRS 616C.490.**

9. The provisions of this section do not apply to an independent medical examination ordered by a hearing officer pursuant to subsection 3 of NRS 616C.330 or by an appeals officer pursuant to subsection 3 of NRS 616C.360.

Sec. 6.3. NRS 616C.266 is hereby amended to read as follows:

616C.266 1. An insurer, including an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an annual increase in compensation for a permanent total disability to a claimant or a dependent of a claimant pursuant to subsection 2 of NRS 616C.473 is entitled to be reimbursed for the amount of that increase in accordance with this section if the insurer provides to the Administrator all of the following:

(a) The name of the claimant or dependent of a claimant to whom the insurer paid the increase in compensation.

(b) The claim number under which the compensation for a permanent total disability was paid to the claimant or dependent of a claimant.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the permanent total disability of the injured employee.

(d) The date on which the disability of the injured employee was determined or deemed to be total and permanent.

(e) The amount of the compensation for a permanent total disability to which the claimant or dependent of a claimant was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in compensation for a permanent total disability.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the items required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement for payments of increases in compensation for permanent total disability which were made in the immediately preceding calendar year.

3. ~~{An} If an~~ insurer ~~{may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by}~~ complies with subsection 2, the Administrator ~~{shall}~~ shall:

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. ~~{If} A person who is aggrieved by a written determination of~~ the Administrator ~~{approves an insurer's request for reimbursement,}~~ pursuant to this section may appeal the ~~{Administrator must withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in that Account that is necessary to reimburse}~~ determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after the insurer or employer for} date on which the insurer receives notice of the ~~{increase in compensation paid to claimants and dependents pursuant to subsection 2 of NRS 616C.473. If the income realized from the investment of the assets in the Account is insufficient to pay such reimbursement, the Administrator must pay the remainder of the reimbursement from the assessments levied by the Administrator pursuant to NRS 232.680.}~~ Administrator's determination.

5. The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is

delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is subject, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in compensation for a permanent total disability pursuant to subsection 1.

8. If an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer, the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement under this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 6.7. NRS 616C.268 is hereby amended to read as follows:

616C.268 1. An insurer, including, without limitation, an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an increase in death benefits to a widow, widower, surviving child or surviving dependent parent pursuant to NRS 616C.508 is entitled to be reimbursed for the amount of that increase from the Fund for Workers' Compensation and Safety if the insurer provides to the Administrator all of the following:

(a) The name of the widow, widower, surviving child or surviving dependent parent to whom the insurer paid the increase in death benefits.

(b) The claim number under which death benefits were paid to the widow, widower, surviving child or surviving dependent parent.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the eligibility of the widow, widower, surviving child or surviving dependent parent for death benefits.

(d) The date of the death of the injured employee who is the:

(1) Spouse of the widow or widower;

(2) Parent of the surviving child; or

(3) Child of the surviving dependent parent.

(e) The amount of the death benefit to which the widow, widower, surviving child or surviving dependent parent was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in death benefits.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the information required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement pursuant to this section for payments of increases in death benefits which were made in the immediately preceding calendar year.

3. ~~[An] If an~~ insurer ~~[may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by]~~ complies with subsection 2, the Administrator ~~[.] shall:~~

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. A person who is aggrieved by a written determination of the Administrator pursuant to this section may appeal the determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after the date on which the insurer receives notice of the Administrator's determination.

5. The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is subject, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in death benefits pursuant to subsection 1.

8. If an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer, the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement made pursuant to this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 7. NRS 616C.490 is hereby amended to read as follows:

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters

616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, “disability” and “impairment of the whole person” are equivalent terms.

2. Except as otherwise provided in subsection 3:

(a) Within 30 days after receiving from a physician or chiropractic physician a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractic physician selected pursuant to this subsection to determine the extent of the employee’s disability.

(b) Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician:

(1) The insurer shall select the rating physician or chiropractic physician from the list of qualified rating physicians and chiropractic physicians designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association’s Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

(2) Rating physicians and chiropractic physicians must be selected ~~in rotation~~ **at random** from the list of qualified physicians and chiropractic physicians designated by the Administrator ~~[- according to their area of specialization and in the order in which their names appear on the list]~~ unless the ~~next~~ physician or chiropractic physician **who is selected** is currently an employee of the insurer making the selection, in which case ~~the insurer must select the~~ **another random selection must be made until a** physician or chiropractic physician ~~who is next on the list and~~ who is not currently an employee of the insurer **is selected.**

(3) A rating physician or chiropractic physician selected pursuant to subparagraph (1) or (2) may decline the selection if he or she believes he or she does not have the ability to rate the disability at issue.

3. Notwithstanding any other provision of law, an injured employee or the legal representative of an injured employee may, at any time, without limitation, request that the Administrator select a rating physician or chiropractic physician from the list of qualified physicians and chiropractic physicians designated by the Administrator. The Administrator, upon receipt of the request, shall immediately select for the injured employee the rating physician or chiropractic physician who is next in rotation on the list, according to the area of specialization.

4. If an insurer contacts a treating physician or chiropractic physician to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractic physician that portion or a summary of that portion of the American Medical Association’s Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.

5. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractic physician is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

➔ The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.

6. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180, no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.

7. The rating physician or chiropractic physician shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which the employee is entitled pursuant to this section; or

(b) That the employee is not entitled to benefits for permanent partial disability.

8. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

➔ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

9. Compensation benefits may be paid annually to claimants who will be receiving less than \$100 a month.

10. If there is a previous disability, the percentage of disability for a subsequent injury must be determined pursuant to NRS 616C.099.

11. In the event of a dispute over an award of compensation for permanent partial disability, the insurer shall commence making installment payments to the injured employee for that portion of the award that is not in dispute:

(a) Not later than the date by which such payment is required pursuant to subsection 8 or 9, as applicable; and

(b) Without requiring the injured employee to make an election whether to receive his or her compensation in installment payments or in a lump sum.

12. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

13. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

14. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

15. *The Administrator shall prepare and publish on the Internet website of the Division an annual report which contains:*

(a) The name of each rating physician or chiropractic physician who was selected in the immediately preceding year to conduct an evaluation to determine the extent of an employee's disability pursuant to this section; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a):

(1) The number of times the rating physician or chiropractic physician was selected to conduct an evaluation to determine the extent of an employee's disability; and

(2) The number of evaluations that the rating physician or chiropractic physician completed.

Sec. 8. NRS 616C.495 is hereby amended to read as follows:

616C.495 1. Except as otherwise provided in NRS 616C.380, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his or her compensation in a lump sum. A claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616C.505, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(d) Any claimant injured on or after July 1, 1995, and before January 1, 2016, who incurs a disability that:

(1) Does not exceed 25 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 25 percent may:

(I) Elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

(II) To the extent that the insurer has offered to provide compensation in a lump sum up to the present value of an award for disability of 30 percent, elect to receive his or her compensation in a lump sum up to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(e) Any claimant injured on or after January 1, 2016, and before July 1, 2017, who incurs a disability that:

(1) Does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(f) Any claimant injured on or after July 1, 2017, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of up to 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(g) If the permanent partial disability rating of a claimant seeking compensation pursuant to this section would, when combined with any previous permanent partial disability rating of the claimant that resulted in an award of benefits to the claimant, result in the claimant having a total permanent partial disability rating in excess of 100 percent, the claimant's disability rating upon which compensation is calculated must be reduced by such percentage as required to limit the total permanent partial disability rating of the claimant for all injuries to not more than 100 percent.

2. If the claimant elects to receive his or her payment for a permanent partial disability in a lump sum pursuant to subsection 1, all of the claimant's benefits for compensation terminate. Except as otherwise provided in paragraph (d), the claimant's acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting the

claimant waives all of his or her rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his or her disability, except:

(a) The right of the claimant to:

(1) Reopen his or her claim in accordance with the provisions of NRS 616C.390; or

(2) Have his or her claim considered by his or her insurer pursuant to NRS 616C.392;

(b) Any counseling, training or other rehabilitative services provided by the insurer;

(c) The right of the claimant to receive a benefit penalty in accordance with NRS 616D.120; and

(d) The right of the claimant to conclude or resolve any contested matter which is pending at the time that the claimant executes his or her election to receive his or her payment for a permanent partial disability in a lump sum. The provisions of this paragraph do not apply to:

(1) The scope of the claim;

(2) The claimant's stable and ratable status; and

(3) The claimant's average monthly wage.

3. The claimant, when he or she demands payment in a lump sum pursuant to subsection 2, must be provided with a written notice which prominently displays a statement describing the effects of accepting payment in a lump sum of an entire permanent partial disability award, any portion of such an award or any uncontested portion of such an award, and that the claimant has 20 days after the mailing or personal delivery of the notice within which to retract or reaffirm the demand, before payment may be made and the claimant's election becomes final.

4. Any lump-sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

5. Except as otherwise provided in this subsection, the total lump-sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his or her permanent partial disability before electing to receive payment for that disability in a lump sum, the lump-sum payment must be calculated for the remaining payment of compensation.

6. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection 8 of NRS 616C.490 and actuarial annuity tables adopted by the Division. The tables must be reviewed annually by a consulting actuary and must be adjusted accordingly on July 1 of each year by the Division using:

(a) The most recent unisex “Static Mortality Tables for Defined Benefit Pension Plans” published by the Internal Revenue Service; and

(b) The average 30-Year Treasury Constant Maturity Rate for March of the current year as reported by the Board of Governors of the Federal Reserve System.

7. ~~*The*~~ **To calculate the present value of a lump sum payable to a claimant, the insurer shall use the ~~age of the claimant~~ actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant demands payment in a lump sum.** ~~*to calculate the present value of the lump sum payable.*~~

8. If a claimant would receive more money by electing to receive compensation in a lump sum than the claimant would if he or she receives installment payments, the claimant may elect to receive the lump-sum payment.

Sec. 9. NRS 616D.140 is hereby amended to read as follows:

616D.140 1. If a person wishes to contest a decision of the Administrator to impose or refuse to impose a benefit penalty pursuant to NRS 616D.120, the person must file a notice of appeal with an appeals officer in accordance with this section. The notice of appeal must set forth the reasons the proposed benefit penalty should or should not be imposed.

2. A person who is aggrieved by:

(a) A written determination of the Administrator; or

(b) The failure of the Administrator to respond within 90 days to a written request mailed to the Administrator by the person who is aggrieved,

↪ may appeal from the determination or failure to respond by filing a request for a hearing before an appeals officer. The request must be filed within 30 days after the date on which the notice of the Administrator’s determination was mailed by the Administrator or within ~~100~~ **120** days after the date on which the unanswered written request was mailed to the Administrator, as applicable. The failure of the Administrator to respond to a written request for a determination within 90 days after receipt of the request shall be deemed by the appeals officer to be a denial of the request. ***After the expiration of the 90-day period after the receipt of the request, the Administrator shall have no further jurisdiction to issue a determination concerning the request ~~for~~, and only the appeals officer shall have jurisdiction over the decision to impose or refuse to impose the benefit penalty.***

3. If a notice of appeal is not filed as required by this section, the imposition of or refusal to impose the benefit penalty shall be deemed a final order and is not subject to review by any court or agency.

4. A hearing held pursuant to this section must be conducted by the appeals officer as a hearing de novo. The appeals officer shall render a written decision on the appeal. Except as otherwise provided in this section, the provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this section.

5. A benefit penalty imposed pursuant to NRS 616D.120 must be paid to the claimant on whose behalf it is imposed. If such a payment is not made within the period required by NRS 616D.120, the benefit penalty may be recovered in a civil action brought by the Administrator ~~for on behalf of~~ or the claimant in a court of competent jurisdiction in the county in which the claimant resides, in which the violation occurred or in which the person who is required to pay the benefit penalty has his or her principal place of business.

6. Any party aggrieved by a decision issued pursuant to this section by an appeals officer may appeal the decision directly to the district court.

Sec. 10. Chapter 684A of NRS is hereby amended by adding thereto a new section to read as follows:

1. All claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS shall be administered by:

(a) A salaried employee of an insurer located in this State;

(b) An adjuster located in or outside this State, who holds a license pursuant to this chapter; or

(c) 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 acting on behalf of an insurer located in or outside this State.

2. All files relating to a claim filed pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must be made available for inspection:

(a) At the office of an insurer or a third-party administrator located in this State; or

(b) By electronic means.

3. A person who is not located in this State and who administers a claim pursuant to subsection 1 that is filed by a claimant located in this State shall make himself or herself available to communicate in real time with the claimant or a representative of the claimant Monday through Friday, 9 a.m. to 5 p.m. local time in this State, excluding any day declared to be a legal holiday pursuant to NRS 236.015.

4. The provisions of this section do not apply to:

(a) A self-insured employer, as defined by NRS 616A.305;

(b) An association of self-insured private employers, as defined by NRS 616A.050; or

(c) An association of self-insured public employers, as defined by NRS 616A.055.

Sec. 10.5. NRS 616B.371 is hereby repealed.

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

2. Sections 1 to ~~10,~~ **10.5,** 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.

TEXT OF REPEALED SECTION

616B.371 Association's administrator prohibited from financial interest in third-party administrator; third-party administrator prohibited from financial interest in association's administrator; contractual requirement.

1. An association's administrator employed by an association of self-insured public or private employers, or an employee, officer or director of an association's administrator, may not be an employee, officer or director of a third-party administrator employed by the association or have a direct or indirect financial interest in the third-party administrator of the association.

2. The third-party administrator of an association of self-insured public or private employers, or an employee, officer or director of the third-party administrator, may not be an employee, officer or director of an association's administrator employed by the association or have a direct or indirect financial interest in that association's administrator.

3. Any contract entered into by an association of self-insured public or private employers and a third-party administrator must include a provision which states that, unless the Commissioner otherwise provides, the third-party administrator shall administer any claim or other obligation of the association to its conclusion during the period of the contract.

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. 442.

Bill read second time.

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

Amendment No. 444.

SUMMARY—~~[Requires the]~~ **Revises provisions relating to persons licensed by the** Board of Medical Examiners. ~~[to take certain actions in response to certain complaints against a licensee.]~~ (BDR 54-1055)

AN ACT relating to medical professions; requiring the Board of Medical Examiners to ~~[notify an appropriate law enforcement agency of]~~ **take certain actions in response to** a complaint alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care has committed any act constituting ~~[a felony;]~~ **domestic violence or sexual assault; requiring a law enforcement agency to notify the Board of a report alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care committed any act constituting domestic violence or sexual assault;** requiring the Board to **adopt regulations setting forth circumstances under**

which the Board is required to summarily suspend, pending a formal hearing, the license of a physician, perfusionist, physician assistant or practitioner of respiratory care ~~[who is alleged to have committed any act constituting a felony which is the same as or substantially similar to an act alleged in an earlier]~~ **in response to a complaint [against the licensee] or a series of complaints;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes any person to file with the Board of Medical Examiners a complaint against a physician, perfusionist, physician assistant or practitioner of respiratory care. (NRS 630.307) **Section 2** of this bill requires the Board to ~~[notify an appropriate law enforcement agency if the Board receives]~~ **ask a person who files** a complaint alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care committed any act which, if proven, would constitute ~~[a felony]~~ **domestic violence or sexual assault whether the person wishes to pursue a criminal investigation of the allegation. If so, section 2 requires the Board to take certain actions to notify and direct the person to an appropriate law enforcement agency. Section 2 also requires a law enforcement agency to notify the Board of any report received by the law enforcement agency alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care has committed an act which, if proven, would constitute domestic violence or sexual assault. Section 3.5 of this bill provides that such a law enforcement agency and any of its employees are immune from any civil action for providing such a notification to the Board.** **Section 1** of this bill makes a conforming change to refer to provisions that have been renumbered by this bill.

If an investigation by the Board regarding a licensed physician, perfusionist, physician 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, existing law authorizes the Board to summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal complaint against the licensee. (NRS 630.326) **Section 3** of this bill requires the Board to **adopt regulations setting forth circumstances under which the Board, in response to a complaint or series of complaints, is required to** summarily suspend the license of a licensee pending the conclusion of a hearing to consider a formal complaint against the licensee ~~. [; if the Board receives a complaint that alleges the licensee committed any act which, if proven, would constitute a felony and which is the same as or substantially similar to an act that was the subject of a prior complaint against the same licensee.]~~

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

Section 1. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

- (a) Enforce the provisions of this chapter;
- (b) Establish by regulation standards for licensure under this chapter;
- (c) Conduct examinations for licensure and establish a system of scoring for those examinations;
- (d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and
- (e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. 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 any licensee for malpractice or negligence;
- (b) Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections 3 and ~~6~~ 7 of NRS 630.307 and NRS 690B.250; and
- (c) Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.

↪ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.

Sec. 2. 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 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 or practitioner of respiratory care to practice while the physician, perfusionist, physician 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 or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician 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 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 or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician 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~~ If the Board receives a complaint (received by the Board) that alleges that a physician, perfusionist, physician assistant or practitioner of respiratory care has committed any act which, if proven, would constitute ~~a felony,~~ domestic violence pursuant to NRS 33.018 or sexual assault pursuant to NRS 200.366, the Board shall ask the person who filed the complaint, if the identity of the person is known, if he or she wishes to pursue a criminal investigation of the allegation in the complaint. If so, the Board shall:

(a) Provide to an appropriate law enforcement agency the information contained in the complaint; and

(b) Direct the person to and, to the best of the Board's ability, connect the person with, the law enforcement agency to which the Board provides the information in the complaint pursuant to paragraph (a).

7. 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 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.}~~ **8. A law enforcement agency shall notify the Board of any report received by the law enforcement agency that alleges that a physician, perfusionist, physician assistant or practitioner of respiratory care has committed an act which, if proven, would constitute domestic violence pursuant to NRS 33.018 or sexual assault pursuant to NRS 200.366.**

9. 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. 3. 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 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 receives, shall adopt regulations setting forth circumstances under which the Board, in response to a complaint filed with the Board pursuant to NRS 630.307 alleging that is required to summarily suspend the license of a physician, perfusionist, physician assistant or practitioner of respiratory care has committed any act which, if proven, would constitute a felony and which is the same as or substantially similar to an act that was the subject of a prior complaint against the same licensee, the Board shall summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal complaint against the licensee. Such regulations may, without limitation, require the Board to summarily suspend the license of a licensee in response to:**~~

~~**(a) A complaint alleging that a licensee committed certain acts specified by the Board;**~~

~~**(b) A certain number of complaints filed against the licensee over a certain period of time specified by the Board; or**~~

~~**(c) Any combination of the circumstances described in paragraphs (a) and (b).**~~

3. If the Board or an investigative committee of the Board issues an order summarily suspending the license of a physician, perfusionist, physician assistant or practitioner of respiratory care pursuant to subsection 1 ~~{1}~~ **or the regulations adopted pursuant to subsection 2,** 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.

~~§ 4.~~ 4. If the Board or an investigative committee of the Board issues an order summarily suspending the license of a licensee pursuant to subsection 1 **or the regulations adopted pursuant to subsection 2** 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. 3.5. NRS 630.364 is hereby amended to read as follows:

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith in accordance with the provisions of this chapter, **including, without limitation, a law enforcement agency and any of its employees who notify the Board pursuant to subsection 8 of NRS 630.307,** is immune from any civil action for furnishing that information.

2. The Board and any of its members and its staff, counsel, investigators, experts, peer reviewers, committees, panels, hearing officers, consultants and the employees or volunteers of a diversion program are immune from any civil liability for:

(a) Any decision or action taken in good faith in response to information acquired by the Board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the State, the Attorney General, any hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

3. Except as otherwise provided in subsection 4, the Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against a physician for:

(a) Disclosing to a governmental entity a violation of any law, rule or regulation by an applicant for a license to practice medicine or by a physician; 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.

4. A physician who discloses information to or cooperates with a governmental entity pursuant to subsection 3 with respect to the violation of any law, rule or regulation by the physician is subject to investigation and any other administrative or disciplinary action by the Board under the provisions of this chapter for such violation.

5. As used in this section:

(a) “Diversion program” means a program approved by the Board to correct a licensee’s alcohol or other substance use disorder or any other impairment.

(b) “Governmental entity” includes, without limitation:

(1) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(2) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(3) 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;

(4) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(5) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 3.5, inclusive, of this act ~~becomes~~ become effective ~~on~~ :

(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, 2023 ~~1-1~~, 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. 444.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 339.

AN ACT relating to child welfare; establishing various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights; **revising certain provisions concerning the State Register for Adoptions**; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; requiring an agency which provides child welfare services to provide certain training for its personnel; requiring the Division and the Court Administrator to submit certain reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary; authorizing the Supreme Court and the Court Administrator to adopt certain rules; repealing certain unnecessary provisions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., was enacted in 1978 to protect Indian children from the removal from their homes

and families and gives Indian tribes jurisdiction over the Indian children within their tribe. Existing Nevada law recognizes the jurisdiction of Indian tribes in various proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights. (NRS 3.223, 62D.210, 125A.215, 127.010, 127.018, 128.020, 128.023, 432B.410, 432B.425) This bill establishes various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

~~Sections ~~2-39~~ 2-38~~ of this bill establish provisions concerning proceedings in which the legal or physical custody of an Indian child is an issue. **Section 2** of this bill explains the legislative intent of ~~sections ~~2-39~~ 2-38~~. ~~Sections ~~4-47~~ 3.5-17~~ of this bill define terms for the purposes of ~~sections ~~2-39~~ 2-38~~. **Section 18** of this bill provides that a person has custody of an Indian child if the person has physical or legal custody of the Indian child under any applicable tribal law, tribal custom or state law. ~~[Section 18 also sets forth the persons who have or are presumed to have continued custody of an Indian child. Section 19 of this bill establishes the circumstances in which a man's parentage of an Indian child is acknowledged or established.]~~

Section 20 of this bill requires a court to consider certain factors, in consultation with the Indian child's tribe, when making a determination regarding the best interests of the Indian child in a child custody proceeding. **Section 21** of this bill establishes the order of priority for the domicile of an Indian child.

Section 22 of this bill requires the ~~[Division of Child and Family Services of the Department of Health and Human Services (hereinafter "Division")]~~ **appropriate agency which provides child welfare services** to: (1) provide assistance with enrolling an Indian child who is a child in need of protection or who may be in need of protection in a tribe with which the child is eligible for enrollment unless the Indian child's parent objects; and (2) notify the Indian child's parent of his or her right to object to such assistance from the ~~[Division.]~~ **agency.**

Section 23 of this bill sets forth the manner in which the tribe of an Indian child is determined for purposes of a child custody proceeding involving the Indian child and, if the Indian child is a member of or eligible for membership with more than one tribe, requires the court to designate the tribe with which the Indian child has the more significant contacts by considering certain factors.

Section 24 of this bill requires a court to: (1) determine, in any child custody proceeding involving an Indian child, the residence and domicile of the Indian child and whether he or she is a ward of a tribal court; and (2) communicate with any tribal courts to the extent necessary to make such determinations.

Section 25 of this bill requires ~~[the Division]~~ **agencies which provide child welfare services** to make a good faith effort to enter into a tribal-state agreement with any Indian tribe in Nevada and authorizes ~~[the Division]~~ **such**

agencies to enter into a tribal-state agreement with any Indian tribe outside of Nevada if the tribe has significant numbers of Indian children who reside in Nevada and are members of or eligible for membership with the tribe. **Section 25** also establishes provisions concerning the contents of and requirements regarding such tribal-state agreements.

Section 26 of this bill provides that the jurisdiction of a court in a child custody proceeding involving an Indian child is concurrent with the jurisdiction of the tribe of the Indian child. **Section 26** also establishes the circumstances in which the tribe of an Indian child has exclusive jurisdiction in such cases. ~~for can limit a court's exercise of jurisdiction.~~

Section 27 of this bill requires, in general, a court to transfer a child custody proceeding involving an Indian child if the parent, Indian custodian or tribe of the Indian child petitions the court to transfer the proceeding to tribal court. **Section 27** also ~~sets forth the circumstances in which transfer of the proceeding is inappropriate and~~ establishes various other provisions regarding such a transfer and the denial of such a transfer by the court. **Section 28** of this bill sets forth the actions that a court is required to take upon granting a transfer motion under **section 27**.

Section 29 of this bill establishes requirements for certain persons and the court with regard to determining whether a child is an Indian child in child custody proceedings.

Section 30 of this bill ~~requires that in an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and contact any tribe of which the child is or may be a member. Section 30~~ provides that in a child custody proceeding, if a person is required to determine whether a child is an Indian child, the person is required to make a good faith effort to make such a determination by consulting ~~at a minimum,~~ with certain persons. **Section 30** also establishes the circumstances in which a court or person has reason to know that a child is an Indian child and imposes certain requirements on a court concerning the procedure for verifying whether a child is an Indian child.

Section 31 of this bill ~~provides~~ **requires the person taking a child into protective custody in an emergency proceeding to make a good faith effort to determine whether there is reason to know that the child is an Indian child and,** if there is reason to know ~~in an emergency proceeding~~ that ~~at the~~ child is an Indian child, the ~~Division~~ **appropriate agency which provides child welfare services** is required, if the nature of the emergency allows, to notify any tribe of which the child is or may be a member and provide certain information, including a statement that the tribe has a right to participate in the proceeding as a party or in an advisory capacity. **Section 31** also imposes certain requirements relating to: (1) the provision of notice of a child custody proceeding if there is reason to know that a child alleged to be within the court's jurisdiction is an Indian child; and (2) the hearing ~~requiring such notice.~~ **regarding the proceeding.**

Section 32 of this bill provides that if a court finds at a hearing in a child custody proceeding that ~~there is reason to know that~~ a child is an Indian child, at least one qualified expert witness must testify regarding certain information. If a qualified witness is required to testify, **section 32** requires the petitioner in the proceeding to contact the tribe of the Indian child and request that the tribe identify one or more persons who can testify as a qualified witness. Additionally, **section 32** authorizes a court to hear supplemental testimony from certain professionals.

Section 33 of this bill provides that if ~~there is reason to know that~~ a child in a child custody proceeding is an Indian child and active efforts, which are efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family, are required, the court is required to determine whether active efforts have been made to prevent the breakup of or to reunite the family. **Section 33** establishes requirements relating to active efforts. ~~and sets forth actions that may be included in active efforts.~~

Section 34 of this bill authorizes a tribe that is a party to a proceeding to be represented by any person, regardless of whether the person is licensed to practice law. **Section 34** also authorizes an attorney who is not barred from practicing law in Nevada to appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that certain requirements are met.

Section 35 of this bill provides that in a proceeding involving a child who is or may be in need of protection, if ~~there is reason to know that~~ the child is an Indian child, the court is required to appoint counsel to represent the Indian child and, in certain circumstances, also appoint counsel to represent the Indian child's parent or Indian custodian. **Section 35** also authorizes an attorney who is appointed to represent an Indian child to inspect certain records of the Indian child without the consent of the Indian child or his or her parent or Indian custodian.

Section 36 of this bill authorizes each party in a child custody proceeding in which ~~there is reason to know that~~ the child is an Indian child to timely examine all reports and documents held by ~~the Division~~ **an agency which provides child welfare services** that are not otherwise subject to a discovery exception or precluded under state or federal law.

Section 37 of this bill establishes requirements concerning the: (1) least restrictive setting in which an Indian child must be placed if the parental rights of the Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care; and (2) placement of an Indian child if the parental rights of the Indian child's parents have been terminated ~~for~~ **and** the Indian child is in need of ~~to guardianship or~~ **an** adoptive placement. **Section 37** also authorizes the alternative placement of an Indian child in certain circumstances.

Section 38 of this bill authorizes certain persons to file a petition to vacate an order or a judgment involving an Indian child regarding jurisdiction,

placement, guardianship or the termination of parental rights in a pending child custody proceeding under ~~sections 42-391 2-38~~ or, if no proceeding is pending, in any court with jurisdiction over the matter. **Section 38** requires the court to vacate an order or judgment regarding jurisdiction, placement, guardianship or the termination of parental rights if certain provisions of ~~sections 42-391 2-38~~ have been violated and the court determines that vacating the order or judgment is proper.

~~{Section 39 of this bill requires the court, upon a motion, to determine whether an Indian child who is asserted to be a child in need of protection or who may be in need of protection has been improperly removed or retained after a visit or temporary relinquishment of custody. If the court finds that the child was improperly removed or retained, section 39 requires the court to order the Division to immediately return the Indian child to his or her parent or Indian custodian and dismiss the proceeding unless dismissing the proceeding would subject the child to substantial and immediate danger or a threat of substantial and immediate danger.}~~

Sections 42-50 of this bill establish provisions specifically relating to the adoption of Indian children. **Section 42** of this bill provides that a petition for adoption of a child must include certain contents concerning whether there is reason to know that the child who is the subject of the petition is an Indian child and requires a petitioner who has reason to know that the child is an Indian child to serve copies of the petition on certain persons and file with the court a declaration of compliance concerning such notice. **Section 43** of this bill : **(1)** requires written consent to the adoption of an Indian child to be given by ~~{certain persons, depending on the circumstances,}~~ **the Indian child's parents unless their parental rights have been terminated;** **(2)** establishes requirements concerning such consent ; and **(3)** authorizes the withdrawal of such consent. ~~{Section 44 of this bill establishes the procedure to be followed when a parent does not consent to the adoption of an Indian child.}~~

Section 45 of this bill establishes provisions concerning the entry of a judgment for the adoption of a child, including certain requirements relating to the adoption of an Indian child. **Section 46** of this bill authorizes the filing of a petition to vacate a judgment of adoption of an Indian child and requires the court to vacate the judgment if the petition is timely filed and the court finds by clear and convincing evidence that the consent of a parent to the adoption was obtained through fraud or duress. **Section 47** of this bill requires a court to provide notice to certain persons and the appropriate agency which provides child welfare services if a judgment of adoption of an Indian child is vacated ~~{for the adoptive parent voluntarily consents to the termination of parental rights}~~ and, unless the return of custody of the Indian child to a former parent or prior Indian custodian or the restoration of parental rights is not in the best interests of the child, return custody of the Indian child to the former parent or prior Indian custodian or restore parental rights.

Section 48 of this bill requires that access to the adoption records of an Indian child be given to the Indian child's tribe or the United States Secretary of the Interior not later than 14 days after the request for such records.

Section 49 of this bill requires the ~~{Division}~~ **appropriate agency which provides child welfare services** to file with the court in a proceeding for the adoption of a minor child a written compliance report that reflects the ~~{Division's}~~ **agency's** review of the petition for adoption and advises the court on whether the petitioner submitted complete and sufficient documentation relating to the petitioner's compliance with the inquiry and notice requirements and placement preferences. **Section 49** requires the Division **of Child and Family Services of the Department of Health and Human Services (hereinafter "Division")** to adopt regulations providing a nonexhaustive description of the documentation that may be submitted to the court as evidence of such compliance and any other regulations for the preparation of such compliance reports that are necessary for ~~{the Division}~~ **agencies which provide child welfare services** to carry out ~~{its}~~ **their** duties. **Section 49** also authorizes the Court Administrator to prepare and make available to the public certain forms and information to assist petitioners and to design and offer trainings to courts having jurisdiction over adoption matters.

Section 50 of this bill establishes provisions governing tribal customary adoption, which is the adoption of an Indian child by and through the tribal custom, traditions or law of the child's tribe without the termination of parental rights. **Section 50** requires the Division to adopt certain regulations concerning tribal customary adoption and authorizes: (1) the Supreme Court to adopt rules necessary for the court processes to implement the provisions relating to tribal customary adoption; and (2) the Court Administrator to prepare necessary forms for the implementation of the provisions relating to tribal customary adoption. **Section 73** of this bill requires the Division to submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the implementation of tribal customary adoption as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

~~{Section 63 of this bill establishes provisions concerning the voluntary placement of a child who is in need of protection with a public or private institution or agency by a parent or guardian of the child and requires that if the Division has reason to know the child is an Indian child, the voluntary placement agreement must be executed in person before, and be approved by, the court.}~~

Section 51.5 of this bill revises certain provisions concerning the State Register for Adoptions, which is maintained by the Division in its central office.

Section 65 of this bill requires the Division to adopt regulations necessary for the implementation of ~~sections {2-39}~~ **2-38 and 42-50.**

Section 67 of this bill requires an agency which provides child welfare services to provide training for its personnel regarding the requirements of **sections ~~12-391~~ 2-38 and 42-50**.

Sections 40, 51-62 and 64-70 of this bill make conforming changes to provisions of existing law to reflect the changes made in **sections ~~12-391~~ 2-38**. **Section 78** of this bill repeals certain provisions of existing law that are no longer necessary because of the provisions of **sections ~~12-391~~ 2-38**.

Section 72 of this bill requires the Division and the Court Administrator to submit biennial reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary containing certain data relating to Indian children in dependency proceedings. **Section 76** of this bill authorizes the Court Administrator to adopt any rules necessary to implement **sections ~~12-391~~ 2-38 and 42-50**.

WHEREAS, Current research shows that family, culture and community promote resiliency and health development in Indian children; and

WHEREAS, Congress, working with tribal nations, tribal leadership and advocates for Indian children, passed the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., in 1978 to stop the removal of Indian children from their homes, families and communities; and

WHEREAS, At the time Congress passed the Indian Child Welfare Act, Indian children were being removed by public and private agencies at rates as high as 25 percent to 35 percent; and

WHEREAS, Indian children continue to be removed from their homes at rates higher than other non-Indian children; and

WHEREAS, Despite requirements under the Indian Child Welfare Act, application of the Indian Child Welfare Act in Nevada courts is inconsistent; and

WHEREAS, Clearly addressing in state law the coordination between and respective roles of the state and tribes regarding the provision of child welfare services to Indian children will provide uniform and consistent direction to state courts, tribes and practitioners to prevent unlawful removals of Indian children from their families and promote the stable placement of Indian children in loving, permanent homes that are connected to family and culture; now, therefore,

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

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to **~~1291~~ 38**, inclusive, of this act.

Sec. 2. 1. *The Legislature hereby finds that the United States Congress recognizes the special legal status of Indian tribes and their members. It is the policy of this State to protect the health and safety of Indian children and the stability and security of Indian tribes and families*

by promoting practices designed to prevent the removal of Indian children from their families and, if removal is necessary and lawful, to prioritize the placement of an Indian child with the Indian child's extended family and tribal community.

2. This State recognizes the inherent jurisdiction of Indian tribes to make decisions regarding the custody of Indian children and also recognizes the importance of ensuring that Indian children and Indian families receive appropriate services to obviate the need to remove an Indian child from the Indian child's home and, if removal is necessary and lawful, to effect the child's safe return home.

3. Sections 2 to ~~39~~ 38, inclusive, of this act create additional safeguards for Indian children to address disproportionate rates of removal, to improve the treatment of and services provided to Indian children and Indian families in the child welfare system and to ensure that Indian children who must be removed are placed with Indian families, communities and cultures.

Sec. 3. As used in sections 2 to ~~39~~ 38, inclusive, of this act, the words and terms defined in sections ~~44~~ 3.5 to 17, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3.5. "Agency" means an agency which provides child welfare services, as defined in NRS 432B.030.

Sec. 4. "Child custody proceeding" means a matter in which the legal custody or physical custody of an Indian child is an issue, including, without limitation, a matter arising under chapter 125A, 127, 128 or 432B of NRS. The term does not include an emergency proceeding.

Sec. 5. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

Sec. 6. "Emergency proceeding" means any court action that involves the emergency removal or emergency placement of an Indian child, with or without a protective custody order.

Sec. 7. "Extended family member" has the meaning given that term by the law or custom of an Indian child's tribe or, if that meaning cannot be determined, means a person who has attained 18 years of age and who is the Indian child's grandparent, aunt, uncle, brother, sister, sister-in-law, brother-in-law, niece, nephew, first cousin, second cousin, stepparent or another person determined by the Indian child's tribe, clan or band member.

Sec. 8. "Indian" means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1606.

Sec. 9. "Indian child" means any unmarried person who has not attained 18 years of age and is:

1. A member or citizen of an Indian tribe; or
2. Eligible for membership or citizenship in an Indian tribe and is the biological child of a member of an Indian tribe.

Sec. 10. “Indian custodian” means an Indian, other than the Indian child’s parent, who has custody, as described in subsection 1 of section 18 of this act, of the Indian child, or to whom temporary physical care, custody and control has been transferred by the Indian child’s parent.

Sec. 11. “Indian tribe” or “tribe” means any Indian tribe, band, nation or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the United States Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).

Sec. 12. “Juvenile court” has the meaning ascribed to it in NRS 62A.180.

Sec. 13. “Member” or “membership” means a determination by an Indian tribe that a person is a member or citizen in that Indian tribe.

Sec. 14. “Parent” means:

1. A biological parent of an Indian child;
2. An Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom; or
3. A ~~man whose parentage has been acknowledged or~~ person who has established ~~under section 19 of this act,~~ a parent and child relationship with an Indian child pursuant to the laws of this State.

Sec. 15. “Party” means a party to a proceeding.

Sec. 16. “Reservation” means Indian country as defined in 18 U.S.C. § 1151 and any lands not covered under that section, the title to which is held by the United States in trust for the benefit of an Indian tribe or person or held by an Indian tribe or person subject to a restriction by the United States against alienation.

Sec. 17. “Tribal court” means a court with jurisdiction over child custody proceedings that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings.

Sec. 18. 1. A person has custody of an Indian child under sections 2 to ~~39,~~ 38, inclusive, of this act if the person has physical custody or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.

2. An Indian child’s parent has continued custody of the Indian child if the parent currently has, or previously had, custody of the Indian child.

~~3. For purposes of sections 2 to 39, inclusive, of this act, the following persons are presumed to have continued custody of an Indian child:~~

- ~~(a) The Indian child’s biological mother.~~
- ~~(b) A man who is married to the Indian child’s biological mother.~~
- ~~(c) A man whose parentage has been acknowledged or established as described in section 19 of this act.~~

Sec. 19. ~~[1. A man's parentage of an Indian child is acknowledged or established for purposes of sections 2 to 39, inclusive, of this act and chapters 125A, 127, 128 and 432B of NRS if the man's parentage has been:~~

~~— (a) Established under subsection 2 of NRS 126.041;~~

~~— (b) Established under tribal law;~~

~~— (c) Recognized in accordance with tribal custom; or~~

~~— (d) Openly proclaimed by the man, orally or in writing, to the court, the Indian child's family, the Division or an adoption agency licensed in this State and the man's paternity is confirmed in accordance with this section.~~

~~— 2. If a man acknowledges paternity of an Indian child to the Division or an adoption agency as provided in paragraph (d) of subsection 1, the Division or adoption agency shall notify the court of the man's acknowledgement immediately or, if a matter is not yet pending in this State, immediately upon filing a petition or being served with a copy of a petition alleging that the child is within the jurisdiction of the court.~~

~~— 3. Not later than 30 days after receiving the oral or written acknowledgment of the man under paragraph (d) of subsection 1 or receiving notice under subsection 2 of the man's acknowledgment, the court shall order tests for the typing of blood or taking of specimens for genetic identification in accordance with NRS 126.121. If any person fails to comply with an order of the court for such tests within a reasonable period, the court shall consider the person to have refused to submit to the test for the purposes of NRS 126.121.~~

~~— 4. If the tests ordered pursuant to subsection 3 do not confirm the man's paternity or if the man has refused to consent to the tests, the man's parentage has not been acknowledged or established for purposes of subsection 1.] (Deleted by amendment.)~~

Sec. 20. In a child custody proceeding involving an Indian child, when making a determination regarding the best interests of the child in accordance with sections 2 to ~~39,~~ 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS, the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., or any applicable regulations or rules regarding sections 2 to ~~39,~~ 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:

1. The protection of the safety, well-being, development and stability of the Indian child;

2. The prevention of unnecessary out-of-home placement of the Indian child;

3. The prioritization of placement of the Indian child in accordance with the placement preferences under section 37 of this act;

4. The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and

5. *The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.*

Sec. 21. For purposes of sections 2 to ~~39~~ 38, inclusive, of this act:

1. *A person's domicile is the place the person regards as home, where the person intends to remain or to which, if absent, the person intends to return.*

2. *An Indian child's domicile is, in order of priority, the domicile of:*

(a) *The Indian child's parents or, if the Indian child's parents do not have the same domicile, the Indian child's parent who has physical custody of the Indian child;*

(b) *The Indian child's Indian custodian; or*

(c) *The Indian child's guardian.*

Sec. 22. 1. *Unless an Indian child's parent objects, the ~~Division~~ appropriate agency shall provide assistance with enrolling an Indian child within the jurisdiction of the juvenile court under NRS 432B.410 in a tribe with which the child is eligible for enrollment.*

2. *In any child custody proceeding under chapter 432B of NRS, if the ~~Division determines that there is reason to know that the child is an Indian child and the Division~~ appropriate agency reasonably believes that the Indian child is eligible for enrollment in a tribe, the ~~Division~~ agency shall notify the Indian child's ~~parent~~ parents of this or her their right to object to the ~~Division's~~ agency's assistance under subsection 1. The provision of notice pursuant to this subsection is deemed to be satisfied by sending the notice to the last known mailing address of each of the Indian child's parents.*

Sec. 23. 1. *In a child custody proceeding in which an Indian child is alleged to be within the jurisdiction of the court, the Indian child's tribe is:*

(a) *If the Indian child is a member of or is eligible for membership in only one tribe, the tribe of which the Indian child is a member or eligible for membership.*

(b) *If the Indian child is a member of one tribe but is eligible for membership in one or more other tribes, the tribe of which the Indian child is a member.*

(c) *If the Indian child is a member of more than one tribe or if the Indian child is not a member of any tribe but is eligible for membership with more than one tribe:*

(1) *The tribe designated by agreement between the tribes of which the Indian child is a member or in which the Indian child is eligible for membership; or*

(2) *If the tribes are unable to agree on the designation of the Indian child's tribe, the tribe designated by the court.*

2. *When designating an Indian child's tribe under subparagraph (2) of paragraph (c) of subsection 1, the court shall, after a hearing, designate the*

tribe with which the Indian child has the more significant contacts, taking into consideration the following:

- (a) *The preference of the Indian child's parent;*
- (b) *The duration of the Indian child's current or prior domicile or residence on or near the reservation of each tribe;*
- (c) *The tribal membership of the Indian child's custodial parent or Indian custodian;*
- (d) *The interests asserted by each tribe;*
- (e) *Whether a tribe has previously adjudicated a case involving the Indian child; and*
- (f) *If the court determines that the Indian child is of sufficient age and capacity to meaningfully self-identify, the self-identification of the Indian child.*

3. If an Indian child is a member of or is eligible for membership in more than one tribe, the court may, in its discretion, permit a tribe, in addition to the Indian child's tribe, to participate in a proceeding under chapter 432B of NRS involving the Indian child in an advisory capacity or as a party.

Sec. 24. In any child custody proceeding based on allegations that an Indian child is within the jurisdiction of the court, the court must determine the residence and domicile of the Indian child and whether the Indian child is a ward of tribal court. The court shall communicate with any tribal courts to the extent necessary to make a determination under this section.

Sec. 25. 1. ~~The Division~~ Agencies shall make a good faith effort to enter into a tribal-state agreement with any Indian tribe within the borders of this State. ~~The Division~~ Agencies may also enter into a tribal-state agreement with any Indian tribe outside of this State having significant numbers of member children or membership-eligible children residing in this State.

2. The purposes of a tribal-state agreement are to promote the continued existence and integrity of the Indian tribe as a political entity and to protect the vital interests of Indian children in securing and maintaining political, cultural and social relationships with their tribe.

3. A tribal-state agreement may include agreements regarding default jurisdiction over cases in which the state courts and tribal courts have concurrent jurisdiction, the transfer of cases between state courts and tribal courts, the assessment, removal, placement, custody and adoption of Indian children and any other child welfare services provided to Indian children.

4. A tribal-state agreement must:

(a) Provide for the cooperative delivery of child welfare services to Indian children in this State, including, without limitation, the utilization, to the extent available, of services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population to implement the terms of the tribal-state agreement; and

(b) If services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population are unavailable,

provide for ~~the Division's~~ an agency's use of community services and resources developed specifically for Indian families that have the demonstrated experience and capacity to provide culturally relevant and effective services to Indian children.

Sec. 26. 1. Except as otherwise provided in this section, the court's jurisdiction in a child custody proceeding involving an Indian child is concurrent with the Indian child's tribe.

2. ~~If a tribe is not subject to Public Law 93-280, the~~ The tribe has exclusive jurisdiction in a child custody proceeding involving an Indian child if:

- (a) The Indian child is a ward of a tribal court of the tribe; or
- (b) The Indian child resides or is domiciled within the reservation of the tribe.

3. ~~{An Indian tribe subject to Public Law 93-280 may limit the court's exercise of jurisdiction over an Indian child by entering into a tribal state agreement described in section 25 of this act. The court shall decline to exercise its jurisdiction over an Indian child who is a ward of a tribal court or who resides or is domiciled within the reservation of a tribe if:~~

~~—(a) The tribe has entered into a tribal state agreement in which the State has agreed to decline jurisdiction; and~~

~~—(b) The tribal state agreement provides that the tribe has default jurisdiction over those cases.~~

~~4. If the court declines to exercise its jurisdiction under subsection 3, the court shall coordinate with the tribal court to facilitate the tribal court's assumption of jurisdiction. Except as otherwise provided in subsection 5, the court shall:~~

~~—(a) Allow the Indian child's parent, Indian custodian or tribe to participate in any communications under this subsection with a tribal court or, if the person is unable to participate in a communication, provide the person with an opportunity to represent facts and legal arguments supporting the position of the person before the court makes a decision regarding jurisdiction;~~

~~—(b) Create records of any communications under this subsection;~~

~~—(c) Notify the Indian child's parent, Indian custodian or tribe in advance of each communication; and~~

~~—(d) Provide the Indian child's parent, Indian custodian or tribe with access to the record of the communications.~~

~~5.~~ Communications between the court and a tribal court regarding calendars, court records and similar matters may occur without informing the parties or creating a record of the communications.

~~{6.}~~ 4. Notwithstanding the provisions of this section, the juvenile court has temporary exclusive jurisdiction over an Indian child who is placed in protective custody pursuant to chapter 432B of NRS.

~~§ 5.~~ 5. As used in this section, “record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 27. 1. Except as otherwise provided in subsection ~~§ 5.1 4.~~ the court shall transfer a child custody proceeding involving an Indian child if, at any time during the proceeding, the Indian child’s parent, Indian custodian or tribe petitions the court to transfer the proceeding to the tribal court.

2. Upon receipt of a transfer motion, the court shall contact the Indian child’s tribe and request a timely response regarding whether the tribe intends to decline the transfer.

3. ~~Transfer of the proceeding is inappropriate if:~~
~~(a) The Indian child’s tribe has declined the transfer;~~
~~(b) One or both of the Indian child’s parents object to the transfer; or~~
~~(c) Good cause exists to deny the transfer.~~

~~4.~~ If a party objects to the transfer motion for good cause, the court shall fix the time for hearing on objections to the motion. At the hearing, the objecting party has the burden of proof of establishing by clear and convincing evidence that good cause exists to deny the transfer. If the Indian child’s tribe contests the assertion that good cause exists to deny the transfer, the court shall give the tribe’s argument substantial weight. When making a determination whether good cause exists to deny the transfer motion, the court may not consider:

- (a) Whether the proceeding is at an advanced stage;
- (b) Whether there has been a prior proceeding involving the Indian child in which a transfer motion was not filed;
- (c) Whether the transfer could affect the placement of the Indian child;
- (d) The cultural connections of the Indian child with the tribe or the tribe’s reservation; or
- (e) The socioeconomic conditions of the Indian child’s tribe or any negative perception of tribal or United States Bureau of Indian Affairs’ social services or judicial systems. ~~for~~
- ~~(f) Whether the transfer serves the best interests of the Indian child.~~

~~5.1~~ 4. The court shall deny the transfer motion if:

- (a) The tribe declines the transfer orally on the record or in writing;
- (b) The Indian child’s parent objects to the transfer; or
- (c) The court finds by clear and convincing evidence, after hearing, that good cause exists to deny the transfer.

~~§ 6.1~~ 5. Notwithstanding paragraph (b) of subsection ~~§ 5.1 4.~~ the objection of the Indian child’s parent does not preclude the transfer if:

- (a) The objecting parent dies or the objecting parent’s parental rights are terminated and have not been restored; and
- (b) The Indian child’s remaining parent, Indian custodian or tribe files a new transfer motion subsequent to the death of the objecting parent or the termination of the parental rights of the objecting parent.

~~7.1~~ 6. If the court denies a transfer under this section, the court shall document the basis for the denial in a written order.

Sec. 28. Upon granting a transfer motion under section 27 of this act, the court shall expeditiously:

1. Notify the tribal court of the pending dismissal of the child custody proceeding;

2. Transfer all information regarding the proceeding, including, without limitation, pleadings and court records, to the tribal court;

3. If the Indian child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, direct the ~~Division~~ appropriate agency to:

(a) Coordinate with the tribal court and the Indian child's tribe to ensure that the transfer of the proceeding and the transfer of custody of the Indian child is accomplished with minimal disruption of services to the Indian child and the Indian child's family; and

(b) Provide the Indian child's tribe with documentation related to the Indian child's eligibility for state and federal assistance and information related to the Indian child's social history, treatment diagnosis and services and other relevant case and service related data; and

4. Dismiss the proceeding upon confirmation from the tribal court that the tribal court received the transferred information.

Sec. 29. Notwithstanding any other provision of law and in addition to any other requirements, in any child custody proceeding:

1. Each petitioner and every other person otherwise required by the court or by any applicable law, ~~regulation or rule~~, shall:

(a) Determine whether there is reason to know that the child is an Indian child; and

(b) Demonstrate to the court that he or she made efforts to determine whether a child is an Indian child.

2. The court shall:

(a) Make a finding regarding whether there is reason to know that the child is an Indian child, unless the court has previously found that the child is an Indian child; and

(b) Not enter ~~an~~ a custody order in the matter until all applicable inquiry and notice requirements set forth in sections 2 to ~~39~~ 38, inclusive, of this act have been met.

Sec. 30. 1. ~~[[In an emergency proceeding, the person taking the child into protective custody shall make a good faith effort to determine whether there is reason to know that the child is an Indian child and to contact by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member to determine the child's affiliation.~~

~~2.] Except [as provided in subsection 1 or]~~ if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the

child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, ~~for a minimum,~~ without limitation, by consulting with:

- (a) The child;*
- (b) The child's parent or parents;*
- (c) Any person having custody of the child or with whom the child resides;*
- (d) Extended family members of the child;*
- (e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in an Indian tribe; and*
- (f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.*

~~2.1~~ 2. *A court or person has reason to know that a child is an Indian child if:*

- (a) The person knows that the child is an Indian child;*
- (b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;*
- (c) Any person present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court or the person that the child is an Indian child or that information has been discovered indicating that the child is an Indian child;*
- (d) The child indicates to the court or the person that the child is an Indian child;*
- (e) The court or the person is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;*
- (f) The court or the person is informed that the child is or has been a ward of a tribal court;*
- (g) The court or the person is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe;*
- (h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or*
- (i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.*

~~4.1~~ 3. *Except as otherwise provided in section 49 of this act, whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 ~~for 2, as appropriate,~~ and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the*

record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.

~~{5}~~ 4. If the court finds under subsection ~~{4}~~ 3 that there is:

(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the ~~{child be treated as an Indian child}~~ inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.

(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.

~~{6}~~ 5. If the court finds under subsection ~~{4}~~ 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the ~~{Division}~~ appropriate agency or other party to submit a report, declaration or testimony on the record that the ~~{Division}~~ agency or other party used due diligence to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.

~~{7}~~ 6. A person making an inquiry under ~~{subsection 1 or 2}~~ this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential if the proceeding arises under chapter 432B of NRS or a consenting parent in an adoption proceeding requests anonymity. A request from a consenting parent for anonymity does not relieve the court or any party in an adoption proceeding from the duty to verify whether the child is an Indian child.

Sec. 31. 1. In an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that ~~for~~ the child is an Indian child and the nature of the emergency allows, the ~~{Division}~~ appropriate agency shall notify by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member. Notification under this subsection must include the basis for the child's removal, the time, date and place of the initial hearing and a statement that the tribe has the right to participate in the proceeding as a party or in an advisory capacity.

2. Except as provided in subsection 1, if there is reason to know that a child in a child custody proceeding who is alleged to be within the court's jurisdiction is an Indian child and notice is required, the party providing notice shall:

(a) Promptly send notice of the proceeding as described in subsection 3; and

(b) *File a copy of each notice sent pursuant to this section with the court, together with any return receipts or other proof of service.*

3. *Notice under subsection 2 must be:*

(a) *Sent to:*

(1) *Each tribe of which the child may be a member or of which the Indian child may be eligible for membership; or*

(2) ~~*The child's parents;*~~

~~*(3) The child's Indian custodian, if applicable; and*~~

~~*(4) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's [parents, Indian custodian or] tribe cannot be ascertained.*~~

(b) *Sent by registered or certified mail, return receipt requested.*

(c) *In clear and understandable language and include the following:*

(1) *The child's name, date of birth and , if known, place of birth;*

(2) *To the extent known:*

(I) *All names, including maiden, married and former names or aliases, of the child's parents, the places of birth of the child's parents' and tribal enrollment numbers; and*

(II) *The names, dates of birth, places of birth and tribal enrollment information of other direct lineal ancestors of the child;*

(3) *The name of each Indian tribe of which the child is a member or in which the Indian child may be eligible for membership;*

(4) *If notice is required to be sent to the appropriate Regional Director of the United States Bureau of Indian Affairs under subparagraph ~~(4)~~ (2) of paragraph (a), to the extent known, information regarding the child's direct lineal ancestors, an ancestral chart for each biological parent, and the child's tribal affiliations and blood quantum;*

(5) ~~*(A) In a child custody proceeding, a copy of the petition or motion initiating the proceeding and, if a hearing has been scheduled, information on the date, time and location of the hearing;*~~

(6) *The name of the petitioner and the name and address of the attorney of the petitioner;*

(7) *In a proceeding under chapter 432B of NRS:*

(I) *A statement that the child's parent or Indian custodian has the right to participate in the proceeding as a party to the proceeding;*

(II) *A statement that the child's tribe has the right to participate in the proceeding as a party or in an advisory capacity;*

(III) *A statement that if the court determines that the child's parent or Indian custodian is unable to afford counsel, the parent or Indian custodian has the right to court-appointed counsel; and*

(IV) *A statement that the child's parent, Indian custodian or tribe has the right, upon request, to up to 20 additional days to prepare for the proceeding;*

(8) *A statement that the child's parent, Indian custodian or tribe has the right to petition the court to transfer the child custody proceeding to the tribal court;*

(9) *A statement describing the potential legal consequences of the proceeding on the future parental and custodial rights of the parent or Indian custodian;*

(10) *The mailing addresses and telephone numbers of the court and contact information for all parties to the proceeding ~~and persons notified under this section;~~* and

(11) *A statement that the information contained in the notice is confidential and that the notice should not be shared with any person not needing the information to exercise rights under sections 2 to ~~30,~~ 38, inclusive, of this act.*

4. *If there is a reason to know that the Indian child's parent or Indian custodian has limited English proficiency ~~and may not understand the contents of the notice under subsection 2,~~* the court must provide language access services as required by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and other applicable federal and state laws. If the court is unable to secure translation or interpretation support, the court shall contact or direct a party to contact the Indian child's tribe or the local office of the United States Bureau of Indian Affairs for assistance identifying a qualified translator or interpreter.

5. ~~{A} If a child is known to be an Indian child, a hearing {that requires notice under subsection 2} may not be held until at least 10 days after the {latest of} receipt of the notice by the Indian child's {parent, Indian custodian or} tribe or, if applicable, the United States Bureau of Indian Affairs. Upon request, the court shall grant the Indian child's parent, Indian custodian or tribe up to 20 additional days from the date upon which notice was received by the {parent, Indian custodian or} tribe to prepare for participation in the hearing. Nothing in this subsection prevents a court at an emergency proceeding before the expiration of the waiting period described in this subsection from reviewing the removal of an Indian child from the Indian child's parent or Indian custodian to determine whether the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child.~~

Sec. 32. 1. *In any child custody proceeding that requires the testimony of a qualified expert witness, the petitioner shall contact the Indian child's tribe and request that the tribe identify one or more persons meeting the criteria described in subsection 3 or 4. The petitioner may also request the assistance of the United States Bureau of Indian Affairs in locating persons meeting the criteria described in subsection 3 or 4. ~~{The petitioner shall file a declaration with the court describing the efforts the petitioner made under this subsection to identify a qualified expert witness.}~~*

2. At a hearing in a child custody proceeding, if the court has found that ~~there is reason to know that~~ a child is an Indian child, at least one qualified expert witness must testify regarding ~~+~~

~~(a) Whether~~ whether the continued custody of the Indian child by the child's parent or custody by the child's Indian custodian is likely to result in serious emotional or physical damage to the Indian child. ~~+~~ and

~~(b) The prevailing social and cultural standards and child rearing practices of the Indian child's tribe.~~

3. A person is a qualified expert witness under this section if the Indian child's tribe has designated the person as being qualified to testify to the prevailing social and cultural standards of the tribe.

4. If the Indian child's tribe has not identified a qualified expert witness, the following persons, in order of priority, may testify as a qualified expert witness:

(a) A member of the Indian child's tribe or another person who is recognized by the tribe as knowledgeable about tribal customs regarding family organization or child rearing practices;

(b) A person having substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

(c) Any person having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural standards and child rearing practices in Indian tribes with cultural similarities to the child's tribe.

5. In addition to testimony from a qualified expert witness, the court may hear supplemental testimony regarding information described in subsection 2 from a professional having substantial education and experience in the area of the professional's specialty.

6. No petitioning party, employees of the petitioning party or an employee of ~~the Division~~ an agency may serve as a qualified expert witness or a professional under this section.

Sec. 33. 1. If ~~there is reason to know that~~ a child in a child custody proceeding is an Indian child and active efforts are required, the court must determine whether active efforts have been made to prevent the breakup of the family or to reunite the family.

2. Active efforts require a higher standard of conduct than reasonable efforts.

3. Active efforts must:

(a) Be documented in detail in writing and on the record;

(b) If the child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, include assisting the Indian child's parent or parents or Indian custodian through the steps of a case plan; ~~and with accessing or developing the resources necessary to satisfy the case plan.~~

(c) Include , to the extent possible, providing assistance in a manner consistent with the prevailing social and cultural standards and way of life with the cooperation of the Indian child's tribe;

(d) Be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians and tribe; and

(e) Be tailored to the facts and circumstances of the case.

4. ~~{Active efforts may include, as applicable, the following:~~

~~—(a) Conducting a comprehensive assessment of the circumstances of the Indian child's family, with a focus on reunification as the most desirable goal;~~

~~—(b) Identifying appropriate services and helping the Indian child's parents overcome barriers to reunification, including actively assisting the parents in obtaining the identified services;~~

~~—(c) Identifying, notifying and inviting representatives of the Indian child's tribe to participate in providing support and services to the Indian child's family and in family team meetings, permanency planning, resolution of placement issues, reviews or other case management related meetings;~~

~~—(d) Conducting or causing to be conducted a diligent search for the Indian child's extended family members, contacting and consulting with the Indian child's extended family members and adult relatives to provide family structure and support for the Indian child and the Indian child's parents;~~

~~—(e) Offering and employing culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the Indian child's tribe;~~

~~—(f) Taking steps to keep the Indian child and the Indian child's siblings together whenever possible;~~

~~—(g) Supporting regular visits with the Indian child's parent or Indian custodian in the most natural setting possible, as well as trial home visits during any period of removal, consistent with the need to ensure the health, safety and welfare of the Indian child;~~

~~—(h) Identifying community resources, including, without limitation, housing, financial assistance, employment training, transportation, mental health, health care, substance abuse prevention and treatment, parent training, transportation and peer support services and actively assisting the Indian child's parents or, when appropriate, the Indian child's extended family members, in utilizing and accessing those resources;~~

~~—(i) Monitoring progress and participation of the Indian child's parents, Indian custodian or extended family members in the services as described in paragraphs (b), (c), (e) and (h);~~

~~—(j) Considering alternative options to address the needs of the Indian child's parents and, where appropriate, the Indian child's extended family members, if the services as described in paragraphs (b), (c), (e) and (h) are not available;~~

~~(c) Providing post reunification services and monitoring while the Indian child is within the juvenile court's jurisdiction; and~~

~~(d) Any other efforts that are appropriate to the Indian child's circumstances.~~

~~5.1~~ As used in this section, "active efforts" means efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family.

Sec. 34. 1. Notwithstanding the provisions of NRS 7.285, a tribe that is a party to a child custody proceeding may be represented by any person, regardless of whether the person is licensed to practice law.

2. An attorney who is not barred from practicing law in this State may appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that:

(a) The attorney will appear in a court in this State for the limited purpose of participating in a proceeding under chapter 432B of NRS subject to the provisions of sections 2 to ~~39~~ 38, inclusive, of this act;

(b) The attorney represents an Indian child's parent, Indian custodian or tribe; and

(c) The Indian child's tribe has affirmed the Indian child's membership or eligibility for membership under tribal law.

3. An Indian custodian or tribe may notify the court, orally on the record or in writing, that the Indian custodian or tribe withdraws as a party to the proceeding.

Sec. 35. 1. ~~If there is reason to know that~~ a child in a proceeding under chapter 432B of NRS is an Indian child:

(a) The court shall appoint counsel to represent the Indian child.

(b) If the Indian child's parent or Indian custodian requests counsel to represent the parent or Indian custodian but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court shall appoint suitable counsel to represent the Indian child's parent or Indian custodian if the parent or Indian custodian is determined to be financially eligible for the appointment of such counsel.

2. Except as otherwise provided in this subsection, upon presentation of the order of appointment under this section by the attorney for the Indian child, any agency, hospital, school organization, division or department of this State, doctor, nurse or other health care provider, psychologist, psychiatrist, law enforcement agency or mental health clinic shall permit the attorney for the Indian child to inspect and copy any records of the Indian child involved in the case, without the consent of the Indian child or the Indian child's parent or Indian custodian. This subsection does not apply to records of a law enforcement agency relating to an ongoing investigation before bringing charges.

Sec. 36. 1. In any child custody proceeding, if ~~there is reason to know that~~ the child is an Indian child, each party has the right to timely examine all reports or other documents held by ~~the Division~~ an agency that are not otherwise subject to a discovery exception or precluded under state or federal law.

2. The preservation of confidentiality under this section does not relieve the court or any petitioners in an adoption proceeding from the duty to comply with the placement preferences under section 37 of this act if the child is an Indian child.

Sec. 37. 1. Except as otherwise provided in subsection 3, if the parental rights of an Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care, the child must be placed in the least restrictive setting that:

(a) Most closely approximates a family, taking into consideration sibling attachment;

(b) Allows the Indian child's special needs, if any, to be met;

(c) Is in reasonable proximity to the Indian child's home, extended family or siblings; and

(d) Is in accordance with the order of preference established by the Indian child's tribe or, if the Indian child's tribe has not established placement preferences, is in accordance with the following order of preference:

(1) A member of the Indian child's extended family;

(2) A foster home licensed, approved or specified by the Indian child's tribe;

(3) A foster home licensed or approved by a licensing authority in this State and in which one or more of the licensed or approved foster parents is an Indian; or

(4) An institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization.

2. Except as otherwise provided in subsection 3, if the parental rights of the Indian child's parents have been terminated ~~for if an~~ and the Indian child is in need of ~~a guardianship or~~ an adoptive placement, the Indian child shall be placed:

(a) In accordance with the order of preference established by the Indian child's tribe; or

(b) If the Indian child's tribe has not established placement preferences, according to the following order of preference:

(1) With a member of the Indian child's extended family;

(2) With other members of the Indian child's tribe; or

(3) With other Indian families.

3. ~~A party may move the court for authority to make a placement contrary to the placement preferences of subsection 1 or 2. The motion must detail the reasons the party asserts that good cause exists for placement contrary to the placement preferences established by subsection 1 or 2. Upon~~

~~the filing of an objection to a motion under this subsection, the court shall fix the time for hearing on the objections.~~ If an Indian child is placed outside of the placement preferences set forth in subsection 1 or 2, the party placing the child shall file a motion requesting that the court make a finding that good cause exists for placement outside of such placement preferences. If the court determines that the moving party has established, by clear and convincing evidence, that there is good cause to depart from the placement preferences under this section, the court may authorize placement in an alternative placement. The court's determination under this subsection:

(a) Must be in writing and be based on:

(1) The preferences of the Indian child;
(2) The presence of a sibling attachment that cannot be maintained through placement consistent with the placement preferences established by subsection 1 or 2;

(3) Any extraordinary physical, mental or emotional needs of the Indian child that require specialized treatment services if, despite active efforts, those services are unavailable in the community where families who meet the placement preferences under subsection 1 or 2 reside; or

(4) Whether, despite a diligent search, a placement meeting the placement preferences under this section is unavailable, as determined by the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(b) Must, in applying the placement preferences under this subsection, give weight to a parent's request for anonymity if the placement is an adoptive placement to which the parent has consented.

(c) May be informed by but not determined by the placement request of a parent of the Indian child, after the parent has reviewed the placement options, if any, that comply with the placement preferences under this section.

(d) May not be based on:

(1) The socioeconomic conditions of the Indian child's tribe;
(2) Any perception of the tribal or United States Bureau of Indian Affairs social services or judicial systems;
(3) The distance between a placement meeting the placement preferences under this section that is located on or near a reservation and the Indian child's parent; or

(4) The ordinary bonding or attachment between the Indian child and a nonpreferred placement arising from time spent in the nonpreferred placement.

~~{4. The court, on the court's own motion or on the motion of any party, shall make a determination under section 38 of this act regarding the Indian child's placement if the court or the moving party has reason to believe that the child was placed contrary to the placement preferences of subsection 1~~

~~or 2 without good cause. A motion under this subsection may be made orally on the record or in writing.~~

Sec. 38. 1. A petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights may be filed in a pending child custody proceeding involving the Indian child or, if none, in any court of competent jurisdiction by:

(a) The Indian child who was alleged to be within the jurisdiction of the court;

(b) The Indian child's parent or Indian custodian from whose custody such child was removed or whose parental rights were terminated; or

(c) The Indian child's tribe.

2. The court shall vacate an order or judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights if the court determines that any provision of section 26 or 27, subsection 2 or 5 of section 31, paragraph (a) or (b) of subsection 3 of section 31, subsection 1 of section 35 or section 36 of this act or, if required, subsection 2 of section 32 or section 33 or 37 of this act has been violated and the court determines it is appropriate to vacate the order or judgment.

3. If the vacated order or judgment resulted in the removal or placement of the Indian child, the court shall order the child immediately returned to the Indian child's parent or Indian custodian and the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

4. If the vacated order or judgment terminated parental rights, the court shall order the previously terminated parental rights to be restored.

5. If the State or any other party affirmatively asks the court to reconsider the issues under the vacated order or judgment, the court's findings or determinations must be readjudicated.

6. As used in this section, "termination of parental rights" includes, without limitation, the involuntary termination of parental rights under chapter 128 or 432B of NRS, ~~for the termination of parental rights resulting from an adoption proceeding under chapter 127 of NRS.~~

Sec. 39. ~~1. The juvenile court, on the court's own motion or on the motion of any party, shall expeditiously determine whether an Indian child asserted to be within the jurisdiction of the juvenile court under NRS 432B.410 has been improperly removed or improperly retained following a visit or temporary relinquishment of custody. A motion under this section may be made orally on the record or in writing.~~

~~2. If the court finds that the Indian child has been improperly removed or improperly retained, the court shall order the Division to immediately return the Indian child to the child's parent or Indian custodian and dismiss the proceeding, unless the court determines by clear and convincing evidence that doing so would subject the child to substantial and immediate~~

~~danger or a threat of substantial and immediate danger.] (Deleted by amendment.)~~

Sec. 40. NRS 125A.215 is hereby amended to read as follows:

125A.215 1. ~~[A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., is not subject to the provisions of this chapter to the extent that the proceeding is governed by the Indian Child Welfare Act.~~

~~—2.]~~ A court of this state shall treat ~~[a]~~ **an Indian** tribe as if it were a state of the United States for the purpose of applying NRS 125A.005 to 125A.395, inclusive.

~~{3.}~~ 2. A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of the provisions of this chapter must be recognized and enforced pursuant to NRS 125A.405 to 125A.585, inclusive.

Sec. 41. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 42 to 50, inclusive, of this act.

Sec. 42. 1. In addition to the requirements set forth in NRS 127.110, a petition for adoption of a child must contain:

(a) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, of the petitioner's good faith efforts described in subsection ~~{2}~~ 1 of section 30 of this act, to determine whether there is reason to know that the child is an Indian child;

(b) A statement as to whether the petitioner has reason to know that the child is an Indian child; and

(c) If the petitioner has reason to know that the child is an Indian child:

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, showing that the proposed adoptive placement complies with the requirements under section 37 of this act; or

(2) A statement that the petitioner is moving the court under subsection 3 of section 37 of this act for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of section 37 of this act.

2. A petition for adoption of a child must, if applicable, request the following:

(a) A finding that the petitioner complied with the inquiry requirements under subsection ~~{2}~~ 1 of section 30 of this act;

(b) A finding of whether there is reason to know that the child is an Indian child;

(c) If the court finds that ~~there is reason to know that~~ the child is an Indian child:

(1) The determinations required under section 24 of this act regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act; and

(3) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if not, that upon the petitioner's motion under subsection 3 of section 37 of this act, good cause exists for placement contrary to the placement preferences in section 37 of this act.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) ~~The child's parents;~~

~~(3) The child's Indian custodian, if applicable;~~

~~(4) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and~~

~~(5) (3) The Administrator of the Division;~~ appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 43. 1. If a petition for adoption of a child concerns the adoption of an Indian child, except as otherwise provided in subsection ~~5~~ 4 and unless the ~~court determines that consent is not required,~~ parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by ~~the~~

~~(a) The Indian child's parents, or the survivor of the parents;~~

~~(b) If the Indian child has no living parent, the Indian child's guardian or Indian custodian;~~

~~(c) If the Indian child has no living parent, guardian or Indian custodian, the next of kin in this State.~~

~~Consent under this subsection is valid only as to the person giving consent.~~ Such written consent must be filed with the court.

2. ~~If both of the Indian child's parents are living but only one of the Indian child's parents consents to the adoption:~~

~~(a) The petitioner must demonstrate to the court that the petitioner has made active efforts, as described in section 33 of this act to prevent the breakup of the family or to reunite the family;~~

~~(b) The petitioner, in accordance with section 44 of this act, shall serve on the nonconsenting parent a summons and a motion and order to show cause why the proposed adoption should not be ordered without the nonconsenting parent's consent; and~~

~~(c) The objections of the nonconsenting parent, if any, must be heard if appearance is made.~~

~~3. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court and filing the consent with the court. The consent must clearly set out the conditions to the consent, if any.~~

~~4. on the record.~~

3. Before the execution of a parent's consent under subsection ~~3.1~~ 2, the court must explain to the parent on the record in detail and in the language of the parent:

- (a) The right to legal counsel;
- (b) The terms and consequences of the consent in detail; and
- (c) That at any time before the entry of the judgment of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

~~5. 4.~~ After the execution of a parent's consent under subsection ~~3.1~~ 2, the court shall certify that the court made the explanation under subsection ~~4.1~~ 3 and that the parent fully understood the explanation.

~~6. 5.~~ At any time before the entry of a judgment of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement ~~and order that the Indian child be returned to the parent or Indian custodian as soon as practicable.~~

~~7. This section does not apply when consent is given in loco parentis.~~

~~8. to regain custody and control of the Indian child. A parent who withdraws his or her consent may petition the court for the return of the child.~~

6. As used in this section, "parent" has the meaning ascribed to it in section 14 of this act.

Sec. 44. ~~1. If a parent of an Indian child does not consent to the adoption of the child pursuant to section 43 of this act, the petitioner shall serve the parent with a summons and a true copy of a motion and order to show cause why the proposed adoption should not be ordered without the parent's consent. The summons and the motion and order to show cause need not contain the names of the adoptive parents.~~

~~2. In addition to the service required pursuant to subsection 1, the petitioner shall serve by registered or certified mail, return receipt requested, copies of the motion and order to show cause, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, on:~~

~~—(a) Each tribe of which the child may be a member or in which the child may be eligible for membership;~~

~~—(b) The child's parents;~~

~~—(c) The child's Indian custodian, if applicable; and~~

~~—(d) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained.~~

~~—3. The petitioner shall file a declaration of compliance under penalty of perjury that includes:~~

~~—(a) A statement describing the efforts the petitioner made in accordance with section 33 of this act to prevent the breakup of the family or to reunite the family; and~~

~~—(b) A copy of each notice of proceeding the petitioner served as required under subsection 2, together with any return receipts or other proof of service.~~

~~—4. A summons under this section must contain:~~

~~—(a) A statement that an adoption petition has been filed and that, if the parent fails to file a written answer to the motion and order to show cause within the time provided, the court, without further notice and in the parent's absence, may take any action that is authorized by law, including, without limitation, entering a judgment of adoption of the child if the court determines, on the date the answer is required or on a future date, that:~~

~~—(1) Consent of the parent is not required;~~

~~—(2) The adoption is in the best interests of the child; and~~

~~—(3) The noneconsenting parent's continued custody of the child is likely to result in serious emotional or physical damage to the child.~~

~~—(b) A statement that:~~

~~—(1) The parent must file with the court a written answer to the motion and order to show cause within 30 days after the date on which the parent is served with the summons; and~~

~~—(2) In the answer, the parent must inform the court and the petitioner of the parent's telephone number or contact telephone number and the parent's current residence, mailing or contact address in the same state as the parent's home.~~

~~—(c) A notice that, if the parent answers the motion and order to show cause, the court:~~

~~—(1) Will schedule a hearing to address the motion and order to show cause and, if appropriate, the adoption petition;~~

~~—(2) Will order the parent to appear personally; and~~

~~—(3) May schedule other hearings related to the petition and may order the parent to appear personally.~~

~~—(d) A notice that the parent has the right to be represented by an attorney.~~

~~—(e) A statement that the parent has the responsibility to maintain contact with the parent's attorney and to keep the attorney advised of the parent's whereabouts.~~

~~5. A parent who is served with a summons and a motion and order to show cause under this section shall file with the court a written answer to the motion and order to show cause within 30 days after the date on which the parent is served with the summons. In the answer, the parent shall inform the court and the petitioner of the parent's telephone number or contact telephone number and current address.~~

~~6. If the parent requests the assistance of appointed counsel and the court determines that the parent is financially eligible, the court shall appoint an attorney to represent the parent.~~

~~7. Upon receiving the petitioner's declaration of compliance under subsection 3, the court shall order that the motion and order to show cause may proceed if the court finds that the petitioner satisfied the inquiry requirements under subsection 2 of section 30 of this act and, if applicable, the notice requirements under subsection 2 of section 31 of this act.~~

~~8. If the court finds that the petitioner failed to satisfy the inquiry requirements under subsection 2 of section 30 of this act or, if applicable, the notice requirements under subsection 2 of section 31 of this act or if the documentation is insufficient for the court to make those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended declaration of compliance. The court shall order the petitioner to appear and show cause why the court should not deny the motion and order to show cause if the petitioner fails to file the amended declaration of compliance within a reasonable amount of time.~~

~~9. The court shall offer to order mediation through the Division, or if there is mutual party agreement to private mediation and to the party assumption of costs, through other mediation services, between the Indian child's parents, the Indian child's tribe and the proposed adoptive placement.~~

~~10. If a parent files a written answer as required under subsection 5, the court shall, by oral order made on the record or by written order provided to the parent in person or mailed to the parent at the address provided by the parent:~~

~~(a) Inform the parent of the time, place and purpose of the next hearing or hearings related to the motion and order to show cause or the adoption petition;~~

~~(b) Require the parent to appear personally at the next hearing or hearings related to the motion and order to show cause or the adoption petition; and~~

~~(c) Inform the parent that, if the parent fails to appear as ordered for any hearing related to the motion and order to show cause or the adoption petition, the court, without further notice and in the parent's absence, may take any action that is authorized by law, including, without limitation, entering a judgment of adoption of the child on the date specified in the order or on a future date, without the consent of the parent.~~

~~11. If the parent's answer indicates the parent's consent to the adoption, the court may not accept the consent unless the consent meets the requirements set forth in section 43 of this act.~~

~~12. If a parent fails to file a written answer as required in subsection 5 or fails to appear for a hearing related to the motion and order to show cause or the petition as ordered by the court, the court may, without further notice to the parent and in the parent's absence, take any action that is authorized by law, including, without limitation, entering a judgment of adoption of the child without the consent of the parent if the court finds on the date the answer is required or on a future date, the action to be in the child's best interests.~~

~~13. Notwithstanding any other provision of law, the court may not enter a judgment of adoption of an Indian child without the consent of the parent unless:~~

~~(a) The court has offered the parties the opportunity to participate in mediation as required under subsection 9;~~

~~(b) If requested by the tribe, an agreement is in place that requires the proposed adoptive placement to maintain connection between the child and the child's tribe;~~

~~(c) The court determines that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;~~

~~(d) The court determines that evidence, including the testimony of one or more qualified expert witnesses under section 32 of this act, establishes beyond a reasonable doubt that the continued custody of the child by the nonconsenting parent is likely to result in serious emotional or physical damage to the child and that the petitioner's active efforts under section 33 of this act to reunite the Indian family did not eliminate the necessity for termination of the nonconsenting parent's parental rights based on serious emotional or physical damage to the child; and~~

~~(e) The court finds that the adoptive placement complies with the placement preferences under section 37 of this act, or, if not, the court finds, upon the petitioner's motion under subsection 3 of section 37 of this act, that good cause exists for placement contrary to the placement preferences in section 37 of this act.~~

~~14. The evidence under paragraph (d) of subsection 13 must show a causal relationship between the particular conditions in the Indian child's home and the likelihood that the nonconsenting parent's continued custody of the Indian child will result in serious emotional or physical damage to the Indian child who is the subject of the adoption proceeding. Evidence that shows the existence of community or family poverty, isolation, single parenthood, custodian age, crowded or inadequate housing, substance use or nonconforming social behavior does not, by itself, establish a causal relationship as required by this subsection.~~

~~15. If the child has no living parent and no guardian or next of kin in this State qualified to appear in behalf of the child, the court may order any notice to be given as the court deems necessary or proper.~~

~~16. The child's tribe or Indian custodian may intervene at any time as a matter of right. (Deleted by amendment.)~~

Sec. 45. 1. If, upon a petition for adoption of a child duly presented and consented to, the court is satisfied as to the identity and relations of the persons, that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption be effected, a judgment shall be made setting forth the facts and ordering that from the date of the judgment, the child, for all legal intents and purposes, is the child of the petitioner.

2. A judgment entered under this section must include:

(a) A finding that the petitioner complied with the inquiry requirements under subsection ~~42~~ 1 of section 30 of this act to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

3. In an adoption of an Indian child, the judgment must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) ~~The~~ If known, the names and addresses of the biological parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under section 24 of this act;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;

(h) ~~If an agency consented to the adoption in loco parentis,~~ the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if the placement does not comply with the placement preferences under section 37 of this act, a finding upon the petitioner's motion under subsection 3 of section 37 of this act that good cause exists for placement contrary to the placement preferences.

4. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

5. Upon entry of the judgment of adoption of an Indian child, the court shall provide to the United States Secretary of the Interior copies of the judgment entered under this section and any document signed by a consenting parent requesting anonymity.

Sec. 46. 1. A petition to vacate a judgment of adoption of an Indian child under this chapter ~~for chapter 432B of NRS~~ may be filed in a court of competent jurisdiction by a parent who consented to the adoption.

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the judgment of adoption if:

(a) The petition is filed not later than ~~44~~ 2 years following the date of the judgment; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates a judgment of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a ~~transition~~ plan for the physical custody of the Indian child ~~if~~, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 47. 1. If a judgment of adoption of an Indian child under this chapter ~~for chapter 432B of NRS~~ is vacated, ~~for the adoptive parent has voluntarily consented to the termination of parental rights,~~ the court vacating the judgment ~~for terminating the parental rights~~ must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe ~~if~~ and the appropriate agency which provides child welfare services.

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child , if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court

must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

- (a) The former parent's right to legal counsel, if applicable;
- (b) The terms and consequences of the waiver; and
- (c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of a judgment of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If a judgment of adoption of an Indian child under this chapter ~~for chapter 432B of NRS~~ is vacated other than as provided in section 38 of this act, ~~for the adoptive parent of the Indian child has voluntarily consented to the termination of parental rights,~~ an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of section 31 of this act to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

~~[(b)]~~ (c) The child's parents;

~~[(c)]~~ (d) The child's Indian custodian, if applicable; and

~~[(d)]~~ (e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

↪ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence,

that the return of custody or restoration of parental rights is not in the child's best interests, as described in section 20 of this act. ~~The~~ If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the legal parent of an Indian child subject to a judgment of adoption under this chapter ~~for chapter 432B of NRS~~ and whose parental rights have not been restored under section ~~39 or~~ 46 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian ~~child's Indian custodian before entry of child subject to a judgment of adoption of the child under this chapter. ~~for chapter 432B of NRS.~~~~

Sec. 48. 1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceeding, the complete record of the placement finding and, if the placement departs from the placement preferences under section 37 of this act, detailed documentation of the efforts to comply with the placement preferences.

Sec. 49. 1. In a proceeding for the adoption of a minor child, within 90 days after service of a petition upon the ~~Administrator of the Division~~ appropriate agency which provides child welfare services as required pursuant to section 42 of this act, the ~~Division~~ agency shall file with the court an ICWA compliance report, which must reflect the ~~Division's~~ agency's review of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the findings required pursuant to subsection 2. Nothing in this section requires the ~~Division~~ agency to make a determination of law regarding the documentation provided by the petitioner.

2. Upon receiving an ICWA compliance report, the court shall order the matter to proceed if the court finds that the petitioner satisfied the inquiry requirements under subsection ~~2~~ 1 of section 30 of this act and, if applicable, the notice requirements under subsection 2 of section 31 of this act. If the court finds that:

(a) Subject to the procedures under subsection ~~4~~ 3 of section 30 of this act, ~~there is reason to know that~~ the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under section 37 of this act. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the

petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of section 37 of this act, for authority to make the placement contrary to the placement preferences under section 37 of this act.

(b) The petitioner failed to satisfy the inquiry requirements under subsection ~~12~~ 1 of section 30 of this act or, if applicable, the notice requirements under subsection 2 of section 31 of this act, or if the documentation supplied by the petitioner is insufficient for the court to make those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry requirements under subsection ~~12~~ 1 of section 30 of this act and notice requirements under subsection 2 of section 31 of this act and the placement preferences under section 37 of this act, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection ~~12~~ 1 of section 30 of this act and subsection 3 of section 31 of this act and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection ~~12~~ 1 of section 30 of this act and subsection 3 of section 31 of this act;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 42 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for ~~the Division~~ agencies which provide child welfare services to carry out ~~its~~ their duties under this chapter.

5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the

requirements under this section and sections 30, 31, 37 and 42 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 42 of this act, motions to request a deviation from the placement preferences under subsection 3 of section 37 of this act and notices required under subsection 3 of section 31 of this act; and

(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection ~~21~~ 1 of section 30 of this act the notices required under subsection 2 of section 31 of this act, and assessing whether proposed adoptive placements satisfy the preferences under section 37 of this act.

6. The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of sections 2 to ~~30,~~ 38, inclusive, of this act and sections 42 to 50, inclusive, of this act to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice and the appropriateness of adoptive placements.

7. As used in this section, “ICWA compliance report” means a written report prepared by ~~the Division~~ an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.

Sec. 50. 1. If the court determines that tribal customary adoption is in the best interests, as described in section 20 of this act, of a ward who is an Indian child and the Indian child’s tribe consents to the tribal customary adoption:

(a) ~~The Division~~ appropriate agency which provides child welfare services shall provide the Indian child’s tribe and proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child’s parents, and the Indian child’s educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child’s tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child’s tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child’s needs; and

(4) *Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.*

(c) *Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.*

2. *The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:*

(a) *The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;*

(b) *The court finds that the tribal customary adoption is in the Indian child's best interests, as described in section 20 of this act; and*

(c) *The order or judgment:*

(1) *Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;*

(2) *Includes a description of the Indian child's legal relationship with the tribe; and*

(3) *Does not include any child support obligation from the Indian child's parents or Indian custodian.*

↪ *The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.*

3. *A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.*

4. *After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 45 of this act and enter a judgment of adoption. In addition to the requirements under section 45 of this act, the judgment of adoption must include a statement that any parental rights or obligations not specified in the judgment are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.*

5. *A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.*

6. *Upon the court's entry of a judgment of adoption under this section, the court's jurisdiction over the Indian child terminates.*

7. *Any parental rights or obligations not specifically retained by the Indian child's parents in the judgment of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.*

8. *This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.*

9. *The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that ~~the Division~~ an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.*

10. *As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.*

Sec. 51. NRS 127.003 is hereby amended to read as follows:

127.003 As used in this chapter, unless the context otherwise requires:

1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Indian child" has the meaning ascribed to it in ~~25 U.S.C. § 1903.~~

~~4. "Indian Child Welfare Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.~~ **section 9 of this act.**

Sec. 51.5. NRS 127.007 is hereby amended to read as follows:

127.007 1. The Division shall maintain the State Register for Adoptions, which is hereby established, in its central office to provide information ~~to identify adults who were adopted and persons related to them within the third degree of consanguinity.~~ **relating to adoptions as set forth in this section.**

2. The State Register for Adoptions consists of:

(a) Names and other information, which the Administrator of the Division deems to be necessary for the operation of the Register, relating to persons who have released a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information ~~voluntarily~~ to the Division;

(b) Names and other necessary information of persons ~~who are 18 years of age or older, who were adopted and~~ who have submitted the information voluntarily to the Division; and

(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the Division.

↪ Any person whose name appears in the Register may withdraw it by requesting in writing that it be withdrawn. The Division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter release any information to identify that person, including the information that such a name was ever in the Register.

3. Except as otherwise provided in subsection 4, the Division may release information:

(a) About a person related within the third degree of consanguinity to an adopted person; or

(b) About an adopted person to a person related within the third degree of consanguinity,

↪ if the names and information about both persons are contained in the Register and written consent for the release of such information is given by the natural parent.

4. An adopted person may, by submitting a written request to the Division, restrict the release of any information concerning himself or herself to one or more categories of relatives within the third degree of consanguinity.

Sec. 52. NRS 127.010 is hereby amended to read as follows:

127.010 Except ~~if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,~~ **as otherwise provided in section 26 of this act,** the district courts of this State have original jurisdiction in adoption proceedings.

Sec. 53. NRS 127.018 is hereby amended to read as follows:

127.018 1. ~~Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,~~ **Except as otherwise provided in sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act,** a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding;

or
(b) Was the home state within 6 months before the commencement of the proceeding,

↪ may not be adopted except upon an order of a district court in this State.

2. As used in this section, “home state” means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 54. NRS 127.053 is hereby amended to read as follows:

127.053 No consent to a specific adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

1. Identifies the child to be adopted by name, if any, sex and date of birth.

2. Is in writing and signed by the person consenting to the adoption as required in this chapter.

3. Is acknowledged by the person consenting and signing the consent to adoption in the manner and form required for conveyances of real property.

4. Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given.

5. ***Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the judgment of adoption under section 45 of this act, the person receives information that provides reason to know that the child is an Indian child.***

6. Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a social worker employed by:

- (a) An agency which provides child welfare services;
- (b) An agency licensed in this state to place children for adoption;
- (c) A comparable state or county agency of another state; or
- (d) An agency authorized under the laws of another state to place children for adoption, if the natural parent resides in that state.

Sec. 55. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

- (a) The full name and age of the petitioners.
- (b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.
- (c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.
- (d) Their desire that the name of the child be changed, together with the new name desired.
- (e) That the petitioners are fit and proper persons to have the care and custody of the child.
- (f) That they are financially able to provide for the child.
- (g) That there has been a full compliance with the law in regard to consent to adoption.
- (h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.
- (i) Whether the ***petitioners have reason to know that the*** child is ~~known~~ ~~to be~~ an Indian child.
- (j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive ~~1-1~~, **and the provisions of sections 2 to ~~39~~, 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.**

Sec. 56. NRS 128.020 is hereby amended to read as follows:

128.020 Except ~~if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,~~ **as otherwise provided in section 26 of this act**, the district courts have jurisdiction in all cases and proceedings under this chapter. The jurisdiction of the district courts extends to any child who should be declared free from the custody and control of either or both of his or her parents.

Sec. 57. NRS 128.023 is hereby amended to read as follows:

128.023 1. If proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall ~~1-~~
~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~
~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~
~~(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.~~ **require that notice of the proceedings and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.**

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

- (a) Shall appoint an attorney to represent the parent; and
 - (b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,
- ↪ as provided in the Indian Child Welfare Act.

Sec. 58. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to, a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

- (a) The facts which bring the child within the purview of this chapter.
- (b) The name, age and residence of the child.
- (c) The names and residences of the parents of the child.
- (d) The name and residence of the person or persons having physical custody or control of the child.
- (e) The name and residence of the child's legal guardian, if there is one.
- (f) The name and residence of the child's nearest known relative, if no parent or guardian can be found.
- (g) Whether the **petitioner has reason to know that the** child is ~~known to be~~ an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 59. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except ~~if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.,~~ **as otherwise provided in section 26 of this act**, in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 60. NRS 7.285 is hereby amended to read as follows:

7.285 1. ~~[A]~~ **Except as otherwise provided in section 34 of this act, a** person shall not practice law in this state if the person:

(a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the Supreme Court; or

(b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the Supreme Court.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense within the immediately preceding 7 years, a misdemeanor.

(b) For a second offense within the immediately preceding 7 years, a gross misdemeanor.

(c) For a third and any subsequent offense within the immediately preceding 7 years, a category E felony and shall be punished as provided in NRS 193.130.

3. The State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.

Sec. 61. NRS 62A.160 is hereby amended to read as follows:

62A.160 “Indian child” has the meaning ascribed to it in ~~125 U.S.C. § 1903.~~ **section 9 of this act.**

Sec. 62. NRS 62D.210 is hereby amended to read as follows:

62D.210 1. If a proceeding conducted pursuant to the provisions of this title involves the placement of an Indian child into foster care, the juvenile court shall ~~1:~~

~~—(a) Cause the Indian child’s tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~—(b) Transfer the proceedings to the Indian child’s tribe in accordance with the Indian Child Welfare Act or, if a tribe declines or is unable to exercise jurisdiction, exercise jurisdiction as provided in the Indian Child Welfare Act.]~~
require that notice of the proceeding and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.

2. If the juvenile court determines that the parent of an Indian child for whom foster care is sought is indigent, the juvenile court, as provided in the Indian Child Welfare Act:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney.

Sec. 63. ~~[Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~**1. If a parent or guardian of a child who is in need of protection intends to voluntarily place the child with a public agency or private institution or agency pursuant to NRS 432B.260, the Division of Child and Family Services shall make inquiries, as described in subsection 2 of section 30 of this act, to determine whether the Division of Child and Family Services has reason to know that the child is an Indian child.**~~

~~2. If the Division of Child and Family Services has reason to know that the child is an Indian child, the placement agreement must be executed in person before the juvenile court, consistent with this subsection, and the placement must be approved by the court.~~

~~3. At a hearing, the juvenile court shall explain to the Indian child's parent or Indian custodian, on the record in detail and in the language of the parent or Indian custodian, the parent's right to legal counsel, the terms and consequences of the voluntary placement agreement, and the court must inform the parent or Indian custodian that the voluntary placement agreement may be revoked at any time before an entry of a final decree of termination of parental rights and have the Indian child returned to the parent's custody. The Indian child's parent or Indian custodian shall execute the voluntary placement agreement before the court and file the voluntary placement agreement with the court. The court shall certify that the court provided the explanation consistent with the requirements under this subsection and that the Indian child's parent or Indian custodian fully understood the explanation.~~

~~4. The juvenile court may approve the voluntary placement agreement if:~~

~~(a) The court finds that the Indian child's parent or Indian custodian entered into the voluntary placement agreement without a threat of removal by the Division of Child and Family Services or a public or private institution or agency; and~~

~~(b) The proposed placement conforms with the placement preferences described in section 37 of this act.~~

~~5. An Indian child's parent or Indian custodian may terminate the voluntary placement agreement at any time before an entry of an order terminating parental rights. To terminate the voluntary placement agreement, the Indian child's parent or Indian custodian must file a written notice of termination with the juvenile court or otherwise testify before the court. The court shall promptly notify the Division of Child and Family Services of the termination and order the immediate return of the Indian child to the physical custody of the Indian child's parent or Indian custodian.~~

~~6. As used in this section, "voluntary placement agreement" means a binding, written agreement between the Division of Child and Family Services and the parent or legal guardian of a minor child that does not transfer legal custody to the Division of Child and Family Services but that specifies, at a minimum, the legal status of the child and the rights and obligations of the parent or legal guardian, the child and the Division of Child and Family Services while the child is in placement.} (Deleted by amendment.)~~

Sec. 64. NRS 432B.067 is hereby amended to read as follows:

432B.067 "Indian child" has the meaning ascribed to it in {25 U.S.C. § 1903.} section 9 of this act.

Sec. 65. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

- (a) Child welfare services provided in this State;
- (b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;
- (c) The development of local councils involving public and private organizations;
- (d) Reports of abuse or neglect, records of these reports and the response to these reports;
- (e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;
- (f) The management and assessment of reported cases of abuse or neglect;
- (g) The protection of the legal rights of parents and children;
- (h) Emergency shelter for a child;
- (i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;
- (j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

↪ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for ~~the~~ :

(a) *The* administration of NRS 432B.010 to 432B.606, inclusive.

(b) *The implementation of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.*

Sec. 66. ~~NRS 432B.360 is hereby amended to read as follows:~~

~~432B.360 1. [A] Except as otherwise provided in section 63 of this act, a parent or guardian of a child who is in need of protection may place the child with a public agency authorized to care for children or a private institution or agency licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such children if:~~

~~(a) Efforts to keep the child in his or her own home have failed; and~~

~~—(b) The parents or guardian and the agency or institution voluntarily sign a written agreement for placement of the child which sets forth the rights and responsibilities of each of the parties to the agreement.~~

~~—2. If a child is placed with an agency or institution pursuant to subsection 1, the parent or guardian shall:~~

~~—(a) If able, contribute to the support of the child during the temporary placement;~~

~~—(b) Inform the agency or institution of any change in the address or circumstances of the parent or guardian; and~~

~~—(c) Meet with a representative of the agency or institution and participate in developing and carrying out a plan for the possible return of the child to the custody of the parent or guardian, the placement of the child with a relative or the eventual adoption of the child.~~

~~—3. A parent or guardian who voluntarily agrees to place a child with an agency or institution pursuant to subsection 1 is entitled to have the child returned to the physical custody of the parent or guardian within 48 hours of a written request to that agency or institution. If that agency or institution determines that it would be detrimental to the best interests of the child to return the child to the custody of the parent or guardian, it shall cause a petition to be filed pursuant to NRS 432B.490.~~

~~—4. If the child has remained in temporary placement for 6 consecutive months, the agency or institution shall:~~

~~—(a) Immediately return the child to the physical custody of the parent or guardian; or~~

~~—(b) Cause a petition to be filed pursuant to NRS 432B.490.~~

~~—5. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.~~ **(Deleted by amendment.)**

Sec. 67. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries *in accordance with subsection ~~2~~ 1 of section 30 of this act* to determine whether *there is reason to know that* the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act ~~[-]~~, *sections 2 to ~~29~~ 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.*

Sec. 68. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ *as otherwise provided in section 26 of this act*, the court has exclusive original jurisdiction in proceedings concerning any child domiciled, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 69. NRS 432B.425 is hereby amended to read as follows:

432B.425 If proceedings pursuant to this chapter involve the protection of an Indian child, the court shall ~~1:~~

~~1. Cause the Indian child's tribe to be notified in writing at the beginning of the proceedings in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~2. Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~3. If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.]~~ **require that notice of the proceedings and any other notice required by this chapter be provided in accordance with section 31 of this act.**

Sec. 70. NRS 432B.5902 is hereby amended to read as follows:

432B.5902 1. After a motion for the termination of parental rights is filed pursuant to NRS 432B.5901, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion; ~~and~~

(b) ~~If [applicable, each Indian tribe of] the child who is [the] subject [of] to the [motion, in accordance with NRS 128.023;]~~ ***motion is known to be an Indian child, the child's Indian tribe; and***

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in NRS 432B.5904 or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 71. The provisions of subsection 3 of section 25 of this act apply to tribal-state agreements entered into or renewed on or after January 1, 2024.

Sec. 72. Not later than September 15, 2024, and each even-numbered year thereafter, the Division of Child and Family Services of the Department of Health and Human Services and the Court Administrator shall report to the Chairs of the Senate and Assembly Standing Committees on Judiciary regarding, as applicable:

1. The number of Indian children involved in dependency proceedings during the prior 2-year period.

2. The average duration Indian children were in protective custody.

3. The ratio of Indian children to non-Indian children in protective custody.

4. Which tribes the Indian children in protective custody were members of or of which they were eligible for membership.

5. The number of Indian children in foster care who are in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

6. The number of Indian children placed in adoptive homes in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

7. The number of available placements and common barriers to recruitment and retention of appropriate placements.

8. The number of times the court found that good cause existed to deviate from the statutory placement preferences under section 37 of this act, when making a finding regarding the placement of a child in a dependency proceeding.

9. The number of cases that were transferred to tribal court under section 28 of this act.

10. The number of times the court found good cause to decline to transfer jurisdiction of a dependency proceeding to tribal court upon request and the most common reasons the court found good cause to decline a transfer petition.

11. The efforts the Division and the Court Administrator have taken to ensure compliance with the provisions of sections 2 to ~~39,~~ 38, inclusive, of this act and sections 42 to 50, inclusive, of this act in dependency proceedings.

12. The number of ICWA compliance reports in which ~~the Division~~ an agency which provides child welfare services reported the petitioner's documentation was insufficient for the court to make a finding regarding whether the petitioner complied with the inquiry requirements under subsection ~~1,~~ 1 of section 30 of this act and notice requirements under subsection 2 of section 31 of this act. As used in this subsection ~~1,~~ 1:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "ICWA compliance report" has the meaning ascribed to it in section 49 of this act.

Sec. 73. Not later than March 15, 2025, the Division of Child and Family Services of the Department of Health and Human Services shall submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the Division's implementation of tribal customary adoption as described in section 50 of this act as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Sec. 74. 1. A court shall give full faith and credit to the public acts, records and judicial proceedings of an Indian tribe applicable to an Indian child in a child custody proceeding.

2. As used in this section, "child custody proceeding" has the meaning ascribed to it in section 4 of this act.

Sec. 75. 1. If any provision of sections 2 to ~~39,~~ 38, inclusive, of this act or sections 42 to 50, inclusive, of this act is found to provide a lower standard of protection to the rights of an Indian child or the Indian child's parent, Indian custodian or tribe than that provided in the Indian Child Welfare Act:

(a) The higher standard of protection in the Indian Child Welfare Act controls; and

(b) It shall not serve to render inoperative any remaining provisions of sections 2 to ~~39,~~ 38, inclusive, of this act and sections 42 to 50, inclusive, of this act that may be held to provide a higher standard of protection than that provided in the Indian Child Welfare Act.

2. As used in this section, "Indian Child Welfare Act" means the federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., and any related regulations.

Sec. 76. The Court Administrator may adopt any rules necessary to implement the provisions of sections 2 to ~~39,~~ 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 77. 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. 78. NRS 62D.200, 127.013, 127.017, 128.027, ~~[128.093,]~~ 432B.451 and 432B.465 are hereby repealed.

Sec. 79. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
2. On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

62D.200 Full faith and credit given to proceedings of Indian tribe.

127.013 Transfer of proceedings to Indian tribe.

127.017 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

128.027 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

~~[128.093 Testimony of qualified expert witness required in proceedings to terminate parental rights of parent of Indian child.]~~

432B.451 Qualified expert witness required in proceeding to place Indian child in foster care.

432B.465 Full faith and credit to judicial proceedings of Indian tribe.

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. 449.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 446.

SUMMARY—~~[Enacts provisions to provide a property tax credit under certain circumstances.]~~ **Authorizes a credit or refund of property taxes under certain circumstances when an applicable partial abatement of taxes was not applied or claimed.** (BDR 32-767)

AN ACT relating to taxation; ~~[authorizing a taxpayer to obtain a credit against property taxes owed by the taxpayer under certain circumstances]~~ **revising provisions governing the correction of the tax roll and issuance of credits or refunds of property taxes** when an applicable partial abatement of taxes was not applied or claimed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a partial abatement of the property taxes levied on property for which an assessed valuation has previously been established, a remainder parcel of real property, ~~[certain]~~ single-family residences **that are the primary residence of the owner** and certain residential rental dwellings.

These partial abatements have the effect of establishing an annual cap on increases in property taxes. (NRS 361.4722, 361.4723, 361.4724) Under existing law, if ~~if a taxpayer is aggrieved by a determination of the applicability of such a partial abatement, the taxpayer is authorized to submit a petition to the county assessor of the county in which the property is located for the review of that determination, and such a petition must be submitted on or before June 30 of the fiscal year for which the partial abatement is applied. (NRS 361.4734) This bill authorizes a taxpayer who, for the immediately preceding fiscal year, paid a greater amount of property taxes than would have otherwise been due because an applicable partial abatement was not applied or claimed, to petition the county assessor for a credit against property taxes due for the next fiscal year. Under this bill, any such credit may be carried forward to subsequent fiscal years.~~ the county assessor of a county notifies the county treasurer that a taxpayer is entitled, for the current fiscal year, to the partial abatement for a single-family residence that is the primary residence of the owner, but that the taxpayer failed to claim that partial abatement within the required period for good cause, the county treasurer is authorized, with the concurrence of the county assessor and without the approval of the board of county commissioners, to provide a credit or refund to the taxpayer, as the county treasurer deems appropriate. (NRS 361.4734, 361.733; NAC 361.6055) This bill: (1) expands this provision by authorizing the county treasurer to make such a correction to the tax roll and issue such a credit or refund to a taxpayer if the county assessor notifies the county treasurer that the taxpayer is entitled that partial abatement for the immediately preceding fiscal year; and (2) removes the requirement to establish good cause for such a correction.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

~~{1. Notwithstanding any other provision of law, a taxpayer who, for the immediately preceding fiscal year, paid more than the amount of taxes that the taxpayer would have otherwise been due if an applicable partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 had been applied or claimed for that fiscal year, may submit a written petition for the review of the partial abatement to the county assessor of the county in which the property is located. The petition must be submitted on or before June 30 of the fiscal year immediately following the fiscal year for which the determination was effective. The county assessor shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.~~

~~2. A taxpayer who submits a petition pursuant to subsection 1 and submits evidence satisfactory to establish that, for the immediately preceding fiscal year, the taxpayer paid more than the amount of taxes that the~~

~~taxpayer would have otherwise been due if an applicable partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 had been applied or claimed for that fiscal year is entitled to credit against the taxes due for the next fiscal year. Any unused credit may be carried forward to subsequent fiscal years.~~

~~3. A taxpayer who is aggrieved by a decision rendered by a county assessor pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.~~

~~4. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 3 is entitled to a judicial review of that determination.~~

1. If, during the current fiscal year, the county assessor notifies the tax receiver of the county that a taxpayer has claimed and is entitled to a partial abatement from taxation for the immediately preceding fiscal year pursuant to NRS 361.4723, but that the taxpayer failed to claim the partial abatement before the extension of the tax roll for the immediately preceding fiscal year pursuant to NRS 361.773, the tax receiver may, with the concurrence of the tax assessor and without the approval of the board of county commissioners of that county, correct the tax roll for the immediately preceding fiscal year at any time during the current fiscal year to indicate that the affected property is eligible for the partial abatement pursuant to NRS 361.4723 for the immediately preceding fiscal year.

2. If the tax receiver corrects the tax roll of the county pursuant to subsection 1 to indicate that the property of a taxpayer is eligible for a partial abatement from taxation for the immediately preceding fiscal year, the taxpayer is entitled to such a tax credit or refund, or combination thereof, as the tax receiver deems appropriate.

Sec. 1.3. NRS 361.4734 is hereby amended to read as follows:

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the county assessor of the county in which the property is located. The petition must be submitted on or before June 30 of the fiscal year for which the determination is effective ~~or~~, if the determination was for the immediately preceding fiscal year, June 30 of the fiscal year following the fiscal year for which the determination is made. The county assessor shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a county assessor or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

Sec. 1.7. NRS 361.773 is hereby amended to read as follows:

361.773 1. If **the county assessor notifies** the tax receiver of a county ~~[determines]~~ that a taxpayer has claimed and is entitled to a partial abatement from taxation for a fiscal year pursuant to NRS 361.4723, but that the taxpayer ~~[for good cause]~~ failed to claim the partial abatement before the extension of the tax roll for that fiscal year pursuant to NRS 361.465, the tax receiver may, with the concurrence of the tax assessor and without the approval of the board of county commissioners of that county, correct the tax roll of the county at any time during that fiscal year to indicate that the affected property is eligible for that partial abatement for that fiscal year.

2. If the tax receiver corrects the tax roll of the county pursuant to subsection 1 to indicate that the property of a taxpayer is eligible for a partial abatement from taxation for a fiscal year, the taxpayer is entitled to such a tax credit or refund, or combination thereof, as the tax receiver deems appropriate.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 245, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 281, 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*

SECOND READING AND AMENDMENT

Assembly Bill No. 198.

Bill read second time.

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

Amendment No. 526.

AN ACT relating to health care; ~~for providing for the registration of providers of health care who are not licensed in this State to provide services through telehealth to patients located in this State and for the regulation of such providers; establishing proper venue for a civil action arising out of the provision of a service through telehealth; revising the circumstances under which a provider of health care is authorized to provide services through telehealth to a patient located in this State; abolishing certain licensure to practice medicine; providing for the licensure of~~ **enacting provisions governing the certification and regulation** of certified registered nurse anesthetists ~~for advanced practice registered nurses; authorizing such an advanced practice registered nurse to order and select~~ **;** **authorizing a certified registered nurse anesthetist to order, prescribe, possess and administer** controlled substances, poisons, ~~and~~ dangerous drugs **and devices** under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law: (1) requires a provider of health care to be licensed in this State in order to use telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient; and (2) provides that a provider of health care who uses telehealth for those purposes is subject to the laws and jurisdiction of this State. Existing law additionally authorizes the establishment of a provider patient relationship through telehealth. (NRS 629.515)~~

~~Sections 2-19 of this bill enact the Uniform Telehealth Act. Section 2 of this bill labels the Uniform Act as such. Sections 3-10 of this bill define certain terms for the purposes of the Uniform Act. Section 11 of this bill provides that the provisions of this bill apply to the provision of services through telehealth to a patient who is located in this State exclusively.~~

~~Section 19 of this bill removes existing provisions requiring a provider of health care to be licensed in this State in order to direct or manage care or issue a prescription or treatment order. Instead, section 19 authorizes a provider of health care to provide services through telehealth to a patient who is located in this State if the provider: (1) is licensed in this State; (2) is registered with the appropriate licensing board to provide services through telehealth to patients in this State; or (3) provides services through telehealth on certain limited bases. Section 12 of this bill deems a provider of health care who is registered with the appropriate licensing board to provide services through telehealth to patients in this State to be licensed in this State if he or she practices only~~

~~within the scope of the registration. Section 12 also provides that such registration satisfies certain requirements relating to supervision and the control of entities that provide health care. Section 13 of this bill prescribes the requirements to obtain such registration, which include: (1) holding an active, unrestricted license to practice the relevant profession in another state; (2) not being subject to pending discipline; (3) not having been disciplined for certain infractions in the immediately preceding 5 years, or certain other infractions at any time; and (4) having professional liability insurance that covers the provision of services through telehealth. Section 13 also requires a licensing board to make information concerning registrants publicly available in the same manner as information concerning licensees.~~

~~—Section 14 of this bill: (1) authorizes a licensing board to adopt regulations to carry out the Uniform Act; and (2) prohibits a licensing board from adopting certain regulations that restrict the use of telehealth. Section 15 of this bill prescribes the grounds for disciplinary action against a registrant and the disciplinary actions that a licensing board is authorized to impose. Section 16 of this bill requires a registrant to: (1) notify the relevant licensing board of any pending investigation or any restriction or disciplinary action imposed against the registrant in another state; and (2) maintain liability insurance that covers the provision of services through telehealth. Section 16 also prohibits a registrant from opening or maintaining an office in this State or providing in-person services to patients in this State.~~

~~—Section 17 of this bill provides that: (1) the provision of a telehealth service is deemed to occur at the location of the patient at the time the service is provided; and (2) in a civil action arising out of the provision of a telehealth service, venue is proper in the patient's county of residence in this State or in another county authorized by law. Section 18 of this bill requires a court, in applying and construing the provisions of the Uniform Act, to consider the promotion of uniformity of law among the jurisdictions that enact the Uniform Act. Sections 21, 25, 29, 31, 34-40 and 43-51 of this bill make conforming changes to revise references to certain definitions moved by this bill.~~

~~—Existing law creates a special purpose license to practice medicine only using equipment that transfers information electronically, telephonically or by fiber optics. (NRS 630.261) Sections 22 and 23 of this bill abolish this license because it is duplicative of registration to provide services through telehealth under the Uniform Act.]~~

Existing law provides for the certification of certified registered nurse anesthetists, who are registered nurses who: (1) have completed a nationally accredited program in the science of anesthesia; and (2) administer anesthetic agents to a person under the care of a licensed physician, a licensed dentist or a licensed podiatric physician. (NRS 632.014)

~~[Existing law also provides for the licensure of advanced practice registered nurses, who are registered nurses who: (1) have completed certain training regarding medical diagnosis, therapeutic or corrective measures and prescribing controlled substances, poisons, dangerous drugs and devices; and~~

(2) meet certain other requirements. (NRS 632.237) Section 24 of this bill provides for the licensure of certified registered nurse anesthetists ~~as a type of advanced practice registered nurse.~~ **Section 2 of this bill requires the State Board of Nursing to issue a certificate of registration to practice as a certified registered nurse anesthetist to a registered nurse who meets the requirements prescribed by existing law for such certification and any additional requirements prescribed by the Board. Section 2 also requires the Board to adopt regulations governing certified registered nurse anesthetists.**

Existing law authorizes a registered nurse to possess and administer controlled substances and dangerous drugs under certain circumstances. (NRS 453.375, 454.213) Sections 3, 5, 10 and 16 of this bill additionally authorize a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, and dangerous drugs only for use during the period surrounding an operation or birth. Sections 24 and 27 of this bill provide that certain provisions of existing law governing advanced practice registered nurses do not apply to an advanced practice registered nurse who practices as a certified registered nurse anesthetist. Sections 20, 26 and 54 of this bill remove references to certification or approval as a certified registered nurse anesthetist. Section 28 of this bill requires the State Board of Nursing to disseminate a technical advisory bulletin concerning the prescribing of controlled substances to advanced practice registered nurses who practice as certified registered nurse anesthetists if that bulletin is not available on the Internet.) and devices to treat a person under the care of a licensed physician, a licensed dentist or a licensed podiatric physician before, during and after surgery or childbirth. Sections 6-9 and 11-15 of this bill make additional changes necessary to authorize a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in such circumstances. A certified registered nurse anesthetist who unlawfully possesses, prescribes or administers a controlled substance, dangerous drug or poison would be subject to discipline and criminal and civil penalties to the same extent as other practitioners who unlawfully possess, prescribe or administer such drugs. (NRS 453.236, 453.305, 453.326, 453.3363, 453.553, 454.170, 454.356)

Section 4 of this bill makes a conforming change to remove a provision now duplicated in section 2.

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

Delete existing sections 1 through 55 of this bill and replace with the following new sections 1 through 17:

Section 1. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. The Board shall issue a certificate of registration to practice as a certified registered nurse anesthetist to an applicant who:

(a) Has successfully completed a nationally accredited program in the science of anesthesia; and

(b) Meets any additional requirements prescribed by the Board pursuant to subsection 2.

2. The Board shall adopt regulations to carry out the provisions of this section and section 3 of this act, including, without limitation, regulations:

(a) Specifying any additional training, education and experience necessary for certification as a certified registered nurse anesthetist;

(b) Delineating the authorized scope of practice of a certified registered nurse anesthetist; and

(c) Establishing the procedure to apply for certification as a certified registered nurse anesthetist.

Sec. 3. A certified registered nurse anesthetist may:

1. Order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician, a licensed dentist or a licensed podiatric physician in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth.

2. Possess and administer controlled substances, poisons, dangerous drugs and devices in other circumstances under which a registered nurse is authorized to possess and administer controlled substances, poisons, dangerous drugs and devices.

Sec. 4. NRS 632.014 is hereby amended to read as follows:

632.014 “Certified registered nurse anesthetist” means a registered nurse who ~~is~~

~~1. Has completed a nationally accredited program in the science of anesthesia; and~~

~~2. Is~~ **is** certified by the Board **pursuant to section 2 of this act** to administer anesthetic agents to a person under the care of a licensed physician, a licensed dentist or a licensed podiatric physician.

Sec. 5. NRS 639.0125 is hereby amended to read as follows:

639.0125 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

7. A certified registered nurse anesthetist who orders, prescribes, possesses or administers controlled substances, poisons, dangerous drugs or devices in accordance with section 3 of this act.

Sec. 6. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

“Certified registered nurse anesthetist” has the meaning ascribed to it in NRS 632.014.

Sec. 7. NRS 453.016 is hereby amended to read as follows:

453.016 As used in this chapter, the words and terms defined in NRS 453.021 to 453.141, inclusive, **and section 6 of this act** have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.

Sec. 8. 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, **certified registered nurse anesthetist**, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse, **certified registered nurse anesthetist**, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 9. NRS 453.091 is hereby amended to read as follows:

453.091 1. “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. “Manufacture” does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric

physician, advanced practice registered nurse , **certified registered nurse anesthetist** or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 10. NRS 453.126 is hereby amended to read as follows:

453.126 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

8. A **certified registered nurse anesthetist who orders, prescribes, possesses or administers controlled substances in accordance with section 3 of this act.**

Sec. 11. NRS 453.128 is hereby amended to read as follows:

453.128 1. “Prescription” means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered

nurse, **certified registered nurse anesthetist** or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 12. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations. A person must present proof that he or she is authorized to access the database of the program established pursuant to NRS 453.162 before the Board may issue or renew a registration.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, **and section 6 of this act** to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive, **and section 6 of this act:**

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, **certified registered nurse anesthetist**, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 13. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse, **certified registered nurse anesthetist** or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive, ~~and~~ **and section 6 of this act.**

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished 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 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, 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.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana 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 1 of NRS 484C.350,

↪ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person 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.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) “Marijuana” does not include concentrated cannabis.

(c) “Sterile hypodermic device program” has the meaning ascribed to it in NRS 439.986.

Sec. 14. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced practice registered nurse, **certified registered nurse anesthetist** or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced practice registered nurse, **certified registered nurse anesthetist**, podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced practice registered nurse, **certified registered nurse anesthetist**, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced practice registered nurse, **certified registered nurse anesthetist**, podiatric physician or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 15. NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced practice registered nurse, **certified registered nurse anesthetist**, veterinarian

or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 16. NRS 454.00958 is hereby amended to read as follows:

454.00958 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A certified registered nurse anesthetist who orders, prescribes, possesses or administers poisons, dangerous drugs or devices in accordance with section 3 of this act.

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, 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. 245.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 371.

ASSEMBLYMEN TORRES, MARZOLA, GONZÁLEZ, KASAMA; BILBRAY-AXELROD, BROWN-MAY, D’SILVA, DURAN, HAFEN, MCARTHUR, C.H. MILLER, **MOSCA**, NEWBY, NGUYEN, PETERS, SUMMERS-ARMSTRONG, TAYLOR, **THOMAS** AND WATTS

SPONSOR: SENATOR KRASNER

CONTAINS UNFUNDED MANDATE ~~[(§ 1)]~~ **(§§ 1.2, 3.3, 3.6)**

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; requiring the board of trustees of each school district **and the governing body of each charter school or university school for profoundly gifted pupils** to enter into a memorandum of understanding with an organization that assists victims of ~~sexual misconduct; revising provisions governing the SafeVoice Program;~~ **power-based violence and requiring certain pupils be referred to such an organization; creating the Committee on Responses to Power-Based Violence in Schools; requiring school districts and public schools to make available information regarding the statewide information and referral system maintained by the Department of Health and Human Services; replacing the term “sexual misconduct” with “power-based violence”;** creating the Commission on Higher Education Campus Safety; revising provisions governing certain programming related to ~~sexual misconduct;~~ **power-based violence** which institutions in the Nevada System of Higher Education may be required to provide to students and employees; abolishing the Task Force on Sexual Misconduct at Institutions of Higher Education; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of Regents of the University of Nevada to require an institution within the Nevada System of Higher Education to enter into a memorandum of understanding with an organization that assists persons involved in sexual misconduct. (NRS 396.147) ~~[(Section 1)]~~ **Sections 1.2, 3.3 and 3.6** of this bill similarly requires the board of trustees of each school district **and the governing body of each charter school or university school for profoundly gifted pupils** to enter into a memorandum of understanding with an organization that assists victims of ~~sexual misconduct;~~ **power-based violence** and sets forth the provisions that may be included in such a memorandum of understanding. **Sections 1.2, 3.3 and 3.6 also require a teacher or administrator who is informed by a pupil that the pupil has been a victim of power-based violence to refer the pupil to the organization that assists victims of power-based violence. Section 1.4 of this bill establishes the Committee on Responses to Power-Based Violence in Schools and requires the Committee to review, study and make recommendations regarding power-based violence in schools.**

Existing law requires the Department of Health and Human Services to establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by

public or private entities in this State. (NRS 232.359) Section 1.6 of this bill requires the board of trustees of each school district to provide information about this system on its Internet website and requires each public school, to the extent money is available, to post information regarding the system in each restroom of the public school that is available for use by a pupil. Section 2 of this bill makes a conforming change to indicate the proper placement of ~~Section 1~~ sections 1.2, 1.4 and 1.6 in the Nevada Revised Statutes.

Existing law ~~requires the establishment of the SafeVoice Program within the Office for a Safe and Respectful Learning Environment within the Department of Education. That Program allows a person to make an anonymous report to a support center regarding dangerous, violent or unlawful activity that is conducted, or threatened to be conducted, on property of a public school or in certain other circumstances related to public schools. (NRS 388.1455) Section 3 of this bill requires the SafeVoice Program to include methods and procedures to ensure that a pupil who is a victim of sexual misconduct may obtain a referral to an organization that assists victims of sexual misconduct. Section 3 authorizes the Director of the Office for a Safe and Respectful Learning Environment to enter into agreements on behalf of the SafeVoice Program with state and local agencies and community-based organizations to facilitate the referral of pupils and other persons for certain services and authorizes the sharing of information and provision of services between agencies and organizations that are party to such an agreement.~~ **establishes provisions relating to the handling of sexual misconduct at institutions within the System. (NRS 396.125-396.1595)** Existing law creates the Task Force on Sexual Misconduct at Institutions of Higher Education and prescribes the duties of the Task Force. **Section ~~9~~ 10 of this bill abolishes the Task Force. Section 4.3 of this bill defines “power-based violence” and sections 3.8 and 5.2-8.6 of this bill replace the term “sexual misconduct” with “power-based violence.” Section ~~4~~ 4.6 of this bill creates the Commission on Higher Education Campus Safety and prescribes the membership of the Commission. Sections 6 and 7 of this bill transfer the duties of the Task Force to the Commission. Section 5 of this bill makes a conforming change to indicate the proper placement of ~~Section 4~~ sections 4.3 and 4.6 in the Nevada Revised Statutes.**

Existing law authorizes the Board of Regents to require an institution to provide programming on awareness and prevention of sexual misconduct to all students and employees and establishes requirements for the programming if required by the Board of Regents. (NRS 396.153) **Section 8 of this bill instead authorizes the Board of Regents to require an institution to provide programming on awareness and prevention of power-based violence and provides that, if an institution provides such programming, the institution must require each student to attend the programming at least once in his or her first two regular academic semesters after enrollment and an employee to attend such programming at least once every 3 years. Section 8**

authorizes the programming on awareness and prevention of ~~{sexual misconduct}~~ **power-based violence** that is provided to students to be incorporated into a course for which a student may receive academic credit and authorizes an institution to condition the award of a degree or certificate upon the completion of such a course. **Section 8** requires an institution, if it provides the programming on awareness and prevention of ~~{sexual misconduct to employees}~~, **power-based violence** to: (1) require the programming **for students** to be provided and attended in person, except under certain limited circumstances; (2) require the syllabus for the programming to include resources on how to obtain certain information; and (3) make ~~to a copy of the syllabus and any instructional materials available for viewing at all times by interested employees}~~ **certain information relating to power-based violence available on the Internet website of the institution.**

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 ~~to a new section to read as follows:~~

~~==>~~ **the provisions set forth as sections 1.2, 1.4 and 1.6 of this act.**

Sec. 1.2. 1. The board of trustees of each school district shall enter into a memorandum of understanding with a community-based organization that assists victims of ~~{sexual misconduct}~~ power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the school district and the community-based organization that assists victims of ~~{sexual misconduct}~~ power-based violence to establish an understanding of the:

(1) Responsibilities that the school district and the community-based organization that assists victims of ~~{sexual misconduct}~~ power-based violence have in responding to a report or disclosure of an alleged incident of ~~{sexual misconduct}~~ power-based violence; and

(2) Procedures of the school district for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of ~~{sexual misconduct}~~ power-based violence to:

(1) Assist with developing policies, programming or training for the school district regarding ~~{sexual misconduct}~~ power-based violence;

(2) Provide an alternative for a pupil or employee of the school district to receive free counseling, advocacy or crisis services related to an alleged incident of ~~{sexual misconduct}~~ power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at a public school in the school district; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the school district.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of ~~sexual misconduct~~ power-based violence.

2. If a teacher or administrator is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) “Forensic medical examination” has the meaning ascribed to it in NRS 217.300.

(b) ~~“Sexual misconduct”~~ “Power-based violence” has the meaning ascribed to it in ~~NRS 396.134~~ section 4.3 of this act.

Sec. 1.4. 1. The Committee on Responses to Power-Based Violence in Schools is hereby created within the Department.

2. The Committee consists of the following members, appointed by the chair of the committee on statewide school safety created pursuant to NRS 388.1324:

(a) Two members who are employees of a school district in this State;

(b) Two members who are representatives of a nonprofit organization that assists victims of power-based violence;

(c) Two members who are:

(1) A pupil enrolled in a school in this State; or

(2) The parent or legal guardian of a pupil enrolled in a school in this State;

(d) One member who is the parent of a pupil who was a victim of power-based violence;

(e) One member who is a pupil who was a victim of power-based violence;

(f) Two members who are Title IX coordinators for public schools in this State;

(g) One member who is an employee of the Office for a Safe and Respectful Learning Environment;

(h) One member who is a school resource officer assigned to a school in this State;

(i) Two members who are employed as a school psychologist, a provider of mental health other than a psychologist who provides services to pupils at a school in this State or a school social worker; and

(j) One member who is a licensed teacher in this State.

3. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Committee shall elect a Chair and Vice Chair from among its members at the first meeting of the Committee and at the first meeting of the

calendar year each year thereafter. The Chair and Vice Chair serve a term of 1 year.

5. Each member of the Committee serves a term of 2 years and may be reappointed.

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

7. The Committee shall review, study and make recommendations regarding power-based violence in schools. In performing its duties, the Committee shall:

(a) Consider the experiences of pupils relating to power-based violence and pupil safety;

(b) Examine current procedures and protocols for responding to power-based violence that are used in public schools in this State;

(c) Identify emerging trends and best practices for responding to and preventing power-based violence;

(d) Identify possible gaps in the services that are available for victims of power-based violence; and

(e) Make recommendations for procedures that will focus on preventing and intervening in disclosures of power-based violence.

8. The Committee shall, not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education any recommendations for legislation relating to power-based violence in schools.

9. The members of the Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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

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

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

11. As used in this section, “power-based violence” has the meaning ascribed to it in section 4.3 of this act.

Sec. 1.6. 1. The board of trustees of each school district shall post on its Internet website and include in any written informational materials related to pupil safety prepared by the school district information regarding the statewide information and referral system concerning health, welfare, human and social services created pursuant to NRS 232.359, including the number which may be used to access the system.

2. Each public school shall, to the extent money is available, post information regarding the statewide information and referral system concerning health, welfare, human and social services created pursuant to NRS 232.359, including the number which may be used to access the system, in each restroom of the public school which is available for use by pupils.

Sec. 2. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, ~~and section 1~~ **sections 1.2, 1.4 and 1.6 of this act**, unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. ~~NRS 388.1455 is hereby amended to read as follows:~~

~~388.1455 1. The Director shall establish the SafeVoice Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to subsection 2 and NRS 388.1458, must not be disclosed to any person.~~

~~2. The SafeVoice Program must include, without limitation, methods and procedures to ensure that:~~

~~(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies, the Department and other appropriate state agencies, school administrators and other school employees, including, without limitation, the teams appointed pursuant to NRS 388.14553;~~

~~(b) The identity of a person who reports information to the Program may remain anonymous, unless the policies established and regulations adopted pursuant to subsection 6 require the identity of such a person to be disclosed; and~~

~~(c) The appropriate public safety agencies may access personally identifiable information concerning a pupil;~~

~~(1) To take the appropriate action in response to an activity or threat reported pursuant to this section;~~

~~(2) Twenty-four hours a day; and~~

~~(3) Subject to the confidentiality required pursuant to this section [.] ;~~
~~and~~

~~(d) A pupil who is a victim of sexual misconduct may obtain a referral to a community-based organization that assists victims of sexual misconduct.~~

~~3. On behalf of the SafeVoice Program, the Director or his or her designee shall establish and operate a support center that meets the requirements of NRS 388.14557, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application or enter into an agreement with an organization that the Director determines is appropriately~~

~~qualified and experienced, pursuant to which the organization will establish and operate such a support center, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application. The support center shall receive initial reports made to the Program through the hotline, Internet website, mobile telephone application and text messaging application and forward the information contained in the reports in the manner required by subsection 2.~~

~~4. The Director shall provide training regarding:~~

~~—(a) The Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.~~

~~—(b) Properly responding to a report received from the support center, including, without limitation, the manner in which to respond to reports of different types of dangerous, violent and unlawful activity and threats of such activity, to each member of a team appointed pursuant to NRS 388.14553.~~

~~—(c) The procedure for making a report to the support center using the hotline, Internet website, mobile telephone application and text messaging application and collaborating to prevent dangerous, violent and unlawful activity directed at teachers and other members of the staff of a school, pupils, family members of pupils and other persons.~~

~~5. The Director shall:~~

~~—(a) Post information concerning the SafeVoice Program on an Internet website maintained by the Director;~~

~~—(b) Provide to each public school educational materials regarding the SafeVoice Program, including, without limitation, information about the telephone number, address of the Internet website, mobile telephone application, text messaging application and any other methods by which a report may be made; and~~

~~—(c) On or before July 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education a report containing a summary of the information reported to the Director pursuant to NRS 388.14557 during the immediately preceding 12 months and any other information that the Director determines would assist the Committee to evaluate the SafeVoice Program.~~

~~6. The Department shall establish policies and adopt regulations pursuant to subsection 2 relating to the disclosure of the identity of a person who reports information to the Program. The regulations must include, without limitation, the disclosure of the identity of a person who reported information to the Program.~~

~~—(a) To ensure the safety and well being of the person who reported information to the Program;~~

~~—(b) To comply with the provisions of NRS 388.1351; or~~

~~—(c) If the person knowingly reported false information to the Program.~~

~~7. On behalf of the SafeVoice Program, the Director may enter into one or more agreements with state and local agencies and community-based organizations to facilitate the referral of pupils and other persons for wrap-around services or services related to the prevention of domestic violence or assistance for victims of domestic violence. An agreement entered into pursuant to this subsection may provide for the sharing of information and provision of services between agencies and community-based organizations with which the Director has entered into an agreement pursuant to this subsection to the extent not prohibited by other law.~~

~~8. As used in this section:~~

~~(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.~~

~~(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.~~

~~(c) "Sexual misconduct" has the meaning ascribed to it in NRS 396.134.~~

~~(d) "Wrap-around services" means community-based intervention services provided to children and youth with intensive mental or behavioral health needs and their families, including, without limitation, mobile crisis response and stabilization. As used in this paragraph, "youth" means a person under 25 years of age. (Deleted by amendment.)~~

Sec. 3.3. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each charter school shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the charter school and the community-based organization that assists victims of power-based violence to establish an understanding of the:

(1) Responsibilities that the charter school and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and

(2) Procedures of the charter school for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of power-based violence to:

(1) Assist with developing policies, programming or training for the charter school regarding power-based violence;

(2) Provide an alternative for a pupil or employee of the charter school to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at the charter school; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the charter school.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.

2. If a teacher or administrator of the charter school is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(b) "Power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 3.6. Chapter 388C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each university school for profoundly gifted pupils shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the university school for profoundly gifted pupils and the community-based organization that assists victims of power-based violence to establish an understanding of the:

(1) Responsibilities that the university school for profoundly gifted pupils and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and

(2) Procedures of the university school for profoundly gifted pupils for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of power-based violence to:

(1) Assist with developing policies, programming or training for the university school for profoundly gifted pupils regarding power-based violence;

(2) Provide an alternative for a pupil or employee of the university school for profoundly gifted pupils to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at the university school for profoundly gifted pupils; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the university school for profoundly gifted pupils.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.

2. If a teacher or administrator of the university school for profoundly gifted pupils is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) “Forensic medical examination” has the meaning ascribed to it in NRS 217.300.

(b) “Power-based violence” has the meaning ascribed to it in section 4.3 of this act.

Sec. 3.8. NRS 394.16095 is hereby amended to read as follows:

394.16095 1. The governing body of a private school shall not enter into an agreement that:

(a) Has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or ~~sexual misconduct~~ **power-based violence** by a current or former employee.

(b) Affects the ability of the private school to report suspected abuse or ~~sexual misconduct~~ **power-based violence** to the appropriate authorities.

(c) Requires the private school to expunge information about allegations or findings of suspected abuse or ~~sexual misconduct~~ **power-based violence** from any documents maintained by the private school unless, after investigating the alleged violation, the private school determines that the allegations were false, unfounded, unsubstantiated or inconclusive.

2. If an agreement requires the removal of a document from the personnel file of an employee, the private school must maintain the document with the agreement.

3. Any provisions in an agreement that violate the provisions of this section are void.

4. As used in this section, “power-based violence” has the meaning ascribed to it in section 4.3 of this act.

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~

→ the provisions set forth as sections 4.3 and 4.6 of this act.

Sec. 4.3. “Power-based violence” means any form of interpersonal violence intended to control, intimidate or harm another person through the assertion of power. The term includes, without limitation, dating violence, domestic violence, gender-based violence, gender-based harassment, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, stalking or indecent exposure.

Sec. 4.6. 1. There is hereby created the Commission on Higher Education Campus Safety consisting of 7 members as follows:

(a) The Chancellor of the System, or his or her designee;

(b) ~~One member~~ Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(c) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(d) Four members who represent a community-based organization that assists victims of power-based violence, serve as a victim's advocate, as defined in NRS 49.2545, at an institution within the System or who were a victim of power-based violence at an institution within the System;

(1) One of whom is appointed by the Majority Leader of the Senate;

~~[(c)]~~ (2) One ~~member~~ of whom is appointed by the Minority Leader of the Senate;

~~[(d)]~~ (3) One ~~member~~ of whom is appointed by the Speaker of the Assembly;

~~[(e)]~~ and

(4) One ~~member~~ of whom is appointed by the Minority Leader of the Assembly;

~~[(f) One member]~~ (e) Two members who ~~is a student~~ are students enrolled at an institution within the System, appointed by the Nevada Student Alliance or its successor organization; ~~and~~

(f) One member who is a faculty member of the System, appointed by the Chancellor after consultation with the Nevada Faculty Alliance or its successor organization;

(g) One member who is a ~~representative of a community-based organization that assists victims of sexual misconduct,~~ member of the Police Department for the System, appointed by the Chancellor ~~for~~; and

(h) Two members appointed by the Governor.

2. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

3. The Commission shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

5. A majority of the members of the Commission constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Commission.

6. Members of the Commission serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, and within the limits of available money, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Commission who is an officer or employee of the State or a local government must be relieved from his or her duties without

loss of his or her regular compensation so that the member may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Commission to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The Commission shall examine and make recommendations regarding best practices relating to the prevention of power-based violence. In performing its duties the Commission shall:

(a) Consider student experiences that relate to power-based violence and student safety;

(b) Examine current procedures and protocols for responding to violence, including, without limitation, power-based violence, that are used at institutions within the System;

(c) Meet with organizations that provide services to victims of violence, including, without limitation, power-based violence; and

(d) Identify possible gaps in the services that are available for victims of power-based violence at institutions within the System.

9. The Commission shall, not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education any recommendations for legislation relating to power-based violence.

Sec. 5. NRS 396.125 is hereby amended to read as follows:

396.125 As used in NRS 396.125 to 396.1595, inclusive, ~~and section 4,~~ **sections 4.3 and 4.6 of this act,** unless the context otherwise requires, the words and terms defined in NRS 396.126 to 396.138, inclusive, ~~and section 4.3 of this act~~ have the meanings ascribed to them in those sections.

Sec. 5.2. NRS 396.126 is hereby amended to read as follows:

396.126 “Complainant” means a student or employee of an institution within the System who is alleged to be the victim of conduct that could constitute ~~sexual misconduct,~~ **power-based violence.**

Sec. 5.4. NRS 396.129 is hereby amended to read as follows:

396.129 “Reporting party” means a person who reports an alleged incident of ~~sexual misconduct,~~ **power-based violence** to the institution.

Sec. 5.6. NRS 396.131 is hereby amended to read as follows:

396.131 “Respondent” means a person who has been reported to be the perpetrator of conduct that could constitute ~~sexual misconduct,~~ **power-based violence.**

Sec. 5.8. NRS 396.138 is hereby amended to read as follows:

396.138 “Trauma-informed response” means a response involving an understanding of the complexities of ~~sexual misconduct,~~ **power-based violence,** including, without limitation:

1. Perpetrator methodology;
2. Conducting an effective investigation;

3. The neurobiological causes and impacts of trauma; and
4. The influence of social myths and stereotypes surrounding the causes and impacts of trauma.

Sec. 6. NRS 396.1415 is hereby amended to read as follows:

396.1415 1. The ~~{Task Force on Sexual Misconduct at Institutions of Higher Education}~~ **Commission on Higher Education Campus Safety** created by ~~{NRS 396.141}~~ **section 4 of this act** shall:

- (a) Review the results of any climate survey on ~~{sexual misconduct}~~ **power-based violence** administered at an institution within the System; and
- (b) Each year, hold a meeting open to the public to provide recommendations to the Board of Regents on how to address ~~{sexual misconduct}~~ **power-based violence** at institutions within the System.

2. A meeting held pursuant to subsection 1 is not subject to the provisions of chapter 241 of NRS.

Sec. 7. NRS 396.142 is hereby amended to read as follows:

396.142 1. To the extent that money is available, the Board of Regents may appoint researchers employed at one or more institutions within the System to develop a climate survey on ~~{sexual misconduct}~~ **power-based violence** designed to be administered at institutions within the System. The climate survey on ~~{sexual misconduct}~~ **power-based violence** must:

- (a) Gather institution-specific data regarding the prevalence of gender-based harassment and discrimination;
- (b) Be fair and unbiased;
- (c) Be scientifically valid and reliable; and
- (d) Meet the highest standards of survey research.

2. If appointed to develop a climate survey on ~~{sexual misconduct}~~ **power-based violence**, the researchers shall:

- (a) Use best practices from peer-reviewed research;
- (b) Consult with persons with expertise in the development and use of climate surveys on ~~{sexual misconduct}~~ **power-based violence** at institutions of higher education;
- (c) Consult with a student government association;
- (d) Review climate surveys on ~~{sexual misconduct}~~ **power-based violence** which have been developed and implemented by institutions of higher education, including, without limitation, institutions in other states;
- (e) Provide opportunity for written comment from organizations that assist victims of ~~{sexual misconduct}~~ **power-based violence** to ensure the adequacy and appropriateness of any proposed content of the climate survey on ~~{sexual misconduct}~~ **power-based violence**;
- (f) Consult with institutions within the System on strategies for optimizing the effectiveness of the climate survey on ~~{sexual misconduct}~~ **power-based violence**; and
- (g) Account for the diverse needs and differences of the institutions within the System.

3. If a climate survey on ~~{sexual misconduct}~~ **power-based violence** is developed, the climate survey must request information on topics related to ~~{sexual misconduct}~~ **power-based violence**. The topics may include, without limitation:

(a) The estimated number of alleged incidents of ~~{sexual misconduct}~~ **power-based violence**, both reported and not reported, at an institution within the System, if a student taking the survey has knowledge of such information;

(b) When and where an alleged incident of ~~{sexual misconduct}~~ **power-based violence** occurred;

(c) Whether an alleged incident of ~~{sexual misconduct}~~ **power-based violence** was perpetrated by a student, faculty member, staff member of an institution within the System, third party vendor or another person;

(d) Awareness of a student of the policies and procedures related to ~~{sexual misconduct}~~ **power-based violence** at an institution;

(e) Whether a student reported an alleged incident of ~~{sexual misconduct}~~ **power-based violence** and:

(1) If the incident was reported, to which campus resource or law enforcement agency a report was made; and

(2) If the incident was not reported, the reason the student chose not to report the incident;

(f) Whether a student who reported an alleged incident of ~~{sexual misconduct}~~ **power-based violence** was:

(1) Offered supportive measures by an institution;

(2) Informed of, aware of or referred to campus, local or state resources for support for victims, including, without limitation, appropriate medical care and legal services; and

(3) Informed of the prohibition against retaliation for reporting an alleged incident of ~~{sexual misconduct}~~ **power-based violence**;

(g) Contextual factors in an alleged incident of ~~{sexual misconduct}~~ **power-based violence**, such as the involvement of force, incapacitation or coercion;

(h) Demographic information that could be used to identify at-risk groups, including, without limitation, the gender, race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of the student taking the climate survey on ~~{sexual misconduct}~~ **power-based violence**;

(i) Perceptions a student has of campus safety;

(j) Whether a student has confidence in the ability of the institution to protect against and respond to alleged incidents of ~~{sexual misconduct}~~ **power-based violence**;

(k) Whether a student chose to withdraw or take a leave of absence from the institution or transfer to another institution because the student is the complainant or respondent in an alleged incident of ~~{sexual misconduct}~~ **power-based violence**;

(l) Whether a student withdrew from any classes or was placed on academic probation, disciplinary probation or otherwise disciplined as a result of an alleged incident of ~~sexual misconduct,~~ **power-based violence;**

(m) Whether a student experienced any financial impact as a result of an alleged incident of ~~sexual misconduct,~~ **power-based violence;**

(n) Whether a student experienced any negative health impacts as a result of an alleged incident of ~~sexual misconduct,~~ **power-based violence,** including, without limitation, post-traumatic stress disorder, anxiety, depression, chronic pain or an eating disorder;

(o) The perception of the participants in the survey of the attitudes of the community toward ~~sexual misconduct,~~ **power-based violence,** including, without limitation, the willingness of a person to intervene in an ongoing incident of ~~sexual misconduct,~~ **power-based violence** as a bystander; and

(p) Any other questions as determined necessary by the researchers.

4. The climate survey on ~~sexual misconduct,~~ **power-based violence** must provide an option for students to decline to answer a question.

5. The climate survey on ~~sexual misconduct,~~ **power-based violence** must be provided to the ~~Task Force on Sexual Misconduct at Institutions of Higher Education,~~ **Commission on Higher Education Campus Safety** created pursuant to ~~NRS 396.141,~~ **section 4.6 of this act** for comment.

Sec. 7.1. NRS 396.1425 is hereby amended to read as follows:

396.1425 1. To the extent that money is available, the Board of Regents may require each institution within the System to conduct a climate survey on ~~sexual misconduct,~~ **power-based violence** at the institution biennially.

2. A climate survey on ~~sexual misconduct,~~ **power-based violence** conducted pursuant to subsection 1 must include the questions developed by researchers employed at an institution within the System pursuant to NRS 396.142. If an institution within the System includes additional questions on a climate survey on ~~sexual misconduct,~~ **power-based violence** pursuant to subsection 1, the questions must not be unnecessarily traumatizing for a victim of an alleged incident of ~~sexual misconduct,~~ **power-based violence.**

3. If an institution within the System conducts a climate survey on ~~sexual misconduct,~~ **power-based violence** pursuant to subsection 1, the institution shall:

(a) Provide the survey to each student at the institution, including, without limitation, students studying abroad;

(b) Not require the disclosure of personally identifiable information by a participant in the climate survey on ~~sexual misconduct,~~ **power-based violence;**

(c) Work to ensure an adequate number of students complete the survey to achieve a random and representative sample size of students;

(d) Within 120 days after completion of the climate survey on ~~sexual misconduct,~~ **power-based violence;**

(1) Compile a summary of the responses to the survey; and

(2) Submit the summary of responses to the Board of Regents; and

(e) Post on the Internet website maintained by the institution in a manner that does not disclose personally identifiable information of any person, the summary of the responses to the climate survey on ~~sexual misconduct~~ **power-based violence**.

4. A climate survey on ~~sexual misconduct~~ **power-based violence** must be administered electronically by an institution within the System and provide reasonable accommodations for students with a disability.

5. An institution within the System may obtain a waiver from the Board of Regents to not administer a climate survey on ~~sexual misconduct~~ **power-based violence** pursuant to this section due to the financial circumstances of the institution.

6. An institution within the System may apply for and accept any gifts, grants, donations, bequests or other money from any source to carry out the provisions of this section.

7. Any data or reports that underlie the summaries generated pursuant to subsection 2 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 7.2. NRS 396.143 is hereby amended to read as follows:

396.143 1. If the Board of Regents requires an institution within the System to conduct a climate survey on ~~sexual misconduct~~ **power-based violence** pursuant to NRS 396.1425, the Board of Regents shall to the extent that money is available:

(a) Provide a copy of the questions developed by the researchers employed at an institution within the System pursuant to NRS 396.142 to each institution within a reasonable time after the Board of Regents receives the questions from the researchers;

(b) Establish a repository for the summaries of the climate survey on ~~sexual misconduct~~ **power-based violence** submitted by each institution pursuant to NRS 396.1425;

(c) Post each summary of the responses to a climate survey on ~~sexual misconduct~~ **power-based violence** submitted by an institution pursuant to NRS 396.1425 on the Internet website maintained by the Board of Regents in a manner that does not disclose personally identifiable information of any person;

(d) Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on ~~sexual misconduct~~ **power-based violence**; and

(e) On or before February 1 of each odd-numbered year, report the summaries of the climate survey on ~~sexual misconduct~~ **power-based violence** submitted by an institution pursuant to NRS 396.1425 to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

2. Any data or reports that underlie the summaries generated pursuant to subsection 1 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 7.3. NRS 396.144 is hereby amended to read as follows:

396.144 The Board of Regents may require an institution within the System to:

1. Require employees who participate in the grievance process of the institution pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or a policy on ~~sexual misconduct~~ **power-based violence** adopted pursuant to NRS 396.145 to receive annual training on topics related to ~~sexual misconduct~~ **power-based violence** which may include, without limitation, any training required pursuant to NRS 396.152;

2. Provide a complainant and respondent with a copy of the policies of the institution regarding the submission and consideration of evidence that may be considered during the grievance process;

3. Except as otherwise required by federal law, within 14 business days after the conclusion of the grievance process, inform the complainant and the respondent of the result of the grievance process; and

4. Unless otherwise required by state or federal law, not publicly disclose the identity of a complainant or respondent.

Sec. 7.4. NRS 396.145 is hereby amended to read as follows:

396.145 1. The Board of Regents may require an institution within the System to adopt a policy on ~~sexual misconduct~~ **power-based violence** consistent with applicable state and federal law.

2. If the Board of Regents requires the adoption of a policy on ~~sexual misconduct~~ **power-based violence** pursuant to subsection 1, in developing the policy on ~~sexual misconduct~~ **power-based violence**, an institution within the System:

(a) Shall:

(1) Incorporate a trauma-informed response;

(2) Coordinate with:

(I) The Title IX coordinator of the institution; and

(II) If an institution has entered into a memorandum of understanding pursuant to NRS 396.147, the organization that assists persons involved in ~~sexual misconduct~~ **power-based violence**; and

(3) Engage in a culturally competent manner to reflect the diverse needs of all students; and

(b) May consider input from internal and external entities, including, without limitation:

(1) Administrators at the institution;

(2) Personnel affiliated with health care centers located on or off a campus of the institution that provide services to the institution;

(3) An advocate designated pursuant to NRS 396.148;

(4) Staff affiliated with campus housing services;

(5) Students enrolled in an institution within the System;

(6) A provider of health care;

(7) Law enforcement agencies, including, without limitation, campus police or security; and

(8) The district attorney of the county where the main campus of the institution is located.

3. If the Board of Regents requires the adoption of a policy on ~~{sexual misconduct}~~ **power-based violence** pursuant to subsection 1, an institution within the System shall provide:

(a) Internal or external entities an opportunity to provide comment on the initial policy on ~~{sexual misconduct}~~ **power-based violence** or any substantive change to the policy;

(b) Instructions on how an internal or external entity may provide comment on the initial policy on ~~{sexual misconduct}~~ **power-based violence** or a substantive change to the policy; and

(c) A reasonable length of time during which the institution will accept comment.

4. After an initial policy on ~~{sexual misconduct}~~ **power-based violence** is adopted by an institution within the System, the opportunity for comment by an internal or external entity pursuant to subsection 3 applies only to a substantive change to the policy, as determined by the institution.

5. If the Board of Regents requires the adoption of a policy on ~~{sexual misconduct}~~ **power-based violence** pursuant to subsection 1, an institution within the System shall make the policy on ~~{sexual misconduct}~~ **power-based violence** publicly available not later than the start of each academic year:

(a) Upon request, to a prospective student, current student or employee of the institution; and

(b) On the Internet website maintained by the institution.

Sec. 7.5. NRS 396.146 is hereby amended to read as follows:

396.146 A policy on ~~{sexual misconduct}~~ **power-based violence** adopted pursuant to NRS 396.145 must include, without limitation, information on:

1. The procedures by which a student or employee at an institution within the System may report or disclose an alleged incident of ~~{sexual misconduct}~~ **power-based violence** that occurred on or off a campus of the institution;

2. Supportive measures, including, without limitation:

(a) Changing academic, living, campus transportation or work arrangements;

(b) Taking a leave of absence from the institution in response to an alleged incident of ~~{sexual misconduct}~~ **power-based violence**;

(c) How to request supportive measures; and

(d) The process to have any supportive measures reviewed by the institution;

3. Appropriate local, state and federal law enforcement agencies, including, without limitation, the contact information for a law enforcement agency; and

4. The grievance process of the institution for investigating and resolving a report of an alleged incident of ~~{sexual misconduct}~~ **power-based violence** pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.

Sec. 7.6. NRS 396.147 is hereby amended to read as follows:

396.147 1. The Board of Regents may require an institution within the System to enter into a memorandum of understanding with an organization that assists persons involved in ~~sexual misconduct,~~ **power-based violence.** The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the institution and the organization that assists persons involved in ~~sexual misconduct,~~ **power-based violence** to establish an understanding of the:

(1) Responsibilities that the institution and organization that assists persons involved in ~~sexual misconduct,~~ **power-based violence** have in responding to a report or disclosure of an alleged incident of ~~sexual misconduct,~~ **power-based violence;** and

(2) Procedures of the institution for providing support and services to students and employees;

(b) Require an organization that assists persons involved in ~~sexual misconduct,~~ **power-based violence** to:

(1) Assist with developing policies, programming or training at the institution regarding ~~sexual misconduct,~~ **power-based violence;**

(2) Provide an alternative for a student or employee of the institution to receive free and confidential counseling, advocacy or crisis services related to an alleged incident of ~~sexual misconduct,~~ **power-based violence** that are located on or off a campus of the institution, including, without limitation:

(I) Access to a health care provider who specializes in forensic medical examinations; and

(II) Confidential services;

(3) Assist with the development and implementation of education and prevention programs for students of the institution; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the institution; and

(c) Include a fee structure for any services provided by the organization that assists persons involved in ~~sexual misconduct,~~ **power-based violence.**

2. As used in this section, “forensic medical examination” has the meaning ascribed to it in NRS 217.300.

Sec. 7.7. NRS 396.148 is hereby amended to read as follows:

396.148 1. The Board of Regents may require an institution within the System to designate an advocate. If the Board of Regents requires the designation of an advocate, an institution shall designate existing categories of employees who may serve as an advocate. An institution may:

(a) Partner with an organization that assists persons involved in ~~sexual misconduct,~~ **power-based violence** to designate an advocate; or

(b) If the institution enrolls less than 1,000 students who reside in campus housing, partner with another institution within the System to designate an advocate.

2. An advocate designated pursuant to subsection 1:

(a) Must not be a Title IX coordinator, a member of campus police or law enforcement or any other official of the institution who is authorized to initiate a disciplinary proceeding on behalf of the institution or whose position at the institution may create a conflict of interest;

(b) Must be designated based on the training or experience of the person to effectively provide services related to ~~sexual misconduct,~~ **power-based violence;** and

(c) Must have completed at least 20 hours of relevant training.

3. If an institution within the System designates an advocate pursuant to subsection 1, the advocate must be trained on:

(a) The awareness and prevention of ~~sexual misconduct,~~ **power-based violence;**

(b) Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;

(c) Any policy on ~~sexual misconduct,~~ **power-based violence** adopted by the institution pursuant to NRS 396.145; and

(d) Trauma-informed responses to a report of an alleged incident of ~~sexual misconduct,~~ **power-based violence.**

4. An institution within the System that designates an advocate pursuant to subsection 1 shall provide for the availability of an advocate to students within a reasonable distance from the institution or by electronic means if it is not practicable to provide for the availability of an advocate in person.

Sec. 7.8. NRS 396.149 is hereby amended to read as follows:

396.149 1. If an advocate is designated pursuant to NRS 396.148, the advocate shall:

(a) Inform a student or employee of, or provide resources about how to obtain information on:

(1) Options on how to report an alleged incident of ~~sexual misconduct,~~ **power-based violence** and the effects of each option;

(2) Counseling services available on a campus of the institution and through local community resources;

(3) Medical and legal services available on or off a campus of the institution;

(4) Available supportive measures;

(5) Counseling related to student loans;

(6) The grievance process of the institution and that the grievance process is not a substitute for the system of criminal justice;

(7) The role of local, state and federal law enforcement agencies;

(8) Any limits on the ability of the advocate to provide privacy or confidentiality to the student or employee; and

(9) A policy on ~~sexual misconduct,~~ **power-based violence** adopted by the institution pursuant to NRS 396.145;

(b) Notify the student or employee of his or her rights and the responsibilities of the institution regarding an order for protection, restraining order or injunction issued by a court;

(c) Unless otherwise required by state or federal law, not be required to report an alleged incident of ~~sexual misconduct~~ **power-based violence** to the institution or a law enforcement agency;

(d) Provide confidential services to students and employees;

(e) Not provide confidential services to more than one party in a grievance process;

(f) Unless otherwise required by state or federal law, not disclose confidential information without the prior written consent of the student or employee who shared the information;

(g) Support a complainant or respondent in obtaining supportive measures to ensure the complainant or respondent has continued access to education; and

(h) Inform a student or employee that supportive measures may be available through disability services or the Title IX coordinator.

2. If an advocate is designated pursuant to NRS 396.148, the advocate may:

(a) If appropriate and if directed by a student or employee, assist the student or employee in reporting an alleged incident of ~~sexual misconduct~~ **power-based violence** to the institution or a law enforcement agency; and

(b) Attend a disciplinary proceeding of the institution as the advisor or support person of a complainant.

3. Notice to an advocate of an alleged incident of ~~sexual misconduct~~ **power-based violence** or the performance of services by an advocate pursuant to this section shall not constitute actual or constructive notice of an alleged incident of ~~sexual misconduct~~ **power-based violence** to the institution within the System which designated the advocate pursuant to NRS 396.148.

4. If a conflict of interest arises between the institution within the System which designated an advocate and the advocate in advocating for the provision of supportive measures by the institution to a complainant or a respondent, the institution shall not discipline, penalize or otherwise retaliate against the advocate for advocating for the complainant or the respondent.

Sec. 7.9. NRS 396.151 is hereby amended to read as follows:

396.151 1. The Board of Regents may prohibit an institution within the System from subjecting a complainant, reporting party or witness who reports an alleged incident of ~~sexual misconduct~~ **power-based violence** to a disciplinary proceeding or sanction for a violation of a policy on student conduct related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of an institution that occurred during or related to an alleged incident of ~~sexual misconduct~~ **power-based violence** unless the institution determines that the:

(a) Report of an alleged incident of ~~sexual misconduct~~ **power-based violence** was not made in good faith; or

(b) The violation of a policy on student conduct was egregious, including, without limitation, a violation that poses a risk to the health or safety of another person.

2. The Board of Regents may require an institution within the System to review any disciplinary action taken against a reporting party or witness to determine if there is any connection between the alleged incident of ~~sexual misconduct~~ **power-based violence** that was reported and the misconduct that led to the reporting party or witness being disciplined.

Sec. 7.95. NRS 396.152 is hereby amended to read as follows:

396.152 1. The Board of Regents may require an institution within the System to provide training on the grievance process of the institution in accordance with 34 C.F.R. § 106.45.

2. The Board of Regents may require an institution within the System to train the Title IX coordinator and members of the campus police or safety personnel of the institution in the awareness of ~~sexual misconduct~~ **power-based violence** and in trauma-informed response to an alleged incident of ~~sexual misconduct~~ **power-based violence**.

Sec. 8. NRS 396.153 is hereby amended to read as follows:

396.153 1. The Board of Regents may require an institution within the System to provide programming on awareness and prevention of ~~sexual misconduct~~ **power-based violence** to all students and employees of the institution. If the Board of Regents requires an institution to provide programming on awareness and prevention of sexual misconduct, the programming must include, without limitation:

(a) An explanation of consent as it applies to a sexual act or sexual conduct with another person;

(b) The manner in which drugs and alcohol may affect the ability of a person to consent to a sexual act or sexual conduct with another person;

(c) Information on options for reporting an alleged incident of ~~sexual misconduct~~ **power-based violence**, the effects of each option and the method to file a report under each option, including, without limitation, a description of the confidentiality and anonymity, as applicable, of a report;

(d) Information on the grievance process of the institution for addressing a report of an alleged incident of ~~sexual misconduct~~ **power-based violence**, including, without limitation, a policy on ~~sexual misconduct~~ **power-based violence** adopted pursuant to NRS 396.145;

(e) The range of sanctions or penalties the institution may impose on a student or employee found responsible for an incident of ~~sexual misconduct~~ **power-based violence**;

(f) If an advocate is designated pursuant to NRS 396.148, the name, contact information and role of the advocate;

(g) Strategies for intervention by bystanders;

(h) Strategies for reduction of the risk of ~~sexual misconduct~~ **power-based violence**; and

(i) Any other opportunities for additional programming on awareness and prevention of ~~sexual misconduct~~ **power-based violence**.

2. If an institution provides programming on awareness and prevention of ~~sexual misconduct~~ **power-based violence** pursuant to subsection 1, the institution:

- (a) Shall coordinate with the Title IX coordinator of the institution;
- (b) May coordinate with a law enforcement agency and, if the institution entered into a memorandum of understanding with an organization that assists persons involved in ~~sexual misconduct~~ **power-based violence** pursuant to NRS 396.147, that organization; and
- (c) Shall require ~~students or employees~~ :

(1) ***A student to attend the programming on the awareness and prevention of ~~sexual misconduct~~ power-based violence at least once during his or her first two regular academic semesters after enrollment; and***

(2) ***An employee to attend the programming on the awareness and prevention of ~~sexual misconduct~~ power-based violence not less than once every 3 years.***

3. If an institution provides programming on awareness and prevention of ~~sexual misconduct~~ **power-based violence** pursuant to subsection 1, the programming may be culturally responsive and address the unique experiences and challenges faced by students based on the race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of a student.

4. ***If an institution provides programming on awareness and prevention of ~~sexual misconduct~~ power-based violence to students pursuant to subsection 1, the institution may:***

(a) ***Incorporate the programming into one or more courses for which a student may receive credit toward the course work required of the student for the award of an associate's degree, baccalaureate degree or certificate at any university, state college or community college.***

(b) ***Condition the award of an associate's degree, baccalaureate degree or certificate upon the completion of a course described in paragraph (a).***

5. **If an institution provides programming on awareness and prevention of power-based violence to students pursuant to subsection 1, the institution shall require the programming to be provided and attended in person if the institution provides on-campus housing, except that an institution may provide a waiver from the requirement to attend the programming in person for a student who is enrolled in a program that is attended remotely.**

6. **If an institution provides programming on awareness and prevention of ~~sexual misconduct to employees~~ power-based violence pursuant to subsection 1, the institution shall ~~to~~**

~~**(a) Require the programming to be provided and attended in person, except during a period in which a state of emergency or declaration of disaster has been proclaimed by the Governor or the Legislature pursuant to NRS 414.070 in the geographic area in which the institution is located.**~~

~~**(b) Require**~~ **require** a syllabus for the programming that includes resources about how to obtain information on:

~~[(1)]~~ (a) Options for reporting an alleged incident of ~~sexual misconduct,~~ power-based violence, the effects of each option and the method to file a report under each option;

~~[(2)]~~ (b) Counseling services available on a campus of the institution and through local community resources;

~~[(3) Medical and legal services]~~

(c) Community-based organizations which provide assistance to victims of power-based violence whose services are available on or off a campus of the institution;

~~[(4)]~~ (d) Available supportive measures;

~~[(5)]~~ (e) The grievance process of the institution and that the grievance process is not a substitute for the system of criminal justice; and

~~[(6)]~~ (f) A policy on ~~sexual misconduct,~~ power-based violence adopted by the institution pursuant to NRS 396.145.

~~[(c) Make a copy of the syllabus and any instructional materials for the programming available for viewing at all times by any interested employee.]~~

7. If an institution provides programming on awareness and prevention of power-based violence pursuant to subsection 1, the institution shall make the information which is required to be included in the syllabus for the programming pursuant to paragraphs (a) to (f), inclusive, of subsection 6 available on the Internet website of the institution.

Sec. 8.1. NRS 396.154 is hereby amended to read as follows:

396.154 The Board of Regents may require an institution within the System that receives a report of an alleged incident of ~~sexual misconduct,~~ **power-based violence** that involves a student or employee of the institution to determine the responsibility of a respondent, if any, based on a preponderance of the evidence.

Sec. 8.2. NRS 396.155 is hereby amended to read as follows:

396.155 1. The Board of Regents may require an institution within the System to accept a request from a complainant who is 18 years of age or older to keep the identity of the complainant confidential or take no investigative or disciplinary action against a respondent. An institution shall not grant such a request if state or federal law requires disclosure or further action. In determining whether to grant such a request, the institution shall consider whether there is a risk that the respondent may commit additional acts of ~~sexual misconduct,~~ **power-based violence**, discrimination or harassment based on whether one or more of the following factors are present to a sufficient degree such that the request cannot be honored:

(a) There are any previous or existing reports of an incident of ~~sexual misconduct,~~ **power-based violence** against the respondent, including, without limitation, records of complaints or the arrest of the respondent;

(b) The respondent allegedly used a weapon;

(c) The respondent threatened violence, discrimination or harassment against the complainant or other persons;

(d) The alleged incident of ~~sexual misconduct~~ **power-based violence** was alleged to have been committed by two or more people;

(e) The circumstances surrounding the alleged incident of ~~sexual misconduct~~ **power-based violence** indicate that the incident was premeditated and, if so, whether the respondent or another person allegedly premeditated the incident;

(f) The circumstances surrounding the alleged incident of ~~sexual misconduct~~ **power-based violence** indicate a pattern of consistent behavior at a particular location or by a particular group of people;

(g) The institution is able to conduct a thorough investigation and obtain relevant evidence without the cooperation of the complainant; and

(h) There are any other factors that indicate the respondent may repeat the behavior alleged by the complainant or that the complainant or other persons may be at risk of harm.

2. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall take reasonable steps to, without initiating formal action against the respondent:

(a) Respond to the report of the alleged incident of ~~sexual misconduct~~ **power-based violence** while maintaining the confidentiality of the complainant;

(b) Limit the effects of the alleged incident of ~~sexual misconduct~~ **power-based violence**; and

(c) Prevent the recurrence of any misconduct.

3. Reasonable steps taken pursuant to subsection 2 may include, without limitation:

(a) Increased monitoring, supervision or security at locations or activities where the alleged incident of ~~sexual misconduct~~ **power-based violence** occurred;

(b) Providing additional training and educational materials for students and employees; or

(c) Ensuring a complainant is informed of and has access to appropriate supportive measures.

4. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall inform the complainant that the ability of the institution to respond to the report of the alleged incident of ~~sexual misconduct~~ **power-based violence** will be limited by the request.

5. If an institution within the System determines that it cannot grant a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall:

(a) Inform the complainant of the determination before disclosing the identity of the complainant or initiating an investigation;

(b) Make available supportive measures for the complainant; and

(c) If requested by the complainant, inform the respondent that the complainant asked the institution not to take investigative or disciplinary action against the respondent.

Sec. 8.3. NRS 396.156 is hereby amended to read as follows:

396.156 1. In conducting an investigation of an alleged incident of ~~sexual misconduct~~ **power-based violence** an institution within the System shall:

(a) Provide the complainant and the respondent the opportunity to identify witnesses and other evidence to assist the institution in determining whether an alleged incident of ~~sexual misconduct~~ **power-based violence** has occurred;

(b) Inform the complainant and the respondent that any evidence available to the party but not disclosed during the investigation might not be considered at a subsequent hearing; and

(c) Ensure that questions and evidence of the sexual history or sexual predisposition of a complainant are not considered relevant unless the:

(1) Questions or evidence are directly relevant to prove that the conduct alleged to have been committed by the respondent was inflicted by another person; or

(2) Questions and evidence are relevant to demonstrate how the parties communicated consent in previous or subsequent consensual sexual conduct.

2. An institution within the System shall provide periodic updates on the investigation to the complainant and the respondent regarding the timeline of the investigation.

3. An institution within the System shall notify the complainant and the respondent of the findings of an investigation simultaneously.

4. If an institution within the System imposes any disciplinary action based on the findings of an investigation on a respondent, such disciplinary action must be imposed in accordance with the grievance process of the institution.

Sec. 8.4. NRS 396.158 is hereby amended to read as follows:

396.158 1. A student who experiences ~~sexual misconduct~~ **power-based violence** may request a waiver from any requirement to maintain a certain grade point average, credit enrollment, or other academic or disciplinary record requirement relating to academic success for any scholarship, grant or other academic program offered by an institution within the System. A waiver may be granted by a provost, dean, academic advisor or other appropriate staff or faculty member of the institution.

2. A student or employee who experiences ~~sexual misconduct~~ **power-based violence** may be granted a request to take a leave of absence or, to the extent practicable, extend benefits of employment.

Sec. 8.5. NRS 396.159 is hereby amended to read as follows:

396.159 1. The Board of Regents may require an institution within the System to prepare and submit to the Board of Regents an annual report that includes, without limitation:

(a) The total number of reports of alleged incidents of ~~sexual misconduct~~ **power-based violence** allegedly committed by a student or employee of the institution made to the Title IX office of the institution;

(b) The number of students and employees found responsible for an incident of ~~sexual misconduct~~ **power-based violence** by the institution;

(c) The number of students and employees accused of but found not responsible for an incident of ~~sexual misconduct~~ **power-based violence** by the institution;

(d) The number of persons sanctioned by the institution as a result of a finding of responsibility for an incident of ~~sexual misconduct~~ **power-based violence**; and

(e) The number of persons who submitted requests for supportive measures and the number of persons who received supportive measures.

2. A report submitted pursuant to subsection 1 must not contain any personally identifiable information of a student or employee of an institution within the System.

3. Information contained in a report submitted pursuant to subsection 1 must be able to be disaggregated by students and employees.

4. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, an institution shall submit the report to the Board of Regents not later than October 1 of each year.

5. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, the Board of Regents shall, not later than December 31 of each year, submit a compilation of the reports the Board of Regents received pursuant to subsection 1 to the Director of the Department of Health and Human Services and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature in even-numbered years or the Joint Interim Standing Committee on Education in odd-numbered years.

6. Any data or reports that underlie the report prepared pursuant to subsection 4 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 8.6. NRS 49.2545 is hereby amended to read as follows:

49.2545 “Victim’s advocate” means a person who works for a nonprofit program, a program of a university, state college or community college within the Nevada System of Higher Education or a program of a tribal organization which provides assistance to victims or who provides services to a victim of an alleged incident of ~~sexual misconduct~~ **power-based violence** pursuant to NRS 396.125 to 396.1595, inclusive, with or without compensation and who has received at least 20 hours of relevant training.

Sec. 9. 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. 9.5. 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. 10. NRS 394.16055, 396.134 and 396.141 ~~is~~ **are** hereby repealed.

Sec. 11. This act becomes effective on July 1, 2023.

TEXT OF REPEALED ~~SECTION~~ SECTIONS

394.16055 “Sexual misconduct” defined. “Sexual misconduct” has the meaning ascribed to it in NRS 391.860.

396.134 “Sexual misconduct” defined. “Sexual misconduct” means dating violence, domestic violence, gender-based violence, gender-based harassment, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, stalking or indecent exposure.

396.141 Task Force on Sexual Misconduct at Institutions of Higher Education: Creation; members; meetings.

1. There is hereby created the Task Force on Sexual Misconduct at Institutions of Higher Education consisting of 12 members as follows:

- (a) The Chancellor of the System, or his or her designee;
- (b) The Chief General Counsel of the System, or his or her designee; and
- (c) Ten members appointed by the Board of Regents as follows:

- (1) One representative of a state college;
 - (2) One representative of a community college;
 - (3) One representative of a university;
 - (4) One Title IX coordinator from an institution within the System;
 - (5) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a state college or community college;

- (6) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a university;

- (7) One researcher with experience in the development of climate surveys on sexual misconduct;

- (8) One researcher of statistics, data analytics or econometrics with experience in survey analysis in higher education;

- (9) One medical professional from the University of Nevada, Las Vegas, School of Medicine or the University of Nevada, Reno, School of Medicine; and

- (10) One person who serves as a victim’s advocate, as defined in NRS 49.2545, at an institution within the System.

2. After the initial terms, each appointed member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following his or her initial term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least once annually and may meet at other times upon the call of the Chair or a majority of the members of the Task Force.

5. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, and within the limits of available money, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

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. 281.

Bill read second time.

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

Amendment No. 190.

AN ACT relating to health care; requiring the administrator of a senior living facility to ensure a senior living facility is equipped with a functional ventilation ~~and filtration systems;~~ system; establishing requirements governing the detection of carbon dioxide at a senior living facility; establishing requirements for the assessment of and any ~~improvement~~ repair, upgrade or installation to such heating, ventilation ~~and filtration~~ and air-conditioning systems ~~at senior living facilities;~~ requiring certain personnel to complete and review an assessment report on such a ventilation ~~for filtration~~ system; requiring the administrator of a senior living facility to prepare a report on work performed on such a ventilation ~~for filtration~~ system; providing that such a report is a public record; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements for certain medical facilities that provide care to persons who are aged or infirm, including, without limitation, a facility for intermediate care, facility for skilled nursing, a residential facility for groups and a home for individual residential care.

(Chapter 449 of NRS) This bill establishes requirements for the heating, ventilation and ~~filtration~~ air-conditioning systems of a senior living facility.

Section 7 of this bill defines “senior living facility” as any facility that receives any federal funding from Medicare, Medicaid or other federal health care program and which provides living assistance and related care to a resident of the facility who is an aged or infirm person, including, without limitation, a facility for intermediate care, facility for skilled nursing, a residential facility for groups and a home for individual residential care. ~~Sections 3-6~~ **3-8.7** of this bill define other terms related to ventilation systems in senior living facilities.

Section 9 of this bill sets forth a legislative declaration relating to ventilation ~~and filtration~~ systems in senior living facilities. **Section 9.5 of this bill requires the State Board of Health to review each new edition of certain standards incorporated into this bill to determine their suitability for this State.**

Section 10 of this bill requires, to the extent money is available, the administrator of a senior living facility to ensure that the senior living facility is equipped with a functional ventilation system and to have ~~an assessment~~ **periodic assessments** of the existing system conducted by qualified adjusting personnel or qualified testing personnel. ~~Sections 11-14~~ **Section 10 also authorizes a facility that is certified as an assisted living facility to use certain federal money received to upgrade and maintain the ventilation system of that facility.**

Section 14 of this bill prescribes requirements governing carbon dioxide detectors at a senior living facility. Section 14 also requires the administrator of a senior living facility to cause an adjustment to the ventilation if the concentration of carbon dioxide exceeds a certain amount.

~~Section 14.5 of this bill sets forth the requirements for qualified adjusting personnel or qualified testing personnel to assess and perform updates to: (1) a filtration system of a senior living facility; (2) the ventilation rates of a senior living facility; (3) the ventilation system of a senior living facility; and (4) the carbon dioxide monitors in a senior living facility.~~

~~Section 15 of this bill sets forth requirements for an assessment of a senior living facility with a limited ventilation system or no ventilation system. Section 16 of this bill~~ **the heating, ventilation and air conditioning system of a senior living facility. Section 14.5 also** requires ~~qualified adjusting personnel or~~ qualified testing personnel to prepare ~~an~~ **a heating, ventilation and air-conditioning** assessment report, including certain information relating to the assessments conducted pursuant to ~~sections 11 to 14.~~ **that section.**

Section 18 of this bill: (1) requires a heating, ventilation and air-conditioning assessment report to be reviewed by a mechanical engineer; and (2) imposes certain duties on the mechanical engineer to facilitate improvements determined necessary based on the report.

Section 19 of this bill requires a senior living facility to take certain corrective actions in response to a heating, ventilation and air-conditioning assessment report and review by a mechanical engineer. Section 20 of this bill imposes certain requirements governing the workforce used to perform such corrective actions.

Section ~~17~~ 21 of this bill requires the administrator of a senior living facility to prepare a report on the work performed ~~by qualified adjusting personnel or qualified testing personnel pursuant to sections 11-15~~ pursuant to a heating, ventilation and air-conditioning assessment report and review by a mechanical engineer and to ~~make the report available to the Office of Energy upon request.~~ submit the report to the Division of Public and Behavioral Health of the Department of Health and Human Services.

Section 22 of this bill provides that a heating, ventilation and air-conditioning assessment report and a report created by an administrator of a senior living facility pursuant to section 21 are public records and available for public inspection. Sections 22.5 and 23 of this bill provide for the expiration of the provisions of this bill where there is no longer sufficient federal money available to facilitate compliance with its provisions.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~17~~ 22, inclusive, of this act.

Sec. 2. *As used in sections 2 to ~~17~~ 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to ~~18~~ 8.7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Apprenticeship program” means an apprenticeship program approved by the State Apprenticeship Council created by NRS 610.030.*

Sec. 3.1. *“ASHRAE” means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.*

Sec. 3.2. *“Certified TAB technician” means a technician who is certified to perform testing, adjusting and balancing of HVAC systems by the Associated Air Balance Council, National Environmental Balancing Bureau, Inc. or the Testing, Adjusting and Balancing Bureau, or a similar successor organization.*

Sec. 3.3. *“Functional ventilation system” means a heating, ventilation and air-conditioning system that provides the minimum acceptable level of ventilation in accordance with the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality most recently approved by the Board pursuant to section 9.5 of this act.*

Sec. 3.4. *“HVAC” means heating, ventilation and air-conditioning.*

Sec. 3.5. “Mechanical engineer” means a professional engineer who is licensed in the discipline of mechanical engineering by this State and who has professional experience with heating, ventilation and air-conditioning systems.

Sec. 3.6. “MERV” means minimum efficiency reporting value, as established by ASHRAE Standard 52.2-2017, Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size.

Sec. 4. ~~“Minimum efficiency reporting value” means the minimum efficiency reporting value established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, or its successor organization.~~ (Deleted by amendment.)

Sec. 5. “Qualified adjusting personnel” means ~~for~~ either of the following:

1. ~~Technician~~ A certified ~~to test, adjust and balance ventilation systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations.~~ TAB technician; or

2. ~~Skilled~~ A skilled and trained workforce under the supervision of a certified TAB technician ~~certified to test, adjust and balance ventilation systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations.~~

Sec. 6. “Qualified testing personnel” means ~~for~~ either of the following:

1. A certified TAB technician ~~certified to test, adjust and balance ventilation systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations.~~
or

2. A person certified to perform assessments of heating, ventilation and air-conditioning systems ~~through a program accredited by the American National Standards Institute.~~ a certifying body in accordance with the edition of standard ISO/IEC 17024, Conformity assessment -- General requirements for bodies operating certification of persons, of the International Organization for Standardization most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 7. “Senior living facility” means any facility that receives any federal funding from Medicare, Medicaid or other federal health care program and which provides living assistance and related care to a resident of the facility who is an aged or infirm person including, without limitation, a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care.

Sec. 8. “Skilled and trained workforce” means a workforce not less than 60 percent of which is composed of graduates of an apprenticeship program ~~for~~ for the applicable occupation.

Sec. 8.3. “Ventilation verification assessment” means an assessment to determine the status of a ventilation system performed in accordance with section 14 of this act.

Sec. 8.7. “Zone means an area of a senior living facility where the temperature is controlled by one thermostat.

Sec. 9. The Legislature finds and declares that:

1. Studies have found:

(a) Most ventilation systems are improperly installed; and
(b) Many of the problems with ventilation systems are linked to the use of inadequately trained personnel to install, test, adjust and balance ventilation systems.

2. Ventilation systems should operate as efficiently as possible and inspections and repairs should be performed by qualified personnel.

3. In addition to increasing the risk of infectious, airborne diseases, inadequate ventilation systems in senior living facilities negatively impact the health of residents and staff in senior living facilities.

4. Improving indoor air quality in senior living facilities may protect the health of residents and staff, reduce the risk of infectious, airborne diseases and save energy.

5. Senior living facilities should have functioning ventilation systems that meet or exceed recommended health and safety standards.

6. Consistent statewide standards for senior living facilities are necessary to protect the health and safety of residents and staff.

Sec. 9.5. The Board shall review the editions of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality, Standard ISO/IEC 17024, Conformity assessment -- General requirements for bodies operating certification of persons, of the International Organization for Standardization, and the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials in effect on the effective date of this act to ensure the suitability of the new edition for this State. Each new edition of those standards shall be deemed approved by the Board unless the edition is disapproved by the Board within 60 days after the date of publication of the new edition.

Sec. 10. 1. To the extent that money is available, the administrator of a senior living facility shall ensure that the senior living facility is equipped with a functional ventilation system that is tested, adjusted and, if necessary or cost-effective, repaired, upgraded or replaced to increase efficiency and performance ~~for~~ in accordance with the provisions of sections 2 to 22, inclusive, of this act. Money shall be considered available if the senior living facility:

(a) Receives federal or state money and allocates such money to equip the senior living facility with a functional ventilation system or improve the ventilation system or indoor air quality in the senior living facility; or

(b) As a condition of receiving federal or state money is required to ensure the senior living facility is equipped with a functional ventilation system or

improve the ventilation system or indoor air quality in the senior living facility.

2. ~~The~~ Not later than July 1, 2025, and at least once every 5 years thereafter, the administrator of the a senior living facility or any other person that ensures the a senior living facility is equipped with a functional ventilation system pursuant to this section shall employ qualified adjusting personnel or qualified testing personnel , or cause such persons to be contracted, to assess perform a ventilation verification assessment in accordance with section 14.5 of this act to determine the status of and make any necessary improvements to the f

~~—(a) Filtration heating, ventilation and air-conditioning system of the senior living facility, in accordance with the provisions of section 11 of this act;~~

~~—(b) Ventilation rates of the senior living facility in accordance with the provisions of section 12 of this act;~~

~~—(c) Ventilation system of the senior living facility in accordance with the provisions of section 13 of this act; and~~

~~—(d) Carbon dioxide monitors at the senior living facility in accordance with the provisions of section 14 of this act.~~

~~3. The administrator of a senior living facility or any other person that ensures a senior living facility is equipped with a functional ventilation system pursuant to this section shall have performed any work required to meet the minimum requirements for ventilation and filtration established by sections 2 to 17, inclusive, of this act, up to an estimated cost of not more than \$200,000. The administrator may have performed any additional recommended work that exceeds an estimated cost of \$200,000.~~

3. A senior living facility that is an assisted living facility certified by the Housing Division of the Department of Business and Industry pursuant to NRS 319.147 may use federal money received pursuant to paragraph (a) of subsection 1 to upgrade and maintain the ventilation system of that facility.

Sec. 11. ~~In assessing a filtration system of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall:~~

~~1. Review the capacity and airflow of the filtration system to determine the type of filters with the best minimum efficiency reporting value based on industry standards that can be installed without adversely impacting the filtration system;~~

~~2. Ensure that the filters used in the filtration system are of the type determined pursuant to subsection 1 with the best possible minimum efficiency reporting value;~~

~~3. Ensure that the filters are properly installed and replace or upgrade the filters as needed;~~

~~4. If a filtration system uses ultraviolet germicidal irradiation to disinfect air, ensure that the ultraviolet bulb is operating properly and does not shine on the filters, and replace the ultraviolet bulbs as needed;~~

~~5. If a filtration system uses an economizer, test and repair the economizer dampers; and~~

~~6. Recommend any additional maintenance, replacements or upgrades to improve the overall performance of the filtration system.} (Deleted by amendment.)~~

Sec. 12. ~~{1. In assessing the ventilation rates of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall:~~

~~(a) Ensure that the ventilation rates in each room of the facility that is routinely occupied meet the minimum requirements for ventilation rates set forth in the Uniform Mechanical Code;~~

~~(b) Calculate the required minimum outside air ventilation rates for each room of the facility that is routinely occupied based on the maximum anticipated rate of occupancy and the minimum required ventilation rate per occupant in accordance with the Uniform Mechanical Code;~~

~~(c) Ensure that the minimum outside air ventilation rates meet the required minimum rate calculated pursuant to paragraph (b);~~

~~(d) If the minimum outside air ventilation rates do not meet the required minimum rate calculated pursuant to paragraph (b):~~

~~—(1) Determine whether additional ventilation can be provided without adversely impacting the performance of the filtration system or the environmental quality of the building; and~~

~~—(2) If additional ventilation can be provided, adjust the ventilation rates to meet the required minimum rate;~~

~~(e) If the minimum outside air ventilation rate cannot be met after adjusting the ventilation rates pursuant to paragraph (d), explain why the rate cannot be met;~~

~~(f) Conduct survey readings of the inlets and outlets to:~~

~~—(1) Ensure that ventilation is reaching the served zone and is adequately distributed;~~

~~—(2) Ensure that the inlets and outlets are balanced to be tolerated by the design of the filtration systems;~~

~~—(3) Document read values and deficiencies; and~~

~~—(4) If the original values of the design of the filtration system for inlets and outlets of the filtration system are not available, document the available information and note the unavailability of the original values;~~

~~(g) Ensure that there is a positive pressure differential between the building and the outdoors, that the building is not overly pressurized and that rooms designated for temporary occupation by sick residents or staff maintain a negative pressure differential or a pressure differential otherwise set forth by the applicable industry standards;~~

~~(h) Ensure that the coil velocities and the coil and unit discharge air temperatures maintain the desired indoor conditions and avoid moisture carryover from the cooling coils;~~

~~—(i) Ensure that the separation between the outdoor air intakes and the exhaust discharge outlets is in accordance with the Uniform Mechanical Code;~~

~~—(j) Verify that the air handling unit is bringing in outdoor air and removing exhaust air as intended by the design of the filtration system;~~

~~—(k) Measure the air volume for the exhaust fans and document any discrepancies in volume between the measurements and the original volume of the design of the filtration system;~~

~~—(l) Verify that the coil condition, condensate drainage, air temperature differentials of the cooling coils, operation of the heat exchangers and drive assembly meet applicable industry standards;~~

~~—(m) Review the control sequences to verify that the systems will maintain the intended ventilation, temperature and humidity;~~

~~—(n) Verify that daily flushes are scheduled in accordance with the standards set forth by the American National Standards Institute and the American Society of Heating, Refrigerating and Air Conditioning Engineers and any applicable local or state guidance; and~~

~~—(o) Ensure that the operation times and set points of the ventilation system and exhaust fans are in accordance with any applicable guidance set forth by the American National Standards Institute and the American Society of Heating, Refrigerating and Air Conditioning Engineers and any applicable local or state guidance.~~

~~—2. Except as otherwise provided in subsection 3, if a demand control ventilation system is installed at a senior living facility, qualified adjusting personnel or qualified testing personnel, as applicable, shall ensure that the set point for carbon dioxide is set to 800 parts per million or less.~~

~~—3. Qualified adjusting personnel, qualified testing personnel or a licensed professional engineer shall disable a demand control ventilation system installed at a senior living facility and configure the overall ventilation system to meet the minimum requirements of sections 2 to 17, inclusive, of this act if:~~

~~—(a) The demand control ventilation system does not maintain an average daily maximum carbon dioxide concentration of less than 1,100 parts per million;~~

~~—(b) The administrator of the senior living facility, as applicable, determines that a public health crisis caused by an airborne illness is in effect; and~~

~~—(c) Disabling the demand control ventilation system would not adversely affect the operation of the overall ventilation system;~~

~~—until the administrator determines that a public health crisis caused by an airborne illness is no longer in effect. (Deleted by amendment.)~~

Sec. 13. ~~[In assessing the ventilation system of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall assess the overall performance of the ventilation system. If a ventilation system is broken, fails to meet the~~

~~minimum requirements for ventilation established by sections 2 to 17, inclusive, of this act or is otherwise unable to operate at the level intended by the original design of the system, qualified adjusting personnel or qualified testing personnel, as applicable, shall recommend any necessary repairs or maintenance. Any repairs or maintenance to the ventilation system must be performed by a skilled and trained workforce.~~ (Deleted by amendment.)

Sec. 14. ~~In assessing the carbon dioxide monitors of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall ensure that each room~~

1. Except as otherwise provided in subsection 2, each zone in the a senior living facility is must be equipped with a carbon dioxide monitor that and at least one carbon dioxide monitor for each 10,000 square feet of floor space. Such a carbon dioxide monitor must:

~~1. Is~~ (a) Be ~~hardwired, for plugged in or battery-operated and~~ mounted to the wall at least 3 feet but not more than 6 feet above the floor and at least 5 feet away from any door or operable window;

~~2. Displays~~ (b) Display readings of the concentration of carbon dioxide to appropriate personnel through a display on the monitor or through an application on an Internet website or a cellular telephone;

~~3. Provides~~ (c) Provide a visual notification, including, without limitation, through an indicator light, electronic mail, text message or an application on a cellular telephone, when the concentration of carbon dioxide in the room reaches 1,100 parts per million or more;

~~4. Maintains~~ (d) Maintain a record of previous data that includes, without limitation, the maximum carbon dioxide concentration measured;

~~5. Has~~ (e) Have a range of 400 parts per million to ~~2,000~~ 5,000 parts per million or more; and

~~6. Is~~ (f) Be certified by the manufacturer of the carbon dioxide monitor to ~~be~~ :

(1) Be accurate within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million; and ~~requires~~

(2) Require calibration not more than once every 5 years.

2. The technical specifications for carbon dioxide monitors set forth in subsection 1 may be amended by regulation of the Board as necessary to reflect available technology and to achieve the intent of that subsection.

3. If appropriate personnel observe a concentration of carbon dioxide exceeding 1,100 parts per million more than once in any 7-day period in any zone, the administrator of the senior living facility shall cause qualified adjusting personnel to adjust the ventilation of the zone as necessary to ensure that the concentration of carbon dioxide in the zone remains below 1,100 parts per million.

Sec. 14.5. 1. In a ventilation verification assessment of a senior living facility performed pursuant to section 10 of this act, qualified testing personnel must:

- (a) Record information from HVAC equipment and the motor nameplate.
- (b) Conduct such testing as necessary to determine that filters are performing at maximum efficiency.
- (c) Obtain physical measurements of the outside air rates at minimum and maximum load conditions.
- (d) For each zone, estimate the number of occupants and determine the current occupancy categories, as listed in Table 402.1 of ASHRAE Standard 62.1-2022, Ventilation and Acceptable Indoor Air Quality.
- (e) Verify the operation of components of the ventilation system.
- (f) Measure all inlets and outlets for air distribution.
- (g) Verify the proper operation of each unit of the HVAC system.
- (h) Verify that maintenance has been performed in accordance with section 8 and table 8.1 of ASHRAE Standard 62.1-2022, Ventilation and Acceptable Indoor Air Quality.
- (i) Verify that control sequences are organized in a manner that facilitates proper operation of the HVAC system.
- (j) Verify the installation of carbon dioxide monitors as required by section 14 of this act and the accuracy of all carbon dioxide monitors within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million.
- (k) If the facility is not currently equipped with mechanical ventilation, collect field data to determine the feasibility of installing such ventilation.
- (l) Identify such adjustments, repairs, upgrades or replacements described in section 19 of this act as are necessary to meet:
 - (1) The minimum requirements concerning ventilation and filtration prescribed by any applicable local building code; and
 - (2) The criteria of the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality, most recently approved by the Board pursuant to section 9.5 of this act.
- (m) Document the performance of each task performed pursuant to paragraphs (a) to (l), inclusive.

2. Based on the documentation described in paragraph (m) of subsection 1, the qualified testing personnel who perform a ventilation verification assessment pursuant to section 10 of this act must prepare an HVAC assessment report and provide the report to a mechanical engineer for review in accordance with section 18 of this act.

~~Sec. 15. {1. If a senior living facility has a limited ventilation system or no ventilation system, qualified adjusting personnel or qualified testing personnel, as applicable, shall document existing conditions and provide a licensed professional engineer with any information necessary for the licensed professional engineer to make recommendations for upgrading or installing a ventilation system.~~

~~2. Qualified adjusting personnel or qualified testing personnel that conduct an assessment of a senior living facility with a limited ventilation system or no ventilation system shall determine whether carbon dioxide~~

~~monitors that meet the requirements of section 14 of this act are installed in each room of the senior living facility.~~ (Deleted by amendment.)

Sec. 16. ~~{1. Qualified adjusting personnel or qualified testing personnel, as applicable, shall prepare an assessment report of any assessment performed in a senior living facility pursuant to section 10 of this act. A licensed professional engineer shall:~~

~~—(a) Review the assessment report and determine if any:~~

~~—(1) Additional adjustments or repairs are necessary to meet the minimum requirements for ventilation and filtration established by sections 2 to 17, inclusive, of this act; and~~

~~—(2) Cost effective upgrades for energy efficiency are warranted; and~~

~~—(b) Provide an estimated cost of any work required to meet the minimum requirements for ventilation and filtration established by sections 2 to 17, inclusive, of this act, up to an estimated cost of not more than \$200,000 and an estimated cost of any additional recommended work up to an estimated cost of not more than \$200,000.~~

~~2. The assessment report must include, without limitation:~~

~~—(a) The name and address of the person preparing the report and the senior living facility where the assessments required pursuant to section 10 of this act were performed;~~

~~—(b) For each piece of equipment assessed, the model number, serial number, general condition and any additional information that could be used to assess options for replacements, repairs or upgrades;~~

~~—(c) Verification that the filters meet the best possible minimum efficiency reporting values pursuant to subsection 2 of section 11 of this act or, if a filter does not meet the best possible minimum efficiency reporting value, documentation of the current minimum efficiency reporting value of the filter;~~

~~—(d) Verification that the ventilation rates meet the requirements set forth in section 12 of this act or, if the ventilation rates do not meet the requirements, an explanation of why the ventilation rates do not meet the requirements;~~

~~—(e) The measurements of air volume for the exhaust fans and the documentation of any discrepancies in volume between the measurements and the original volume of the design of the filtration system prepared pursuant to paragraph (k) of subsection 1 of section 12 of this act;~~

~~—(f) Verification that each assessment conducted pursuant to sections 11 to 15, inclusive, of this act meets the requirements of the applicable section;~~

~~—(g) If the minimum outside air ventilation rate cannot be met, the explanation of why the rate cannot be met prepared pursuant to paragraph (e) of subsection 1 of section 12 of this act;~~

~~—(h) If the original values of the design of the filtration system for the inlets and outlets of the filtration system are not available, the documentation of the available information and the notation of the unavailability of the~~

~~original values prepared pursuant to paragraph (f) of subsection 1 of section 12 of this act;~~

~~—(i) Documentation of any deficiencies within any system assessed pursuant to section 10 of this act;~~

~~—(j) Verification of the installation of carbon dioxide monitors pursuant to section 14 of this act, including, without limitation, the make and model of the carbon dioxide monitors;~~

~~—(k) If applicable, documentation of the information prepared pursuant to section 15 of this act for a senior living facility with a limited ventilation system or no ventilation system; and~~

~~—(l) Recommendations for additional maintenance, replacements or upgrades to improve the energy efficiency, safety or performance of any system assessed pursuant to section 10 of this act.] (Deleted by amendment.)~~

Sec. 17. ~~1. The administrator of a senior living facility or any other person that ensures a senior living facility is equipped with a functional ventilation system pursuant to section 10 of this act shall prepare a report on the status of the assessments performed pursuant to section 10 of this act and any maintenance, repairs or upgrades performed as a result of those assessments. The report must include, without limitation:~~

~~—(a) The name and address of the person preparing the report and the senior living facility where the assessments required pursuant to section 10 of this act were performed;~~

~~—(b) A description of the assessments performed pursuant to section 10 of this act and any maintenance, repairs or upgrades performed as result of those assessments;~~

~~—(c) Verification that the administrator of the senior living facility, as applicable, has complied with the requirements of sections 2 to 17, inclusive, of this act;~~

~~—(d) Verification that the filters meet the best possible minimum efficiency reporting values pursuant to subsection 2 of section 11 of this act or, if a filter does not meet the best possible minimum efficiency reporting value, documentation of the current minimum efficiency reporting value of the filter;~~

~~—(e) Verification that the ventilation rates meet the requirements set forth in section 12 of this act or, if the ventilation rates do not meet the requirements, an explanation of why the ventilation rates do not meet the requirements;~~

~~—(f) The measurements of air volume for the exhaust fans and the documentation of any discrepancies in volume between the measurements and the original volume of the design of the filtration system prepared pursuant to paragraph (k) of subsection 1 of section 12 of this act;~~

~~—(g) Documentation of any deficiencies within any system assessed pursuant to section 10 of this act;~~

~~—(h) Documentation of the initial operating verifications and adjustments, the final operating verifications and adjustments and any adjustments or repairs performed;~~

~~—(i) Verification of the installation of carbon dioxide monitors pursuant to section 14 of this act, including, without limitation, the make and model of the carbon dioxide monitors;~~

~~—(j) If applicable, documentation of the information prepared pursuant to section 15 of this act for a senior living facility with a limited ventilation system or no ventilation system; and~~

~~—(k) Verification that all work has been performed by qualified adjusting personnel or qualified testing personnel or a skilled and trained workforce, as appropriate, which may include, without limitation, the provision of the name and, if applicable, certification number of any contractor, qualified adjusting personnel or qualified testing personnel who performed such work.~~

~~2. The administrator of a senior living facility shall maintain the report prepared pursuant to subsection 1 for at least 5 years and make a copy of the report available to the Office of Energy upon request. (Deleted by amendment.)~~

Sec. 18. The mechanical engineer who reviews an HVAC assessment report pursuant to subsection 2 of section 14.5 of this act must:

1. Verify or adjust the estimated minimum outside air ventilation rates.

2. Determine what, if any, additional adjustments, repairs, upgrades or replacements described in section 19 of this act are necessary to meet:

(a) The minimum ventilation and filtration requirements of the local building code; and

(b) The criteria of the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality most recently approved by the Board pursuant to section 9.5 of this act.

3. Provide the senior living facility with an estimate of costs for all recommended work.

Sec. 19. 1. A senior living facility shall take any corrective actions:

(a) Identified in an HVAC assessment report created pursuant to subsection 2 of section 14.5 of this act and reviewed by a mechanical engineer pursuant to section 18 of this act; or

(b) Identified by a mechanical engineer pursuant to section 18 of this act.

2. Corrective actions identified in an HVAC assessment report or by a mechanical engineer must include, where necessary:

(a) Testing, adjusting and balancing the mechanical ventilation system of the senior living facility, if any; and

(b) If necessary or cost effective, repairs, upgrades or replacement of the HVAC system or installation of a stand-alone mechanical ventilation system.

3. Corrective actions identified in an HVAC assessment report or by a mechanical engineer may additionally include, without limitation:

(a) General maintenance.

(b) Reading and adjustment of ventilation rates.

(c) Replacement of filters to meet a MERV of at least 13 if equipment allows, while ensuring that the pressure drop is less than the capability of the fan.

(d) Direct outside airflow intake measurement.

4. A senior living facility may only use portable filtration and air cleaners:

(a) If the infrastructure of the existing HVAC system is not able to meet the requirements for filtration and ventilation prescribed by sections 2 to 22, inclusive, of this act.

(b) As recommended by a mechanical engineer as a supplemental enhancement to the permanent infrastructure of the HVAC system:

(1) When the desired indoor air quality cannot be maintained with the mechanical ventilation system; or

(2) There exist concerns relating to outdoor air contaminants such as those created by wildfires and air pollution.

5. All adjustments to an HVAC system at a senior living facility must be performed by qualified adjusting personnel.

Sec. 20. 1. The administrator of a senior living facility shall ensure that all work required by section 19 of this act including, without limitation, repairs, upgrades and replacements of an HVAC system, is performed by a skilled and trained workforce of the construction industry and in compliance with applicable regulations of the Board.

2. The Division and the Board shall work in consultation with the Labor Commissioner, as necessary, to ensure that assessments and construction required pursuant to sections 2 to 22, inclusive, of this act satisfy any applicable standards and requirements of the edition of the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 21. 1. Upon the completion of work required by section 19 of this act, the administrator of a senior living facility shall submit a report to the Division. The report must include:

(a) The name and address of:

(1) The senior living facility;

(2) The person preparing and certifying the report; and

(3) The qualified testing personnel, qualified adjusting personnel, mechanical engineers, contractors and the members of the skilled and trained workforce of the construction industry who performed assessments, adjustments or construction relating to the work.

(b) Copies of the certification and license, if applicable, of each person identified in subparagraph (3) of paragraph (a).

(c) A copy of all procurement documents relating to the work.

(d) Documentation of:

(1) Verifications of initial operating ventilation rates.

(2) Adjustments, repairs, upgrades and replacements performed pursuant to section 19 of this act.

(3) The final operating conditions of the HVAC system, including, without limitation, the MERV of the filtration system and verified ventilation and exhaust rates for classrooms, auditoriums, gymnasiums, restrooms, offices and other occupied spaces.

(4) Verification that all work has been tested by qualified testing personnel and adjusted by qualified adjusting personnel.

(5) Verification that all repairs, upgrades and replacements were performed by a contractor who uses a skilled and trained workforce of the construction industry and who is in compliance with any applicable standards of the United States Department of Labor.

(6) Compliance with section 19 of this act, including, without limitation, the make and model of each carbon dioxide monitor installed in the senior living facility.

Sec. 22. An HVAC assessment report created pursuant to section 14.5 of this act and reviewed by a mechanical engineer pursuant to section 18 of this act and a report submitted to the Division by the administrator of a senior living facility pursuant to section 21 of this act are public records and are available for public inspection.

Sec. 22.5. 1. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall regularly monitor the amount of federal money available to facilitate the compliance of senior living facilities with the provisions of sections 2 to 22, inclusive, of this act. On the date on which the Administrator determines that there is insufficient federal money available for that purpose, the Administrator shall transmit notice of that determination to the Governor and the Director of the Legislative Counsel Bureau.

2. As used in this section, “senior living facility” has the meaning ascribed to it in section 7 of this act.

Sec. 23. This act:

1. Becomes effective upon passage and approval; and

2. Expires by limitation on the date on which the Director of the Legislative Counsel Bureau receives notice of a determination by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to section 22.5 of this act that there is insufficient federal money available to facilitate the compliance of senior living facilities with the provisions of sections 2 to 22, inclusive, of this act.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 162, 313.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 185, 246, 385, 435.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 216, 274, 308.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that Assembly Bill No. 456 be taken from the General File and placed on the General File for the next legislative day.

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 4:32 p.m.

ASSEMBLY IN SESSION

At 4:40 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 53.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 53 increases the civil penalties for sales of tobacco products to minors.

Roll call on Assembly Bill No. 53:

YEAS—38.

NAYS—Gray, Hafen, Hansen, McArthur—4.

Assembly Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblyman D'Silva.

ASSEMBLYMAN D'SILVA:

Assembly Bill 73 establishes that a public school pupil is entitled to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at a school graduation ceremony. The governing body of a public school may prohibit items that are likely to cause a substantial disruption of, or material interference with, such a ceremony. The bill outlines an appeals process for a pupil who is prohibited from wearing an item as an adornment.

Roll call on Assembly Bill No. 73:

YEAS—42.

NAYS—None.

Assembly Bill No. 73 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 75.

Bill read third time.

Remarks by Assemblywoman Gallant.

ASSEMBLYWOMAN GALLANT:

Assembly Bill 75 authorizes the adoption of regulations to establish requirements for transactions involving an offer to sell or a sale of a security to a Nevada certified investor. A Nevada certified investor is 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 a sale of a security is made to the person or couple, meets certain financial qualifications.

Roll call on Assembly Bill No. 75:

YEAS—39.

NAYS—Orentlicher, Summers-Armstrong, Thomas—3.

Assembly Bill No. 75 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 91.

Bill read third time.

Remarks by Assemblyman DeLong.

ASSEMBLYMAN DELONG:

Assembly Bill 91 allows a person to sink or bore a replacement well without submitting an application to change the point of diversion of water already appropriated if both the original well and replacement well are on public lands and the replacement well is within 300 feet of the original point of diversion.

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

The bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 91:

YEAS—40.

NAYS—Bilbray-Axelrod, Orentlicher—2.

Assembly Bill No. 91 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Assembly Bill 120 prohibits a provider of health care who was not initially issued his or her professional license or certificate within the immediately preceding three years, and who has not

practiced his or her profession within the immediately preceding three years, from providing voluntary health care services in this state.

Roll call on Assembly Bill No. 120:

YEAS—42.

NAYS—None.

Assembly Bill No. 120 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 132 permits certain governmental entities, health care facilities and providers, and higher education faculty or students to review opioid overdose fatalities. Other entities can participate in such reviews through memoranda of understanding under specific conditions. The bill provides that certain records received by a person or entity conducting an opioid overdose fatality review are confidential.

Roll call on Assembly Bill No. 132:

YEAS—37.

NAYS—DeLong, Gray, Gurr, McArthur, O'Neill—5.

Assembly Bill No. 132 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 154 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 entities that accept living donations of birth tissue in a hospital or birthing center. Such entities must show proof of accreditation by the American Association of Tissue Banks to be placed and remain on such a list. The bill also requires hospitals and certain physicians to provide a patient who is pregnant with a link to that Internet website or a printed version of that list.

Roll call on Assembly Bill No. 154:

YEAS—42.

NAYS—None.

Assembly Bill No. 154 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 162.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 162 lists permissible uses of neonicotinoid pesticides and will save the pollinators.

Roll call on Assembly Bill No. 162:

YEAS—42.

NAYS—None.

Assembly Bill No. 162 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 218 requires that rent must be denoted as a single figure representing the total amount of the periodic rent, including any fixed, mandatory fee. Under certain circumstances, the measure prohibits a landlord from charging the tenant a fee to make a payment.

Roll call on Assembly Bill No. 218:

YEAS—28.

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

Assembly Bill No. 218 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 219.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 219 provides for public comment on continued meetings, posting notices, providing verbal instructions for the public to call into a meeting to provide public comment, and requiring a physical location for meetings under certain circumstances.

Roll call on Assembly Bill No. 219:

YEAS—42.

NAYS—None.

Assembly Bill No. 219 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 220.

Bill read third time.

Remarks by Assemblymen Brown-May, Newby, and Hafen.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 220 revises provisions related to water conservation. The bill requires connection to community sewerage or municipal water in counties with a population of 700,000 or more in certain situations. It also requires the establishment of a program to assist with the costs related to connecting to community sewerage and includes other important provisions.

ASSEMBLYWOMAN NEWBY:

It is with great conflict that I rise to speak about Assembly Bill 220. Many homeowners in my district have contacted me in opposition to the bill and the requirements it puts on homeowners, many of whom have installed septs at great expense and are on a fixed income.

I certainly appreciate the willingness of the sponsor, my colleague from Assembly District 15, and representatives from SNWA [Southern Nevada Water Authority] and the water district to amend this bill to cover at least 85 percent of the costs of the conversion. I am appreciative of that, but I still would like to get to 100 percent. I am voting yea on this bill today in order to preserve my opportunity and the opportunity for Assembly District 10 to continue this conversation and continue pushing forward for that 100 percent coverage. Thank you to everyone who has worked with me and with my district thus far.

ASSEMBLYMAN HAFEN:

I would like to disclose that this is going to have a direct impact on a number of my family members. Though I appreciate getting it up to 85 percent, I cannot support this at this time. Like my colleague, I do hope they are able to get it to 100 percent on the Senate side. Therefore, I will be a no, and I urge my colleagues to also be a no today.

Roll call on Assembly Bill No. 220:

YEAS—30.

NAYS—Carter, DeLong, Dickman, Gallant, Gray, Hafen, Hansen, Hibbetts, Koenig, McArthur, Brittney Miller, Yurek—12.

Assembly Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 242.

Bill read third time.

Remarks by Assemblywoman González.

ASSEMBLYWOMAN GONZÁLEZ:

Assembly Bill 242 repeals certain provisions relating to paper ballots and the discretionary use of mechanical voting systems. The bill instead requires the use of a mechanical voting system for tabulating ballots and casting a vote in person at a polling place. The measure requires each polling place, with certain exceptions, to provide at least two voting booths that are accessible for voters who are elderly or voters with disabilities. County and city clerks and election board officers are also required to be trained in using such accessible voting booths.

Roll call on Assembly Bill No. 242:

YEAS—28.

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

Assembly Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 244 sets forth rights of a person compelled to submit to a mental or physical examination, with certain exceptions.

Roll call on Assembly Bill No. 244:

YEAS—34.

NAYS—Backus, DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hardy—8.

Assembly Bill No. 244 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 298.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 298 requires a landlord who collects any fee from a prospective tenant who applies to rent a dwelling unit to refund the fee if the landlord rents the dwelling unit to a different prospective tenant. Additionally, the measure requires a written rental agreement to contain a separate appendix containing certain information regarding fees and the rights of the tenant. In addition, a landlord is prohibited from collecting an application fee to obtain a credit report or background check for a minor who is a member of the household of the prospective tenant.

Roll call on Assembly Bill No. 298:

YEAS—36.

NAYS—DeLong, Dickman, Gallant, Hafen, Hansen, McArthur—6.

Assembly Bill No. 298 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 305.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 305 requires that to the extent practicable on public work projects, at least 2 percent of the hours of labor for vertical construction that is required to be performed by apprentices must be performed by women, and at least 1 percent of the hours of labor for horizontal construction that is required to be performed by apprentices must be performed by women.

Roll call on Assembly Bill No. 305:

YEAS—33.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Kasama, O'Neill—9.

Assembly Bill No. 305 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Assembly Bill 333 requires each housing authority in Nevada to conduct an inspection on a regular basis as well as obtain a handwritten or electronic signature of the tenant to confirm that the inspection was conducted.

The bill is effective on October 1, 2023.

Roll call on Assembly Bill No. 333:

YEAS—28.

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

Assembly Bill No. 333 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 391 authorizes a local government to require a contractor on a public work to give a preference for hiring labor on the public work to local residents who meet certain criteria.

Roll call on Assembly Bill No. 391:

YEAS—35.

NAYS—Dickman, Gallant, Gray, Gurr, Hafen, Hansen, O'Neill—7.

Assembly Bill No. 391 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 410 expands the stress-related injuries that may be compensable under industrial insurance, in certain circumstances, to include a mental injury afflicting a first responder that is caused by extreme stress for which the primary cause was witnessing a series of specified events that arose out of and during the course of employment.

I want to say that I could not be more proud to carry this bill. This bill extends coverage to our first responders so that we can take care of them the way they take care of us. I urge my colleagues to vote yes.

Roll call on Assembly Bill No. 410:

YEAS—42.

NAYS—None.

Assembly Bill No. 410 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblywoman Taylor.

ASSEMBLYWOMAN TAYLOR:

Assembly Bill 415 revises provisions relating to the Board of Dispensing Opticians. The bill revises, repeals, and reorganizes other provisions.

Roll call on Assembly Bill No. 415:

YEAS—42.

NAYS—None.

Assembly Bill No. 415 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 426.

Bill read third time.

Remarks by Assemblywomen Brown-May and Summers-Armstrong.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 426 exempts commercial advertising for special events, as those events are defined in the bill, from placement restrictions on or above any highway. The bill allows for such exemptions if certain conditions are met, including prior authorization, the execution of a written agreement that the advertising will not constitute a hazard, and that the advertising will not be used for more than 14 consecutive days.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

I rise in support of this bill, but I also want to make something clear. As we are growing as a state and becoming more and more attractive to these large events, we have a problem that we need to deal with, which is human trafficking and domestic violence, which increase during these special events. I am hopeful that as we move forward, our organizations that are advertising can put money aside to go toward organizations that are on the ground during these events, supporting immediate response. I hope we will have more discussion about this in the Senate. I did bring it up in Growth and Infrastructure but do not see it addressed in the amendment. I am still very concerned about that issue.

Roll call on Assembly Bill No. 426:

YEAS—42.

NAYS—None.

Assembly Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 432.

Bill read third time.

Remarks by Assemblyman Koenig.

ASSEMBLYMAN KOENIG:

Assembly Bill 432 makes various changes to optometry. The bill defines a comprehensive eye examination and prohibits certain persons from owning or controlling an optometry practice. The bill prohibits the issuance of a prescription for a corrective lens, engaging in synchronous or asynchronous optometric telemedicine, and monitoring a patient remotely, unless the optometrist has performed a comprehensive exam on the patient in the previous two-year period. The bill outlines the parameters of optometric telemedicine. The measure restricts optometric telemedicine to procedures and interactions that meet the standard of care.

Assembly Bill 432 also clarifies the transfer of ownership of an optometric practice upon the death of the owner and offers the heirs a one-year period to sell or dissolve the practice; provides standards for the supervision of interns and residents who have not yet obtained a license to practice in Nevada; provides a reduced rate for the initial issuance of a license for veterans; and allows the Nevada State Board of Optometry to issue a citation as an additional disciplinary tool.

This bill is effective on October 1, 2023.

Roll call on Assembly Bill No. 432:

YEAS—42.

NAYS—None.

Assembly Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 66, 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*

SECOND READING AND AMENDMENT

Assembly Bill No. 66.

Bill read second time.

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

Amendment No. 385.

AN ACT relating to ethics in government; making various changes relating to the provisions governing ethics in government; **enacting the Nevada Legislative Ethics Law; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, the Nevada Ethics in Government Law (Ethics Law) governs the conduct of public officers and employees and, in certain circumstances, former public officers and employees after the end of their period of public service or employment. The Ethics Law is carried out and enforced by the Commission on Ethics, which is authorized to issue opinions interpreting the statutory ethical standards established by the Ethics Law and applying those standards to a given set of facts and circumstances. The Ethics Law also authorizes any state agency or the governing body of a county or city to establish a specialized or local ethics committee to complement the functions of the Ethics Commission. (Chapter 281A of NRS)

Under the Ethics Law, the Commission is required to annually elect a Chair and Vice Chair who are assigned certain powers, functions and duties. (NRS 281A.210, 281A.220, 281A.240, 281A.300) **Sections 2 and 17** of this bill provide for the Chair's powers, functions and duties to be assigned for a particular matter to the Vice Chair or another member of the Commission under certain circumstances. **Section 17** also specifies that the Chair and Vice Chair be elected at the first fiscal meeting of each year. **Section 8** of this bill authorizes the Chair, with certain exceptions, to grant not more than one extension of ~~for any time limitation~~ **limit** set forth in the Ethics Law ~~but the Chair cannot grant an extension of any time limit in the statute of limitations.~~ **Sections 31, 35 and 37-39** of this bill make conforming changes consistent with the authority of the Chair to grant ~~such an extension.~~ **the authorized extensions.**

Sections 3-5 of this bill define certain terms relating to proceedings before the Commission and the statutory ethical standards established by the Ethics Law. **Sections 10, 14 and 46** of this bill make conforming changes to incorporate these definitions into the chapter.

Section 6 of this bill: (1) restates more clearly the existing scope and applicability of the statutory ethical standards to the conduct of current and former public officers and employees; and (2) codifies the existing rule of construction that the standards are cumulative and supplement each other.

Under Nevada’s Open Meeting Law, the Commission may receive information regarding any litigation from its legal counsel and deliberate toward a decision regarding the litigation without holding a public meeting that complies with the Open Meeting Law. (NRS 241.015) **Section 7** of this bill provides that during any period in which proceedings concerning a request for an advisory opinion or an ethics complaint are confidential under the Ethics Law, the Open Meeting Law does not apply to any meetings, hearings, deliberations or actions of the Commission involving: (1) any decisions in litigation related to the request for an advisory opinion or the ethics complaint; and (2) any delegation of authority to make such decisions in the litigation. **Section ~~149~~ 107** of this bill makes a conforming change to indicate this additional exception to the Open Meeting Law.

The Ethics Law requires public officers to execute and timely file with the Commission written acknowledgments that they have received, read and understood the statutory ethical standards and that they have a responsibility to become familiar with any amendments to those standards. (NRS 281A.500) **Section 9** of this bill requires the appropriate appointing authorities and administrative officials at the state and local level to: (1) compile a list of the public officers within their purview who are required to file the written acknowledgment of the statutory ethical standards; and (2) submit the list annually to the Commission.

Under the Ethics Law, the Commission is authorized to make a decision relating to a matter or proceeding before the Commission and provide a written advisory opinion or written opinion in response to an ethics complaint. (NRS 281A.670-281A.760) **Sections 11, 12, 15, 18, 19, 22, 24, 26, 28, 30-32, 34, 36-41 and 47** of this bill make various changes to distinguish between rendering a decision and issuing a written advisory opinion or issuing an opinion in response to an ethics complaint.

The Ethics Law prohibits public officers and employees from engaging in certain unethical conduct, including conduct that benefits any persons to whom they have a commitment in a private capacity. (NRS 281A.400, 281A.420) Existing law defines the persons to whom public officers and employees have a “commitment in a private capacity” to include: (1) the spouse or domestic partner of the public officer or employee, any member of his or her household or any relative within the third degree of consanguinity or affinity; (2) any person who employs the public officer or employee, his or her spouse or domestic partner or any member of his or her household; (3) any person with whom the public officer or employee has a substantial and continuing business relationship; or (4) any person with whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to the foregoing commitments, interests or relationships. (NRS 281A.065)

Section 13 of this bill makes technical revisions to the definition of “commitment in a private capacity” that do not change the substantive meaning of the term.

The Ethics Law requires the Chair to appoint review panels, consisting of three members of the Commission to review ethics complaints during the investigatory stage of the proceedings, and if a review panel determines that there is just and sufficient cause for the Commission to render an opinion in a matter, the members of the review panel generally cannot participate in any further proceedings of the Commission relating to the matter. (NRS 281A.220) However, the Ethics Law allows the members of the review panel to authorize the development of and approve a deferral agreement in the proceedings. (NRS 281A.730) **Section 18 of this bill** also allows one or more members of a review panel to participate as mediators or facilitators in any settlement negotiations with the consent of the parties during a specified period.

The Ethics Law requires the Commission ~~{on Ethics}~~ to appoint and prescribe the duties of the Commission Counsel, who is the legal advisor to the Commission and generally acts as legal counsel in any litigation in which the Commission or its members or staff are parties in an official capacity. (NRS 281A.250, 281A.260) **Section 20** of this bill: (1) specifies the powers and duties of the Commission Counsel regarding any litigation in which the Commission or its members or staff are parties in an official capacity; and (2) clarifies that the Commission Counsel does not represent the interests of the Executive Director of the Commission in a judicial action or proceeding in which the Executive Director is named as a party to the action or proceeding based on the conduct of the Executive Director in his or her official ~~{conduct}~~ **capacity** as a party to an adjudicative proceeding.

The Ethics Law sets forth the jurisdiction of the Commission to investigate and take action regarding an alleged violation of the Ethics Law in any proceeding commenced by an ethics complaint if the ethics complaint is filed or initiated within 2 years after the alleged violation or reasonable discovery of the alleged violation. (NRS 281A.280) **Section 21** of this bill similarly provides that the Commission has jurisdiction to gather information and issue an advisory opinion ~~{and investigate and take action}~~ regarding ~~{an alleged violation for}~~ past conduct ~~{relating to the realization of a financial benefit}~~ that has occurred within 2 years before the date on which the request for an advisory opinion is filed ~~{or before}~~.

The Ethics Law authorizes the Commission to impose certain penalties, fees and costs against a person who prevents or interferes with, or attempts to prevent or interfere with, any investigation or proceeding under the Ethics Law or the discovery of a violation of the Ethics Law. (NRS 281A.790) **Section 21 of this bill provides that the Commission has jurisdiction to investigate and take appropriate action regarding such an alleged violation in any proceeding commenced by a written notice of the charges within 2 years after** the alleged violation or reasonable discovery of the alleged violation.

Existing law requires the Commission to publish a manual explaining the Ethics Law. **Section 22** of this bill replaces this requirement with a requirement to publish materials to educate public officers and employees on the Ethics Law.

Section 23 of this bill: (1) authorizes the administration of oaths by a member of the Commission when appointed by the Chair to preside over any meetings, hearings or proceedings or by a certified court reporter; (2) authorizes the Chair to issue a subpoena during the course of an investigation for certain information; and (3) provides that any court proceeding commenced relating to a subpoena is deemed good cause for the Chair to grant an extension of the time ~~limitations~~ **limits** that apply to proceedings concerning ethics complaints.

The Ethics Law ~~contains a general provision that~~ prohibits public officers and employees from using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officers and employees or any persons to whom they have a commitment in a private capacity. ~~By contrast, the Ethics Law also contains a specific provision that prohibits State Legislators from using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the Legislators or any other persons. Both of these prohibitions contain separate~~ **The Ethics Law also contains certain** limited-use exceptions that allow a limited use of governmental property, equipment or other facility for personal purposes if the limited use meets certain requirements. (NRS 281A.400) **Section 25** of this bill revises these prohibitions and limited-use exceptions in several ways.

First, ~~section 25 aligns the prohibitions so they employ the same prohibitive language for Legislators and other public officers and employees. As a result, subject to the limited use exceptions, section 25 prohibits all public officers and employees from using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officers and employees or any persons to whom they have a commitment in a private capacity.~~

~~Second, with regard to the limited use exceptions that apply to public officers and employees other than Legislators,~~ one of the existing requirements for the **limited-use** exceptions is that the public officer or employee who is responsible for and has authority to authorize the limited use for personal purposes must have established a policy allowing the limited use. (NRS 281A.400) **Section 25** clarifies the exception by providing that the limited use must be authorized by a written policy which was adopted before the limited use occurs.

~~Finally, with regard to the limited use exceptions that apply to Legislators and other public officers and employees,~~ **Second,** one of the existing requirements for the **limited-use** exceptions is that the limited use for personal purposes must not create the appearance of impropriety. (NRS 281A.400) **Section 25** defines the term “appearance of impropriety” to mean a reasonable

person would find, based on the given set of facts and circumstances, that the limited use for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.

The Ethics Law prohibits public officers and employees from using their position in government to secure or grant any unwarranted privileges, preferences, exemptions or advantages for themselves, any business entity in which they have a significant pecuniary interest or any person to whom they have a commitment in a private capacity. (NRS 281A.400) **Section 25** also adds to the statutory ethical standards a prohibition against public officers and employees using their position or power in government to take actions or compel a subordinate to take any actions that would cause unwarranted harm or damage to another person to benefit ~~the~~ a significant ~~pecuniary interest~~ or personal or pecuniary interest of the public officer or employee or ~~of~~ any person to whom the public officer or employee has a commitment in a private capacity.

With certain exceptions, the Ethics Law prohibits public officers and employees from acting upon a matter in which their personal or private interests may create potential conflicts of interests unless, at the time the matter is considered, they make a disclosure that is sufficient to inform the public of their potential conflicts of interests. (NRS 281A.420) **Section 27** of this bill provides that, when public officers and employees make such a public disclosure, they are not required to disclose any information which is confidential under the terms of a contract or as a matter of law, such as a result of an attorney-client relationship, if they: (1) disclose all nonconfidential information and describe the general nature of the contract or law; and (2) abstain from acting upon the matter.

The Ethics Law allows certain public officers to represent or counsel private persons for compensation before state or local agencies in which they do not serve. In addition, although the Ethics Law requires public officers to disclose such private representation or counseling when it may create potential conflicts of interests with their public duties, they are not required to abstain from acting on a matter because of those potential conflicts of interests. (NRS 281A.410, 281A.420) **Section 27** requires public officers to abstain from acting on a matter under certain circumstances when such private representation or counseling results in conflicts of interests with their public duties.

The Ethics Law prohibits certain former public officers and employees, for a 1-year “cooling-off” period after the termination of their public service or employment, from soliciting or accepting private employment from any entities regulated or awarded certain contracts by the agencies that employed the former public officers and employees. However, the Ethics Law also allows the Commission to grant relief from the strict application of the prohibition in specified circumstances. (NRS 281A.550) **Section 28** provides that: (1) certain current and former public officers and management-level public employees are subject to the “cooling-off” period both during and after their public service or employment and cannot solicit or accept private

employment from such entities under similar circumstances; and (2) the “cooling-off” period applies when certain current and former public officers and employees are or were ~~materially involved in the implementation, management or administration~~ **in positions to materially affect or influence the awarding, renewing or amending** of certain contracts ~~forwarded~~ by their employing agencies. ~~It~~ **because they had the authority or responsibility to recommend, advise, negotiate, develop, draft, revise, review or approve any material terms of the contracts. In certain situations where current or former public officers and employees are alleged to have violated the “cooling-off” period, section 45 of this bill provides that the Commission must consider certain factors relating to the comparative value of the contract under the given set of facts and circumstances in assessing the severity of the violation and any penalties.**

Under the Ethics Law, the Legislative Counsel is required to prepare annotations to the Commission’s published opinions for inclusion in the Nevada Revised Statutes. (NRS 281A.290) **Sections 22 and 29** of this bill move and recodify this requirement.

The Ethics Law authorizes a public officer or employee to file with the Commission a request for an advisory opinion to: (1) seek guidance relating to the propriety of his or her own past, present or future conduct under the statutory ethical standards; or (2) request relief from the strict application of certain provisions of the Ethics Law. (NRS 281A.675) **Section 16** of this bill deletes duplicative provisions from the definition of a “request for an advisory opinion.” **Section 30** authorizes the Commission to request additional information relating to the request for an advisory opinion from the requester or his or her legal counsel.

With certain exceptions, the Commission is subject to the Open Meeting Law, which generally requires most meetings of public bodies to be open to the public. (Chapter 241 of NRS) However, under the Ethics Law, the Open Meeting Law does not apply to meetings, hearings, deliberations and actions of the Commission relating to requests for advisory opinions, although the requester of the advisory opinion may file a request with the Commission to hold a public meeting or hearing regarding the matter. (NRS 281A.690) **Section 33** of this bill requires the requester to acknowledge his or her waiver of confidentiality in the request. **Section 33** also provides that if the Commission grants such a request for a public meeting or hearing regarding the matter, the Commission must provide public notice of the meeting or hearing and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to specific requirements of the Open Meeting Law.

In addition to rendering advisory opinions, the Commission is also authorized by the Ethics Law to render opinions regarding the propriety of the conduct of public officers and employees under the statutory ethical standards in response to ethics complaints filed by a specialized or local ethics committee or a person or initiated by the Commission on its own motion. (NRS 281A.710)

Section 34 of this bill authorizes the Executive Director to conduct a preliminary investigation into the propriety of the conduct of a public officer or employee to determine ~~if~~ whether the Commission has jurisdiction and whether the Commission should initiate an ethics complaint on its own motion.

Not later than 45 days after receiving an ethics complaint, the Ethics Law requires the Commission to determine initially whether it has jurisdiction over the ethics complaint and whether an investigation is warranted in the matter, unless the subject of the ethics complaint waives the time limit. (NRS 281A.715) **Section 35** authorizes the Executive Director, during this initial period, to conduct a preliminary investigation to obtain additional information concerning the allegations in the ethics complaint to assist the Commission in making its initial determination. In addition, **section 35**: (1) eliminates, as unnecessary, the provision authorizing the subject to waive the time limit because the subject does not receive notice of the matter during this initial period, but only receives notice of the matter if the Commission determines that it has jurisdiction and an investigation is warranted; and (2) allows the Commission to dismiss an ethics complaint initiated on its own motion if it determines that the evidence is not sufficient to warrant an investigation in the matter.

Under the Ethics Law, if the Commission determines that it has jurisdiction over an ethics complaint and an investigation is warranted, the subject of the ethics complaint is served with a notice of the investigation and provided with an opportunity to submit a response to that notice. (NRS 281A.720) **Section 36** authorizes the Executive Director to grant, under certain circumstances, one or more extensions of the time ~~(limitation)~~ limit to submit the response, but the Executive Director must set a specific and reasonable time period for such an extension.

As part of the investigation, the Ethics Law permits the Executive Director to secure the subject's participation, attendance as a witness or production of books and papers under existing procedures. (NRS 281A.300) **Section 36** clarifies that, regardless of whether the subject submits a response to the investigation, the Executive Director retains the authority during the course of the investigation to secure the subject's participation, attendance as a witness or production of books and papers under those existing procedures or any other law that provides such authority.

Under the Ethics Law, a review panel is required to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. (NRS 281A.730) **Section 38** of this bill requires that, after the review panel makes its determination, the review panel must serve a written notice of its determination on the public officer or employee who is the subject of the ethics complaint.

The Ethics Law establishes various requirements regarding the adjudication of ethics complaints referred to the Commission for further proceedings. (NRS 281A.745-281A.760) **Section 39** requires: (1) the Executive Director to issue a formal notice of charges to the subject of the ethics complaint regarding the

allegations to be presented at an adjudicatory hearing; and (2) the Commission to provide the parties with a written schedule for discovery in order to prepare for the hearing.

The Ethics Law requires the Commission to hold the hearing and render an opinion in the matter within a certain time period, unless waived by the subject, and requires the opinion to include findings of fact and conclusions of law. (NRS 281A.745, 281A.765) **Section 39:** (1) provides the Commission with more time to prepare the written opinion in the matter by requiring the Commission to issue the written opinion within a specified time period after the decision is rendered; and (2) clarifies that, in addition to including findings of fact and conclusions of law, the written opinion must otherwise comply with the requirements for a final decision under Nevada’s Administrative Procedure Act. (NRS 233B.125) **Section 43** of this bill makes a conforming change related to the contents of a written opinion.

With certain exceptions, the Ethics Law requires, or in some cases allows, the Commission to keep the identity of certain persons who file ethics complaints confidential in order to protect those persons from potential harm. (NRS 281A.750) **Section 40** of this bill extends the confidentiality of the requester to persons who worked for the same public body, agency or employer as the subject of the ethics complaint at the time of the alleged conduct, or if revealing the identity of the requester would otherwise reveal the identity of witnesses who work for the same public body, agency or employer. **Section 40** also clarifies that: (1) such confidentiality extends to all materials that, if disclosed, would reveal the identity of the confidential requester; and (2) the identity of the confidential requester remains protected if the Executive Director does not intend to present the testimony of the confidential requester as evidence in the matter. However, if the Executive Director intends to present the testimony of the confidential requester as evidence in the matter, **section 40** requires the Executive Director to disclose the name of the confidential requester only as a proposed witness in accordance with the schedule for discovery in the matter.

Under the Ethics Law, the subject of an ethics complaint is authorized to submit a written discovery request for a list of proposed witnesses and a copy of any materials in the investigative file that the Executive Director intends to present as evidence in the matter. The Ethics Law also provides that the materials in the investigative file are confidential, except that any materials which the Executive Director presents as evidence in the matter become public records. (NRS 281A.755) **Section 41** requires any written discovery request to be submitted in accordance with the schedule for discovery in the matter. **Section 41** also provides that any materials which the Executive Director presents as evidence in the matter become public records after the Commission takes final action concerning the ethics complaint in a public meeting or hearing, but provides an exception if any of the materials are declared confidential by another law.

In proceedings concerning an ethics complaint, the Ethics Law exempts from the Open Meeting Law: (1) any meeting or hearing held by the Commission to receive information or evidence concerning the ethics complaint; and (2) any deliberations of the Commission on such information or evidence. However, the Ethics Law does not exempt the Commission's actions concerning the ethics complaint from the Open Meeting Law. (NRS 281A.760) **Section 42** of this bill generally exempts the Commission's actions concerning the ethics complaint from the Open Meeting Law. However, **section 42** requires the Commission to take final action concerning the ethics complaint in a public meeting or hearing for which the Commission provides public notice and which is open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to specific requirements of the Open Meeting Law.

The Ethics Law establishes various requirements regarding the disposition of ethics complaints and the imposition of remedies and penalties and, with respect to certain dispositions of ethics complaints and in determining whether a violation is willful, the Ethics Law requires the Commission to treat comparable situations in a comparable manner. (NRS 281A.785, 281A.790) **Sections 44 and 45** of this bill require the Commission to carry out that duty to the extent practicable based on the given set of facts and circumstances. **Section 47** clarifies that, based on a finding that a violation of the Ethics Law has been proven, the Commission is authorized to impose certain penalties using any manner in which the Commission is authorized to dispose of the matter.

Section 48 of this bill makes technical conforming changes to the description of current and former public officers and employees. **It in the Ethics Law. Section 108 of this bill addresses the applicability of certain provisions of sections 2-48 of this bill to various proceedings before the Commission.**

Sections 9, 9.5, 13.5, 15.5, 15.7, 25-27.5 and 48 of this bill remove legislative officers and employees from the jurisdiction of the Ethics Law, and sections 50-105 of this bill enact the Nevada Legislative Ethics Law (Legislative Ethics Law) to govern legislative officers and employees and, in certain situations, former legislative officers and employees after the end of their period of legislative service or employment.

Sections 52-71 of this bill establish various definitions applicable to the Legislative Ethics Law. In particular, section 67 of this bill defines "legislative officer" as any current or former: (1) member of the Senate, Secretary of the Senate or officer of the Senate; (2) member of the Assembly, Chief Clerk of the Assembly or officer of the Assembly; or (3) officer of the Legislature, the Legislative Counsel Bureau or the Legislative Department of the State Government. However, the term does not include the Lieutenant Governor when acting in his or her official capacity as the President of the Senate. Section 65 of this bill defines "legislative employee" as any current or former employee, assistant,

attache, intern or other staff employed with reference to the legislative duties of a Legislator or the Legislative Department, regardless of whether the position is paid or otherwise compensated.

Under the Nevada Constitution, the Houses of the Legislature have adopted Standing Rules that establish various ethical standards for Legislators and other legislative officers and employees. (Nev. Const. Art. 4, § 6; Senate Standing Rule No. 23; Assembly Standing Rule No. 23; Joint Standing Rules Nos. 30-39) Section 73 of this bill provides that the Legislative Ethics Law supplements such Standing Rules and, to the extent that there is a conflict between the Standing Rules and the Legislative Ethics Law, the Standing Rules govern the conflict. Sections 51 and 72-76 of this bill set forth additional standards governing the interpretation, application and administration of the Legislative Ethics Law.

Sections 77-83 of this bill establish legislative ethical standards which are similar to existing ethical standards for public officers and employees but which are tailored to the specific ethical demands of the Legislative Department.

Existing law establishes general ethical standards to which public officers and employees are bound. (NRS 281A.400) Section 77 of this bill establishes similar provisions for the purpose of legislative officers and employees.

Existing law restricts public officers and employees from representing or counseling private persons before certain public agencies. (NRS 281A.410) Section 78 of this bill establishes similar provisions for the purpose of legislative officers and employees.

Existing law prohibits public officers and employees from taking certain actions relating to contracts between governmental entities and any business entity in which the public officer or employee has a significant pecuniary interest. (NRS 281A.430) Section 79 of this bill establishes similar provisions applicable to legislative officers and employees.

Existing law prohibits a public officer or employee from accepting or receiving an honorarium under certain circumstances. (NRS 281A.510) Section 80 of this bill establishes similar provisions for the purpose of legislative officers and employees.

Existing law prohibits a public officer or employee from requesting or otherwise causing a governmental entity to incur certain expenses or make expenditures to support or oppose ballot questions or candidates under certain circumstances. (NRS 281A.520) Section 81 of this bill establishes similar provisions prohibiting legislative officers and employees from engaging in such acts with regard to the Legislative Department.

Existing law establishes certain “cooling-off” periods for public officers and employees relating to soliciting or accepting employment from certain

entities under certain circumstances. (NRS 281A.550) Section 82 of this bill establishes similar provisions relating to legislative officers and employees.

Existing law authorizes the Attorney General or the appropriate district attorney to void certain grants, contracts or leases entered into in violation of the Ethics Law and authorizes the Attorney General to take other actions to redress certain violations. (NRS 281A.540) Section 83 of this bill authorizes the Attorney General or appropriate district attorney to take similar actions to redress certain violations of the Legislative Ethics Law.

To carry out and enforce the Legislative Ethics Law, sections 84-95 of this bill create the Senate Commission on Ethics (Senate Commission), Assembly Commission on Ethics (Assembly Commission) and Joint Commission on Ethics (Joint Commission), provide for the appointment and terms of their respective members and prescribe standards for their management, governance and proceedings. Section 109 of this bill directs the appointment and terms of the initial members of each Commission.

Under section 87 of this bill, the Senate Commission has jurisdiction to: (1) hear ethics complaints brought against legislative officers and employees of the Senate; and (2) hear requests brought by such persons for advice on the legislative ethical standards.

Under section 91 of this bill, the Assembly Commission has jurisdiction to: (1) hear ethics complaints brought against legislative officers and employees of the Assembly; and (2) hear requests brought by such persons for advice on the legislative ethical standards.

Under section 95 of this bill, the Joint Commission has jurisdiction to: (1) hear ethics complaints brought against legislative officers and employees other than the officers or employees of the Senate or Assembly; and (2) hear requests brought by such persons for advice on the legislative ethical standards.

Section 97 of this bill authorizes the Senate Commission, Assembly Commission and Joint Commission, as applicable, to conduct investigations and hold hearings to carry out the Legislative Ethics Law.

Section 98 of this bill provides that all proceedings of the Senate Commission, Assembly Commission or Joint Commission, as applicable, relating to the character, alleged misconduct, professional competence or physical or mental health of any person on matters regarding the legislative ethical standards and the materials relating thereto are confidential, unless the person subject to the proceedings waives such confidentiality. Section 106 of this bill makes a conforming change to the Public Records Law.

Section 99 of this bill provides that a member of the Senate Commission, Assembly Commission or Joint Commission, as applicable, is disqualified from serving during the consideration of a matter if: (1) the member is the subject of the ethics complaint; (2) the member requested the advice

on the issue under consideration; or (3) a reasonable person in the member's situation could not exercise independent judgment on the matter.

Section 100 of this bill authorizes an individual to file with the Legislative Counsel an ethics complaint against a legislative officer or employee. Section 100 requires the Legislative Counsel to review the ethics complaint and consult with the Chair of the Senate Commission, Assembly Commission or Joint Commission, as applicable, to determine whether the Commission has jurisdiction over the complaint and whether an investigation is warranted in the matter. Finally, section 100 requires that: (1) if it is determined that the Commission does not have jurisdiction or an investigation is not warranted, the Legislative Counsel must send a written notice of such a determination to the individual who filed the ethics complaint; or (2) if it is determined that the Commission has jurisdiction and an investigation is warranted, the Legislative Counsel must send a written notice of the determination and a copy of the ethics complaint to the person who is subject to the ethics complaint. Section 74 of this bill requires the ethics complaint to be filed within 2 years after the alleged violation or reasonable discovery of the alleged violation.

If the Senate Commission, Assembly Commission or Joint Commission, as applicable, holds an adjudicatory hearing on an ethics complaint, section 101 of this bill establishes various procedural and evidentiary requirements for the adjudicatory hearing, including the burden and standard of proof.

Section 102 of this bill requires the Senate Commission, Assembly Commission or Joint Commission, as applicable, to dismiss an ethics complaint if the Commission finds that the violation of the legislative ethical standards has not been proven.

Alternatively, if the Senate Commission, Assembly Commission or Joint Commission, as applicable, finds that a violation of the legislative ethical standards has occurred, sections 102-104 of this bill authorize the Commission to: (1) issue a letter of caution or instruction to the legislative officer or employee; (2) admonish, reprimand or censure the legislative officer or employee; (3) impose civil penalties on the legislative officer or employee; or (4) take any other reasonable actions that the Commission determines will remedy the violation or deter similar violations, including referring the matter to the appropriate House for review and consideration.

Section 105 of this bill also requires the Senate Commission, Assembly Commission or Joint Commission, as applicable, to refer the matter to the Attorney General or the district attorney, as appropriate, if the Commission believes that the violation of the legislative ethical standards constitutes a crime.

Section 110 of this bill provides for the transition of jurisdiction for ethics proceedings brought against legislative officers and employees.

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

Section 1. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *“Chair” means:*

1. *The Chair of the Commission; or*
2. *The Vice Chair or another member of the Commission serving in the capacity of the Chair pursuant to NRS 281A.210.*

Sec. 3. *“Party” means, for the purposes of an adjudicatory hearing or other disposition of proceedings before the Commission concerning an ethics complaint pursuant to this chapter:*

1. *The Executive Director or his or her designee; and*
2. *The public officer or employee who is the subject of the ethics complaint.*

Sec. 4. *“Published opinion” means an opinion issued by the Commission that is publicly available on the Internet website of the Commission.*

Sec. 5. *“Statutory ethical standards” means the statutory ethical standards set forth in the provisions of this chapter.*

Sec. 6. 1. *The provisions of this chapter establish statutory ethical standards to govern the conduct of:*

- (a) *Public officers and employees; and*
- (b) *Former public officers and employees in situations where the statutory ethical standards apply to the conduct of former public officers and employees after the end of any period of public service or employment.*

2. *The statutory ethical standards are cumulative and supplement each other, and the application of any one of the statutory ethical standards to a given set of facts and circumstances does not bar the application of any other of the statutory ethical standards that also apply to the given set of facts and circumstances.*

Sec. 7. *During any period in which proceedings concerning a request for an advisory opinion or an ethics complaint are confidential pursuant to this chapter, the provisions of chapter 241 of NRS do not apply to any meeting or hearing held by the Commission or any deliberations or actions of the Commission involving:*

1. *Any decisions in litigation concerning any judicial action or proceeding related to the request for an advisory opinion or the ethics complaint; or*
2. *Any delegation of authority to make such decisions in the litigation to the Chair or the Executive Director, or both, pursuant to NRS 241.0357.*

Sec. 8. 1. *Except as otherwise provided in this section and NRS 281A.720, the Chair may, upon the request of the Executive Director and for good cause shown, grant not more than one extension of ~~for~~ any time limitation ~~limit~~ set forth in this chapter.*

2. The Chair may not grant an extension of any time limit in the statute of limitations set forth in NRS 281A.280.

Sec. 9. A list of each public officer who is required to file an acknowledgment of the statutory ethical standards in accordance with NRS 281A.500 must be submitted electronically to the Commission, in the form prescribed by the Commission, on or before December 1 of each year by:

1. For an appointed public officer, the appointing authority of the public officer, including, without limitation:

(a) The manager of each local agency for a public officer of a local agency; and

(b) ~~{The Director of the Legislative Counsel Bureau for a public officer of the Legislative Department of the State Government; and~~

~~—(c)— The Director of the Department of Administration, or his or her designee, for a public officer of the Executive Department of the State Government; and~~

2. For an elected public officer of:

(a) A county and other political subdivisions within the county except cities, the county clerk;

(b) A city, the city clerk; and

(c) ~~{The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and~~

~~—(d)— The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.~~

Sec. 9.5. NRS 281A.020 is hereby amended to read as follows:

281A.020 1. It is hereby declared to be the public policy of this State that:

(a) A public office is a public trust and shall be held for the sole benefit of the people.

(b) A public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.

2. The Legislature finds and declares that:

(a) The increasing complexity of state and local government, more and more closely related to private life and enterprise, enlarges the potentiality for conflict of interests.

(b) To enhance the people's faith in the integrity and impartiality of public officers and employees, adequate guidelines are required to show the appropriate separation between the roles of persons who are both public servants and private citizens.

(c) ~~In interpreting and applying the provisions of this chapter that are applicable to State Legislators, the Commission must give appropriate weight and proper deference to the public policy of this State under which State Legislators serve as "citizen Legislators" who have other occupations and business interests, who are expected to have particular philosophies and perspectives that are necessarily influenced by the life experiences of the~~

~~Legislator, including, without limitation, professional, family and business experiences, and who are expected to contribute those philosophies and perspectives to the debate over issues with which the Legislature is confronted.~~

~~—(d)— The provisions of this chapter do not, under any circumstances, allow the Commission to exercise jurisdiction or authority over ~~for inquire into, intrude upon or interfere with the functions of a~~ :~~

~~(1) Any State Legislator ~~[that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or NRS 41.071.]~~~~
or other legislative officer as defined in section 67 of this act; or

(2) Any legislative employee as defined in section 65 of this act,
↪ except that if such a person holds another position outside of his or her legislative office or employment that is subject to the jurisdiction of the Commission pursuant to this chapter, the Commission may exercise jurisdiction or authority over that person but only for conduct arising out of the other position.

Sec. 10. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.032 to 281A.170, inclusive, **and sections 2 to 5, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 11. NRS 281A.032 is hereby amended to read as follows:

281A.032 “Adjudicatory hearing” means a hearing held by the Commission pursuant to NRS 281A.745 to ~~[receive evidence]~~ **hear the case presented by the Executive Director, or his or her designee, and by the public officer or employee who is the subject of the ethics complaint, and render a decision** concerning ~~[an]~~ **the** ethics complaint . ~~[and render an opinion in the matter.]~~

Sec. 12. NRS 281A.033 is hereby amended to read as follows:

281A.033 “Advisory opinion” means an advisory opinion ~~[rendered]~~ **issued** by the Commission pursuant to NRS 281A.670 to 281A.690, inclusive.

Sec. 13. NRS 281A.065 is hereby amended to read as follows:

281A.065 “Commitment in a private ~~[capacity],” with respect to the interests of another person,~~ **capacity” means a private** commitment, interest or relationship of a public officer or employee to : ~~[a person:]~~

1. ~~[Who is the]~~ **The** spouse or domestic partner of the public officer or employee;

2. ~~[Who is a]~~ **A** member of the household of the public officer or employee;

3. ~~[Who is related to]~~ **A relative of** the public officer or employee, or ~~[to]~~ the spouse or domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;

4. ~~[Who employs]~~ **The employer of** the public officer or employee, the spouse or domestic partner of the public officer or employee or a member of the household of the public officer or employee;

5. ~~[With]~~ **A person with** whom the public officer or employee has a substantial and continuing business relationship; or

6. ~~[With]~~ **A person with** whom the public officer or employee has any other **private** commitment, interest or relationship that is substantially similar to a **private** commitment, interest or relationship described in subsections 1 to 5, inclusive.

Sec. 13.5. NRS 281A.080 is hereby amended to read as follows:

281A.080 1. The making of a “decision” is the exercise of governmental power to adopt laws, regulations or standards, render quasi-judicial decisions, establish executive policy or determine questions involving substantial discretion.

2. The term does not include:

(a) The functions of the judiciary.

(b) The functions of ~~the~~ **any** State Legislator ~~[that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or NRS 41.071.]~~ **or other legislative officer as defined in section 67 of this act.**

Sec. 14. NRS 281A.088 is hereby amended to read as follows:

281A.088 “Ethics complaint” means ~~[a request for an opinion]~~ **an ethics complaint** which is filed with the Commission or initiated by the Commission on its own motion pursuant to NRS 281A.710 regarding the propriety of the conduct of a public officer or employee under the ~~[statutory ethical standards set forth in]~~ **provisions of** this chapter.

Sec. 15. NRS 281A.135 is hereby amended to read as follows:

281A.135 1. “Opinion” means an opinion ~~[rendered]~~ **issued** by the Commission in accordance with the provisions of this chapter.

2. The term includes, without limitation, the disposition of an ethics complaint by stipulation, agreed settlement, consent order or default as authorized by NRS 233B.121.

Sec. 15.5. NRS 281A.150 is hereby amended to read as follows:

281A.150 **1.** “Public employee” means any person who:

~~[(a)]~~ **(a)** Performs public duties under the direction and control of a public officer for compensation paid by the State or any county, city or other political subdivision; or

~~[(b)]~~ **(b)** Is designated as a public employee for the purposes of this chapter pursuant to NRS 281A.182.

2. “Public employee” does not include any legislative employee as defined in section 65 of this act.

Sec. 15.7. NRS 281A.160 is hereby amended to read as follows:

281A.160 1. “Public officer” means a person who is:

(a) Elected or appointed to a position which:

(1) Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and

(2) Involves the exercise of a public power, trust or duty; or

(b) Designated as a public officer for the purposes of this chapter pursuant to NRS 281A.182.

2. As used in this section, “the exercise of a public power, trust or duty” means:

(a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;

(b) The expenditure of public money; and

(c) The administration of laws and rules of the State or any county, city or other political subdivision.

3. “Public officer” does not include:

(a) Any justice, judge or other officer of the court system;

(b) **Any State Legislator or other legislative officer as defined in section 67 of this act;**

~~(c)~~ **(c)** Any member of a board, commission or other body whose function is advisory;

~~(e)~~ **(d)** Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district’s money; or

~~(d)~~ **(e)** A county health officer appointed pursuant to NRS 439.290.

4. “Public office” does not include an office held by:

(a) Any justice, judge or other officer of the court system;

(b) **Any State Legislator or other legislative officer as defined in section 67 of this act;**

~~(c)~~ **(c)** Any member of a board, commission or other body whose function is advisory;

~~(e)~~ **(d)** Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district’s money; or

~~(d)~~ **(e)** A county health officer appointed pursuant to NRS 439.290.

Sec. 16. NRS 281A.161 is hereby amended to read as follows:

281A.161 “Request for an advisory opinion” means a request for an advisory opinion which is filed with the Commission pursuant to NRS 281A.675. ~~by a public officer or employee who is:~~

~~— 1. Seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards set forth in this chapter; or~~

~~— 2. Requesting relief pursuant to NRS 281A.410, 281A.430 or 281A.550.]~~

Sec. 17. NRS 281A.210 is hereby amended to read as follows:

281A.210 1. The Commission shall ~~be~~:

~~(a) At~~ **at** its first meeting ~~[and annually thereafter]~~ **of each fiscal year** elect a Chair and Vice Chair from among its members.

~~[(b) Meet]~~

2. **Except as otherwise provided in this subsection, if the Chair is prohibited from acting on a particular matter or is otherwise unable to act**

on a particular matter, the Vice Chair shall exercise the powers and functions and perform the duties of the Chair concerning that particular matter. If both the Chair and Vice Chair are prohibited from acting on a particular matter or are otherwise unable to act on a particular matter, another member of the Commission who is designated in accordance with the regulations of the Commission shall exercise the powers and functions and perform the duties of the Chair concerning that particular matter.

3. *The Commission shall meet* regularly at least once in each calendar quarter, unless there are no ethics complaints or requests for advisory opinions pursuant to this chapter, and at other times upon the call of the Chair.

~~{2-}~~ 4. Members of the Commission are entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission.

~~{3-}~~ 5. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~{4-}~~ 6. The Commission may, within the limits of legislative appropriation, maintain such facilities as are required to carry out its functions.

Sec. 18. NRS 281A.220 is hereby amended to read as follows:

281A.220 1. The Chair shall appoint one or more review panels of three members of the Commission on a rotating basis to perform the functions assigned to such review panels pursuant to this chapter.

2. The Chair and Vice Chair of the Commission may not serve together on a review panel.

3. Not more than two members of a review panel may be members of the same political party.

4. If a review panel determines that there is just and sufficient cause for the Commission to render **a decision and issue** an opinion in a matter, the members of the review panel shall not participate in any further proceedings of the Commission relating to that matter ~~{-}~~, **except that:**

(a) One or more members of the review panel may, with the consent of the parties, participate as mediators or facilitators in any settlement negotiations between the parties that are conducted after the determination by the review panel and before an adjudicatory hearing in the matter.

(b) The members of the review panel may authorize the development of or approve a deferral agreement pursuant to NRS 281A.730.

Sec. 19. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive ethics complaints and requests for advisory opinions pursuant to this chapter.

(c) Gather information and conduct investigations regarding ethics complaints and requests for advisory opinions pursuant to this chapter.

(d) ~~{Submit}~~ **Present** recommendations to the review panel regarding whether there is just and sufficient cause for the Commission to render **a decision and issue** an opinion in a matter.

(e) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

(f) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and ~~{previous}~~ **the published** opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this paragraph.

(g) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; and

(b) The investigation of matters under the jurisdiction of the Commission.

3. If the Executive Director is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Chair ~~{of the Commission}~~ shall designate a qualified person to perform the duties of the Executive Director with regard to that particular matter.

Sec. 20. NRS 281A.260 is hereby amended to read as follows:

281A.260 1. The Commission Counsel is the legal adviser to the Commission. For each **written** opinion of the Commission, the Commission Counsel shall prepare, at the direction of the Commission ~~{ }~~ **or as required pursuant to this chapter**, the appropriate findings of fact and conclusions as to **the** relevant **statutory ethical** standards and the propriety of particular conduct. The Commission Counsel shall not issue written opinions concerning the applicability of the statutory ethical standards to a given set of facts and circumstances except as directed by the Commission.

2. The Commission may rely upon the legal advice of the Commission Counsel in conducting its daily operations.

3. **Except as otherwise provided in this section or directed by the Commission, in litigation concerning any judicial action or proceeding in which the Commission or any member or employee of the Commission is a party in an official capacity or participates or intervenes in an official capacity, the Commission Counsel shall represent and act as legal counsel to the Commission or any member or employee of the Commission in the action or proceeding.**

4. *The provisions of subsection 3 do not apply to litigation concerning any judicial action or proceeding in which the Commission:*

(a) *Requests that the Attorney General appoint a deputy to act in the place of the Commission Counsel; or*

(b) *Employs outside legal counsel.*

5. *The Commission Counsel shall not represent and act as legal counsel for the Executive Director in any judicial action or proceeding in which the Executive Director is named as a party based upon conduct in the official capacity of the Executive Director as a party to an adjudicatory proceeding.*

6. If the Commission Counsel is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Commission may:

(a) Request that the Attorney General appoint a deputy to act in the place of the Commission Counsel; or

(b) Employ outside legal counsel.

Sec. 21. NRS 281A.280 is hereby amended to read as follows:

281A.280 1. Except as otherwise provided in this section, the Commission has jurisdiction to ~~investigate~~ :

(a) *Gather information and issue an advisory opinion in any proceeding commenced by a request for an advisory opinion that is filed with the Commission, except that the Commission does not have jurisdiction to issue an advisory opinion on matters which directly relate to the propriety of past conduct occurring more than 2 years before the date on which the request for an advisory opinion is filed with the Commission.*

(b) *Investigate* and take appropriate action regarding an alleged violation of this chapter by a ~~public officer or employee~~ **current** or former public officer or employee in any proceeding commenced by an ethics complaint, which is filed with the Commission or initiated by the Commission on its own motion, within 2 years after the alleged violation or reasonable discovery of the alleged violation.

(c) *Investigate and take appropriate action regarding an alleged violation of subsection ~~2~~ 2 of NRS 281A.790 by a current or former public officer or employee or any other person in any proceeding commenced by a written notice of the charges, which is initiated by the Commission on its own motion, within 2 years after the alleged violation or reasonable discovery of the alleged violation.*

2. The Commission does not have jurisdiction regarding alleged conduct by a ~~public officer or employee~~ **current** or former public officer or employee for which:

(a) A complaint may be filed or, if the applicable limitations period has expired, could have been filed with the United States Equal Employment Opportunity Commission or the Nevada Equal Rights Commission; or

(b) A complaint or employment-related grievance may be filed or, if the applicable limitations period has expired, could have been filed with another appropriate agency with jurisdiction to redress alleged discrimination or

harassment, including, without limitation, a state or local employee-management relations board or similar state or local agency,

↪ but any bar on the Commission's jurisdiction imposed by this subsection applies only to the extent that it pertains to the alleged discrimination or harassment, and this subsection does not deprive the Commission of jurisdiction regarding the alleged conduct if such conduct is sanctionable separately or concurrently under the provisions of this chapter, irrespective of the alleged discrimination or harassment.

3. For the purposes of this section, a proceeding is commenced ~~[-:]~~ **by an ethics complaint:**

(a) On the date on which ~~[-:]~~ **the** ethics complaint is filed in the proper form with the Commission in accordance with the regulations of the Commission; or

(b) If the ethics complaint is initiated by the Commission on its own motion, on the date on which the Commission serves the ~~[-:]~~ **current** or former public officer or employee with **a written** notice of the **investigation of the** ethics complaint in accordance with the regulations of the Commission.

Sec. 22. NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations that are necessary and proper to carry out the provisions of this chapter, including, without limitation:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of an ethics complaint or a request for an advisory opinion with the Commission;

(c) For the withdrawal of an ethics complaint or a request for an advisory opinion by the person who filed the ethics complaint or request;

(d) To facilitate the prompt rendition **of decisions and the issuance** of opinions by the Commission; and

(e) For proceedings concerning an ethics complaint, to facilitate written discovery requests submitted pursuant to NRS 281A.750 and 281A.755 and the disclosure of evidence in the manner required by those sections, including, without limitation, the disclosure of evidence obtained by or on behalf of the Executive Director during the course of the investigation that affirmatively and substantively disproves any alleged violation of this chapter that is related to the ethics complaint and has been referred to the Commission for an adjudicatory hearing.

2. Prescribe, by regulation, forms and procedures for the submission of ~~[-:]~~ **acknowledgments of the statutory ethical standards** filed by public officers pursuant to NRS 281A.500, maintain files of such ~~[-:]~~ **acknowledgments** and make the ~~[-:]~~ **acknowledgments** available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition **of decisions and the issuance** of ~~[-:]~~ opinions pursuant to this chapter.

4. Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish ~~{a manual}~~ **materials** for the use of public officers and employees that ~~{explains}~~ **explain** the requirements of this chapter.

~~{→ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.}~~

Sec. 23. NRS 281A.300 is hereby amended to read as follows:

281A.300 1. The Chair ~~{and Vice Chair}~~ **or a member** of the Commission ***appointed by the Chair to preside over any meetings, hearings and proceedings*** may administer oaths ~~{}~~ **or direct a certified court reporter or other authorized person to administer oaths.**

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission.

3. ~~{Upon}~~ ***Except as otherwise provided in this subsection, upon*** the request of the Executive Director, the Chair ~~{or, in the Chair's absence, the Vice Chair,}~~ may issue a subpoena ***during the course of any investigation*** to compel the participation of a potential witness and the production of any books and papers ~~{during the course of any investigation.}~~ ***, including, without limitation, information, records and documentation regarding personnel records maintained by an agency concerning the conduct of a public officer or employee, including, notwithstanding any other provision of law to the contrary, records otherwise deemed by law to be confidential, that relate to issues under consideration in an ethics complaint. A request by the Executive Director for a subpoena pursuant to this subsection may not include a request for records related to a concurrent, pending criminal investigation where such records are otherwise protected as confidential.***

4. Upon the request of the Executive Director or the public officer or employee who is the subject of an ethics complaint, the Chair ~~{or, in the Chair's absence, the Vice Chair,}~~ may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission. A public officer or employee who requests the issuance of a subpoena pursuant to this subsection must serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the costs of such service.

5. Before ~~{issuing}~~ ***the Chair issues*** a subpoena ***directed to {} the*** public officer or employee who is the subject of an ethics complaint to compel his or her participation in any investigation, his or her attendance as a witness or his or her production of any books and papers, the Executive Director shall submit a written request to the public officer or employee requesting:

(a) The voluntary participation of the public officer or employee in the investigation;

(b) The voluntary attendance of the public officer or employee as a witness;
or

(c) The voluntary production by the public officer or employee of any books and papers relating to the ethics complaint.

6. Each written request submitted by the Executive Director pursuant to subsection 5 must specify the time and place for the voluntary participation of the public officer or employee in the investigation, attendance of the public officer or employee as a witness or production of any books and papers, and designate with certainty the books and papers requested, if any.

7. If the public officer or employee fails or refuses to respond to the Executive Director's written request pursuant to subsection 5 to voluntarily participate or attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the written request, the Chair ~~for, in the Chair's absence, the Vice Chair,~~ may issue the subpoena. Failure of the public officer or employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or employee of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, that apply to proceedings concerning the ethics complaint.

8. If any witness fails or refuses to participate, attend, testify or produce any books and papers as required by the subpoena, the Chair ~~for, in the Chair's absence, the Vice Chair,~~ may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of the participation or attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to participate, attend, testify or produce the books and papers as required by the subpoena, or has failed or refused to answer questions propounded to the witness,

➔ and asking for an order of the court compelling the witness to participate, attend, testify or produce the books and papers as required by the subpoena.

9. Upon such a petition, the court shall enter an order directing the witness 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 then and there show cause why the witness has not participated, attended, testified or produced the books or papers as required by the subpoena. A certified copy of the order must be served upon the witness.

10. If ~~it appears to~~, **at the hearing to show cause**, the court ***finds*** that the subpoena was regularly issued pursuant to this section ~~and that the witness has not proven a reason recognized by law for the failure to comply with its provisions~~, the court shall enter an order that the witness comply with the subpoena, at the time and place fixed in the order, and participate, attend,

testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

11. Any court proceeding commenced pursuant to this section is deemed good cause for the Chair to grant, pursuant to section 8 of this act, an extension of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, that apply to proceedings concerning the ethics complaint.

Sec. 24. NRS 281A.350 is hereby amended to read as follows:

281A.350 1. Any state agency or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render **a decision and issue** an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its **code of** ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of financial disclosure statements by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and

(2) Upon review, approved by the Secretary of State. The Secretary of State shall not approve the form unless the form contains all the information required to be included in a financial disclosure statement pursuant to NRS 281.571.

2. The Secretary of State is not responsible for the costs of producing or distributing a form for filing a financial disclosure statement pursuant to the provisions of subsection 1.

3. A specialized or local ethics committee shall not attempt to interpret **the statutory ethical standards** or render **a decision and issue** an opinion regarding the statutory ethical standards.

4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to ~~base~~ **render a decision and issue** an opinion, all deliberations relating to ~~an~~ **the decision and** opinion, each ~~opinion~~ **decision** rendered **and opinion issued** by ~~a~~ **the** committee and any motion relating to the **decision and** opinion are confidential unless:

(a) The public officer or employee acts in contravention of the **decision or** opinion; or

(b) The requester discloses the ~~content~~ **contents** of the **decision or** opinion.

Sec. 25. NRS 281A.400 is hereby amended to read as follows:

281A.400 ~~1. A code of ethical standards is hereby established to govern the conduct of public officers and employees.~~

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity. ~~As used in this subsection, "unwarranted" means without justification or adequate reason.~~

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, for the performance of the public officer's or employee's duties as a public officer or employee.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further a significant pecuniary interest of the public officer or employee or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other official document because it might tend to affect unfavorably a significant pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity.

7. ~~Except for State Legislators who are subject to the restrictions set forth in subsection 8, a~~ A public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) ~~{The}~~ ***At the time that the use occurs, the use is:***

(I) Authorized by a written policy which was adopted before the use occurs by the public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility ~~has established a policy allowing the use or the use is necessary~~ ***; or***

(II) Necessary as a result of emergency circumstances ~~{;}~~ ***, whether or not the use is authorized by such a written policy;***

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➔ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. ~~{A State Legislator shall not:~~

~~— (a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private **to benefit a significant personal or pecuniary interest** of the State Legislator or any other person **to whom the State Legislator has a commitment in a private capacity.** This paragraph does not prohibit:~~

~~— (1) A limited use of state **governmental** property and resources **equipment or other facility** for personal purposes if:~~

~~— (I) The use does not interfere with the performance of the State Legislator's public duties;~~

~~— (II) The cost or value related to the use is nominal; and~~

~~— (III) The use does not create the appearance of impropriety;~~

~~— (2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or~~

~~— (3) The use of telephones or other means of communication if there is not a special charge for that use.~~

~~— (b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:~~

~~— (1) In unusual and infrequent situations where the **legislative employee's** service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or~~

~~(2) Where such service has otherwise been established as legislative policy.~~

~~9.~~ A public officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the influence of a subordinate.

~~10.~~ 9. A public officer or employee shall not seek other employment or contracts for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the use of the public officer's or employee's official position.

~~11.~~ 10. *A public officer or employee shall not use the public officer's or employee's position or power in government to take any actions or compel a subordinate to take any actions that would cause unwarranted harm or damage to another person to benefit ~~the~~ a significant ~~pecuniary interest or~~ personal or pecuniary interest of the public officer or employee or ~~the significant pecuniary interest or personal interest of~~ any person to whom the public officer or employee has a commitment in a private capacity.*

~~12.~~ 11. As used in this section:

(a) *"Appearance of impropriety" means a reasonable person would find, based on the given set of facts and circumstances, that a public officer's or employee's limited use of governmental property, equipment or other facility for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.*

(b) *"Unwarranted" means without justification or adequate reason.*

Sec. 26. NRS 281A.410 is hereby amended to read as follows:

281A.410 ~~[In addition to the requirements of the code of ethical standards and the other provisions of this chapter:]~~

1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. Except as otherwise provided in subsection 3, ~~[a State Legislator or]~~ a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve.

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. The Commission may relieve the member from the strict application of the provisions of this subsection if:

(a) The member files a request for an advisory opinion from the Commission pursuant to NRS 281A.675; and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each local agency affected by the matter; and

(3) The provisions of this chapter.

4. For the purposes of subsection 3, the request for an advisory opinion, **the decision rendered**, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

5. Unless permitted by this section, a public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

Sec. 27. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

(a) Regarding which the public officer or employee has accepted a gift or loan;

(b) In which the public officer or employee has a significant pecuniary interest;

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person; or

(d) Which would reasonably be related to the nature of any representation or counseling that the public officer or employee provided to a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410,

↪ without disclosing information concerning the gift or loan, the significant pecuniary interest, the commitment in a private capacity to the interests of the other person or the nature of the representation or counseling of the private person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, upon the person to whom the public officer or employee has a commitment in a private capacity or upon the private person who was represented or counseled by the public officer or employee. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which

makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require ~~the~~ :

(a) A public officer to disclose:

~~the~~ (1) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

~~the~~ (2) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

(b) ***A public officer or employee to disclose any information which is confidential under the terms of a contract or as a matter of law if the public officer or employee:***

(1) In the disclosure made pursuant to subsection 1, discloses all nonconfidential information that is required to be disclosed and describes the general nature of the contract or law that protects the confidential information from being disclosed; and

(2) Abstains from advocating the passage or failure of and from approving, disapproving, voting or otherwise acting upon the matter, regardless of whether the public officer or employee would be required to abstain pursuant to subsection 3.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

(a) The public officer's acceptance of a gift or loan;

(b) The public officer's significant pecuniary interest; ~~the~~

(c) The public officer's commitment in a private capacity to the interests of another person ~~the~~ ; or

(d) The public officer's representation or counseling of a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410.

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest, ~~the~~ commitment in a private capacity to the interests of another person ***or representation or counseling of a private person for compensation as permitted by NRS 281A.410*** where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private

capacity to the interests of another person ~~{-}~~ **or has represented or counseled a private person for compensation as permitted by NRS 281A.410**, accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the duty of the public officer to make a proper disclosure at the time the matter is considered and in the manner required by subsection 1.

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer makes a proper disclosure at the time the matter is considered and in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest, ~~for~~ commitment in a private capacity to the interests of another person ~~{-}~~ **or representation or counseling of a private person for compensation as permitted by NRS 281A.410**.

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

~~{7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments a matter and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of the State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of the State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.~~

~~8. As used in this section, "public officer" and "public employee" do not include a State Legislator.~~

Sec. 27.5. NRS 281A.500 is hereby amended to read as follows:

281A.500 1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk; **and**

(3) ~~[(The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and~~

~~===== (4)]~~ The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.

2. Within 30 days after a public employee begins employment:

(a) The Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards; and

(b) The manager of each local agency, or his or her designee, shall provide each new public employee of the local agency with the information prepared by the Commission concerning the statutory ethical standards.

3. Each public officer shall acknowledge that the public officer:

(a) Has received, read and understands the statutory ethical standards; and

(b) Has a responsibility to inform himself or herself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature.

4. The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission:

(a) If the public officer is elected to office at the general election, on or before January 15 of the year following the public officer's election.

(b) If the public officer is elected to office at an election other than the general election or is appointed to office, on or before the 30th day following the date on which the public officer swears or affirms the oath of office.

5. Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not have a definite term of office, the public officer, in addition to executing and filing the acknowledgment after the public officer swears or affirms the oath of office in accordance with subsection 4, shall execute and file the acknowledgment on or before January 15 of each even-numbered year while the public officer holds that office.

6. For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.

(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.

7. If a public officer is serving in a public office and executes and files the acknowledgment for that office as required by the applicable provisions of this section, the public officer shall be deemed to have satisfied the requirements of this section for any other office held concurrently by him or her.

8. The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a copy of the standards; and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a printed copy of the statutory ethical standards from the Commission.

9. Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

10. The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

11. Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.785 and 281A.790; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

12. As used in this section, "general election" has the meaning ascribed to it in NRS 293.060.

Sec. 28. NRS 281A.550 is hereby amended to read as follows:

281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility, ➔ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the Nevada Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the Nevada Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Be employed by such a person, ➔ for 1 year after the termination of the member's service on the Nevada Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a **current or** former public officer or **management-level public** employee of a board, commission, department, division or other agency of the Executive Department of **the** State Government ~~[, except a clerical employee,]~~ shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted **or administered** by the board, commission, department, division or other agency, **as applicable, if the solicitation or acceptance of employment occurs during the public officer's or employee's period of public service or employment, or for within** 1 year after the termination of ~~the former public officer's or employee's~~ **his or her period of public service or** ~~period of employment~~ **if, and:**

(a) The ~~former~~ public officer's or employee's principal duties **include or** included the formulation of policy contained in the regulations governing the business or industry;

(b) ~~During~~ **Within** the immediately preceding year ~~[, the former]~~ **during the public officer's or employee's period of public service or employment, or within the year immediately preceding the termination of the public officer's or employee's period of public service or employment, the** public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry; ~~[which might, but for this section, employ the former public officer or employee;]~~ or

(c) As a result of the ~~former~~ public officer's or employee's governmental service or employment, the ~~former~~ public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a **current or** former ~~public officer who was a~~ member of a board, commission or similar body of the State if:

- (a) The ~~former public officer~~ **member** is engaged in the profession, occupation or business regulated by the board, commission or similar body;
- (b) The ~~former public officer~~ **member** holds a license issued by the board, commission or similar body; and
- (c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a **current or** former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded, renewed or amended by the State or political subdivision, as applicable, ~~for was implemented, managed or administered by the State or political subdivision, as applicable,~~ if the solicitation or acceptance of employment occurs during the public officer's or employee's period of public service or employment, or for within 1 year after the termination of the officer's or employee's his or her period of public service or period of employment, if:

- (a) The amount of the contract exceeded \$25,000;
- (b) The contract was awarded ~~for was implemented, managed or administered,~~ renewed or amended by the State or political subdivision, as applicable, within the immediately preceding year during the public officer's or employee's period of public service or employment, or within the 12-month period year immediately preceding the termination of the **public** officer's or employee's **period of public** service or ~~period of~~ employment; and

(c) The position held by the ~~former~~ public officer or employee at the time the contract was awarded ~~for while it was implemented, managed or administered,~~ renewed or amended by the State or political subdivision, as applicable, allowed the ~~former~~ public officer or employee to **materially** affect or influence the awarding, renewing or amending of the contract ~~for its implementation, management or administration,~~ because the public officer or employee had the authority or responsibility to recommend, advise, negotiate, develop, draft, revise, review or approve any material terms of the contract, including, without limitation, terms relating to products, supplies, materials, equipment, services, quantities, rates, prices, costs, obligations, duties, standards, benchmarks, schedules, timeframes, administration, oversight, compliance, changes, extensions, suspensions, cancellations, terminations, liabilities, immunities, remedies or penalties.

6. A current or former public officer or employee may file a request for an advisory opinion pursuant to NRS 281A.675 concerning the application of the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and **the Commission may** determine whether relief from the strict

application of those provisions is proper. ***For the purposes of submitting all necessary information for the Commission to render a decision and issue an advisory opinion in the matter, a current or former public officer or employee may request information concerning potential employment from any business, industry or other person without violating the provisions of subsection 3 or 5, as applicable.*** If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

- (a) The best interests of the public;
 - (b) The continued ethical integrity of the State Government or political subdivision, as applicable; and
 - (c) The provisions of this chapter,
- ↪ it may issue an advisory opinion to that effect and grant such relief.

7. For the purposes of subsection 6, the request for an advisory opinion, ***the decision rendered***, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

8. The advisory opinion does not relieve the current or former public officer or employee from the strict application of any provision of NRS 281A.410.

9. ~~{For}~~ ***Except as otherwise provided in subsection 6, for*** the purposes of this section:

(a) A former member of the Public Utilities Commission of Nevada, the Nevada Gaming Control Board or the Nevada Gaming Commission; or

(b) Any other ***current or*** former public officer or employee governed by this section,

↪ is employed by or is soliciting or accepting employment from a business, industry or other person described in this section if any oral or written agreement is sought, negotiated or exists during the restricted period pursuant to which the personal services of the public officer or employee are provided or will be provided to the business, industry or other person, even if such an agreement does not or will not become effective until after the restricted period.

10. As used in this section, “regulation” has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted ***or administered*** by a board, commission, department, division or other agency of the Executive Department of ***the*** State Government that is exempted from the requirements of chapter 233B of NRS.

Sec. 29. NRS 281A.665 is hereby amended to read as follows:

281A.665 **1. *The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.***

2. The ~~{Commission’s}~~ opinions *of the Commission* may include guidance to a public officer or employee on questions whether:

~~1-1~~ (a) A conflict exists between the public officer's or employee's personal interest and the public officer's or employee's official ~~duty~~ **duties**.

~~2-1~~ (b) The public officer's or employee's official duties involve the use of discretionary judgment whose exercise in the particular matter would have a significant effect upon the disposition of the matter.

~~3-1~~ (c) The conflict would materially affect the independence of the judgment of a reasonable person in the public officer's or employee's situation.

~~4-1~~ (d) The public officer or employee possesses special knowledge which is an indispensable asset of ~~the public officer's or employee's public~~ **his or her public body**, agency **or employer** and is needed by it to reach a sound decision.

~~5-1~~ (e) It would be appropriate for the public officer or employee to withdraw or abstain from participation, disclose the nature of the public officer's or employee's conflicting personal interest or pursue some other designated course of action in the matter.

Sec. 30. NRS 281A.675 is hereby amended to read as follows:

281A.675 1. ~~A~~ **Except as otherwise provided in this section and NRS 281A.280, a** public officer or employee may file with the Commission a request for an advisory opinion to:

(a) Seek guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards ; ~~set forth in this chapter;~~ or

(b) Request relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

2. The request for an advisory opinion must be:

(a) Filed on a form prescribed by the Commission; and

(b) Submitted with all necessary information for the Commission to render **a decision and issue** an advisory opinion in the matter.

3. **At any time after a request for an advisory opinion is filed with the Commission, the Commission may request additional information relating to the request for an advisory opinion from the requester and his or her legal counsel.**

4. The Commission may decline to render **a decision and issue** an advisory opinion if the ~~public officer or employee~~ **requester** does not:

(a) Submit all necessary information for the Commission to render **a decision and issue** an advisory opinion in the matter; or

(b) Declare by oath or affirmation that he or she will testify truthfully regarding the matter ~~or confirm in writing, signed under oath, that any information provided to the Commission for consideration of the request for an advisory opinion is truthful.~~

Sec. 31. NRS 281A.680 is hereby amended to read as follows:

281A.680 1. If a public officer or employee properly files a request for an advisory opinion, the Commission shall render **a decision and issue** an advisory opinion that interprets the statutory ethical standards and applies those standards to the given set of facts and circumstances. The Commission shall render **the decision and issue** the advisory opinion within 45 days after

receiving the request, unless the requester waives this time limit ~~to~~ **or the Chair grants an extension of time pursuant to section 8 of this act.**

2. If the advisory opinion ~~rendered~~ **issued** by the Commission relates to the propriety of the present or future conduct of the requester, the advisory opinion is:

(a) Binding upon the requester with regard to the future conduct of the requester; and

(b) A final decision that is subject to judicial review pursuant to NRS 233B.130.

3. If the requester seeks judicial review pursuant to NRS 233B.130, any proceedings concerning such judicial review must be confidential and held in closed court without admittance of persons other than those necessary to the proceedings, unless the requester waives this right to confidential proceedings.

Sec. 32. NRS 281A.685 is hereby amended to read as follows:

281A.685 1. Except as otherwise provided in this section, the following materials are confidential and are not public records pursuant to chapter 239 of NRS:

(a) A request for an advisory opinion;

(b) The advisory opinion ~~rendered~~ **issued** by the Commission in response to the request;

(c) Any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request; and

(d) Any information, communications, records, documents or other materials in the possession of the requester of the advisory opinion that are related to the request and, if disclosed by the requester, would reveal the existence, nature or content of the request or the advisory opinion.

2. The provisions of subsection 1 do not create or impose any duty on the Commission or its staff to protect or defend against the disclosure of any materials not in the possession of the Commission or its staff, regardless of whether the materials are related to the request.

3. The provisions of subsection 1 do not apply to any materials in the possession of the Commission or its staff that are related to the request if the requester of the advisory opinion:

(a) Acts in contravention of the advisory opinion, in which case the Commission may disclose the request, the advisory opinion and any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request;

(b) Authorizes the Commission, in writing, to make the request, the advisory opinion or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request publicly available; or

(c) Voluntarily discloses, in any manner, the request, the advisory opinion or any information, communications, records, documents or other materials in

the possession of the Commission or its staff that are related to the request, except to:

- (1) The public body, agency or employer of the requester or the legal counsel of the requester;
- (2) Any person to whom the Commission authorizes the requester to make such a disclosure; or
- (3) Any person to whom the requester makes such a disclosure for the purposes of judicial review pursuant to NRS 281A.680.

Sec. 33. NRS 281A.690 is hereby amended to read as follows:

281A.690 1. ~~Except as otherwise provided in this section, the~~ **The** provisions of chapter 241 of NRS do not apply to:

- (a) Any meeting or hearing held by the Commission to receive information or evidence concerning a request for an advisory opinion; and
- (b) Any deliberations or actions of the Commission on such information or evidence.

2. The ~~public officer or employee~~ **requester** who files the request for an advisory opinion may also file a request with the Commission to hold a public meeting or hearing regarding the request for an advisory opinion. **If:**

(a) The requester files a request to hold a public meeting or hearing, the requester must acknowledge in the request that the requester is waiving the right to confidentiality set forth in NRS 281A.685; and

(b) The Commission grants the request to hold a public meeting or hearing, the Commission shall provide public notice of the meeting or hearing, and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to the provisions of chapter 241 of NRS.

Sec. 34. NRS 281A.710 is hereby amended to read as follows:

281A.710 1. Except as otherwise provided in this section and NRS 281A.280, the Commission may render **a decision and issue** an opinion that interprets the statutory ethical standards and applies those standards to a given set of facts and circumstances regarding the propriety of the conduct of a public officer or employee if an ethics complaint is:

- (a) Filed by a specialized or local ethics committee established pursuant to NRS 281A.350.
- (b) Filed by any person, except a person who is incarcerated in a correctional facility in this State or any other jurisdiction.
- (c) Initiated by the Commission on its own motion, except the Commission shall not initiate such an ethics complaint based solely upon an anonymous complaint.

2. An ethics complaint filed ~~by a person~~ **pursuant to paragraph (a) or (b) of subsection 1** must be:

- (a) Verified under oath and filed on a form prescribed by the Commission; and
- (b) Submitted with sufficient evidence to support the allegations in order for the Commission to make a determination of whether it has jurisdiction in

the matter and whether an investigation is warranted in the matter pursuant to NRS 281A.715 and 281A.720.

3. The Commission may decline to render **a decision and issue** an opinion if the **specialized or local ethics committee or** person who files the ethics complaint does not submit all necessary evidence in the matter.

4. **The Executive Director may conduct a preliminary investigation to obtain additional evidence concerning the propriety of the conduct of a public officer or employee to determine ~~if~~ whether the Commission has jurisdiction in a matter and whether the Commission should initiate an ethics complaint on its own motion pursuant to paragraph (c) of subsection 1.**

Sec. 35. NRS 281A.715 is hereby amended to read as follows:

281A.715 1. Based on the evidence submitted with an ethics complaint filed with the Commission pursuant to **paragraph (a) or (b) of subsection 1 of NRS 281A.710** ~~and~~ **and any additional evidence obtained by the Executive Director pursuant to subsection 2,** the Commission shall determine whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. ~~The~~ **Except as otherwise provided in section 8 of this act, the** Commission shall make its determination within 45 days after receiving the ethics complaint. ~~Unless the public officer or employee who is the subject of the ethics complaint waives this time limit.~~

2. **To assist the Commission in making its determination pursuant to subsection 1 whether it has jurisdiction in the matter and whether an investigation is warranted in the matter, the Executive Director may conduct a preliminary investigation to obtain additional evidence concerning the allegations in the ethics complaint.**

3. If the Commission determines **pursuant to subsection 1** that it does not have jurisdiction in the matter, the Commission shall dismiss the matter.

~~3.~~ 4. If the Commission determines **pursuant to subsection 1** that it has jurisdiction in the matter but the evidence ~~submitted with the ethics complaint~~ is not sufficient to warrant an investigation in the matter, the Commission shall dismiss the matter, with or without issuing a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.

~~4.~~ 5. If the Commission determines **pursuant to subsection 1** that it has jurisdiction in the matter and the evidence ~~submitted with the ethics complaint~~ is sufficient to warrant an investigation in the matter, the Commission may direct the Executive Director to investigate the ethics complaint pursuant to NRS 281A.720.

6. **If the Commission initiates an ethics complaint on its own motion pursuant to paragraph (c) of subsection 1 of NRS 281A.710 and the Commission determines that the evidence:**

(a) **Is not sufficient to warrant an investigation in the matter, the Commission may dismiss the matter, with or without prejudice. If the Commission dismisses the matter, the Commission may issue a letter of**

caution or instruction to the public officer or employee pursuant to NRS 281A.780.

(b) Is sufficient to warrant an investigation in the matter, the Commission may direct the Executive Director to investigate the ethics complaint pursuant to NRS 281A.720.

Sec. 36. NRS 281A.720 is hereby amended to read as follows:

281A.720 1. If the Commission directs the Executive Director to investigate an ethics complaint pursuant to NRS 281A.715 , ~~for if the Commission initiates an ethics complaint on its own motion pursuant to NRS 281A.710,~~ the Executive Director shall investigate the facts and circumstances relating to the ethics complaint to determine whether the Executive Director believes that there is just and sufficient cause for the Commission to render **a decision and issue** an opinion in the matter in order to present a written recommendation to the review panel pursuant to NRS 281A.725.

2. The Executive Director shall ~~provide~~ **prepare and serve a written** notice of the investigation **of the ethics complaint** pursuant to this section ~~to~~ **on** the public officer or employee who is the subject of the ethics complaint and provide the public officer or employee an opportunity to submit to the Executive Director a response to the ~~allegations against the public officer or employee in the ethics complaint. The~~ **written notice of the investigation.** **Except as otherwise provided in subsection 3, the** response must be submitted within 30 days after the date on which the public officer or employee ~~receives~~ **is served with** the **written** notice of the investigation pursuant to this section . ~~[, unless the Executive Director grants an extension.]~~

3. ***If a public officer or employee has waived the time ~~limitation~~ limit set forth in subsection 1 of NRS 281A.725, the Executive Director may grant one or more extensions of time for a public officer or employee to submit a response pursuant to subsection 2 for good cause shown by the public officer or employee. If the Executive Director grants an extension of time, the Executive Director shall set a specific and reasonable time period for such an extension.***

4. The purpose of the response submitted pursuant to this section is to provide the Executive Director and the review panel with any information relevant to the ethics complaint which the public officer or employee believes may assist:

(a) The Executive Director in performing his or her investigation and other functions pursuant to this section and NRS 281A.725; and

(b) The review panel in performing its review and other functions pursuant to NRS 281A.730.

~~[4.]~~ 5. The public officer or employee is not required in the response submitted pursuant to this section or in any proceedings before the review panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee, and no objection or defense,

in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceedings before the review panel.

6. *Whether or not the public officer or employee submits a response pursuant to this section, the Executive Director may take action, in the manner authorized by NRS 281A.300 or any other law, to secure the public officer's or employee's participation, attendance as a witness and production of any books and papers during the course of the investigation.*

Sec. 37. NRS 281A.725 is hereby amended to read as follows:

281A.725 1. Except as otherwise provided in this subsection ~~{ }~~ **and section 8 of this act**, the Executive Director shall complete the investigation required by NRS 281A.720 and present a written recommendation to the review panel within 70 days after the Commission directs the Executive Director to investigate the ethics complaint. ~~{or after the Commission initiates the ethics complaint on its own motion, as applicable.}~~ The public officer or employee who is the subject of the ethics complaint may waive this time limit.

2. The **written** recommendation **that the Executive Director presents to the review panel** must:

(a) Set forth the factual and legal basis for the recommendation;

(b) State whether the Executive Director believes that there is just and sufficient cause for the Commission to render **a decision and issue** an opinion in the matter; and

(c) If the Executive Director believes that a disposition of the matter without an adjudicatory hearing is appropriate under the facts and circumstances, state any suggested disposition that is consistent with the provisions of this chapter, including, without limitation, whether the Executive Director believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement.

Sec. 38. NRS 281A.730 is hereby amended to read as follows:

281A.730 1. Except as otherwise provided in this section ~~{ }~~ **and section 8 of this act**, the review panel shall determine whether there is just and sufficient cause for the Commission to render **a decision and issue** an opinion in the matter within 15 days after the Executive Director ~~{provides}~~ **presents to the review panel** ~~{with}~~ the recommendation required by NRS 281A.725. The public officer or employee who is the subject of the ethics complaint may waive this time limit. **The review panel shall serve on the public officer or employee who is the subject of the ethics complaint a written notice of its determination.**

2. The review panel shall cause a record of its proceedings to be kept.

3. The review panel shall not determine that there is just and sufficient cause for the Commission to render **a decision and issue** an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond ~~{to the allegations}~~ as required by NRS 281A.720.

4. If the review panel determines that there is not just and sufficient cause for the Commission to render **a decision and issue** an opinion in the matter, it

shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.

5. If the review panel determines that there is just and sufficient cause for the Commission to render **a decision and issue** an opinion in the matter but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel may:

(a) Approve a deferral agreement proposed by the Executive Director and the public officer or employee instead of referring the ethics complaint to the Commission for further proceedings in the matter; or

(b) Authorize the Executive Director and the public officer or employee to develop such a deferral agreement and may thereafter approve such a deferral agreement instead of referring the ethics complaint to the Commission for further proceedings in the matter.

6. If the review panel does not approve a deferral agreement pursuant to subsection 5 or if the public officer or employee declines to enter into such a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

7. If the review panel determines that there is just and sufficient cause for the Commission to render **a decision and issue** an opinion in the matter and reasonably believes that the conduct at issue may not be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

Sec. 39. NRS 281A.745 is hereby amended to read as follows:

281A.745 1. If the review panel refers an ethics complaint to the Commission for further proceedings in the matter pursuant to NRS 281A.730 or if the Commission vacates a deferral agreement and conducts further proceedings in the matter pursuant to NRS 281A.740 ~~[-the]~~:

(a) The Executive Director shall issue a formal notice of charges to the public officer or employee who is the subject of the ethics complaint regarding the allegations to be presented at an adjudicatory hearing; and

(b) The Commission shall hold an adjudicatory hearing and render ~~an opinion in the matter]~~ a decision concerning the ethics complaint within 60 days after the date on which the review panel refers the ethics complaint to the Commission or the Commission vacates the deferral agreement, as appropriate, unless the public officer or employee who is the subject of the ethics complaint waives this time limit ~~[-]~~ or the Chair grants an extension of time pursuant to section 8 of this act.

2. ~~[[If] Before~~ the Commission holds an adjudicatory hearing ~~[-to receive evidence]~~ concerning an ethics complaint, the Commission shall:

(a) ~~[[Notify] Provide]~~ the public officer or employee who is the subject of the ethics complaint **with a written notice** of the date, time and place of the hearing; **and**

(b) *Provide the parties with a written schedule for discovery relating to the hearing.*

3. At the adjudicatory hearing:

(a) *The Executive Director or his or her designee shall present the case to the Commission; and*

(b) *The Commission shall:*

(1) Allow the public officer or employee to be represented by legal counsel; and

~~{(c)}~~ (2) Allow the public officer or employee to hear the ~~{evidence}~~ case presented to the Commission **by the Executive Director or his or her designee** and to ~~{respond and}~~ present ~~{evidence on}~~ his or her own ~~{behalf.}~~ **case to the Commission.**

~~{3.}~~ 4. Unless the public officer or employee agrees to a shorter time, an adjudicatory hearing may not be held less than 10 days after the date on which the **written** notice of the hearing is ~~{given}~~ **provided** to the public officer or employee.

~~{4.}~~ 5. For good cause shown, the Commission may take testimony from a person by telephone or video conference at an adjudicatory hearing or at any other proceedings concerning the ethics complaint.

6. *After the Commission renders a decision concerning the ethics complaint, the Commission shall issue a written opinion on or before the date of the next meeting of the Commission that is held after the date on which the decision is rendered.*

7. *The written opinion issued by the Commission must include findings of fact and conclusions of law and otherwise comply with the requirements for a final decision set forth in NRS 233B.125.*

Sec. 40. NRS 281A.750 is hereby amended to read as follows:

281A.750 1. Except as otherwise provided in this section and NRS 281A.755, all information, communications, records, documents or other materials in the possession of the Commission, the review panel or their staff that are related to an ethics complaint are confidential and are not public records pursuant to chapter 239 of NRS until:

(a) The review panel determines whether there is just and sufficient cause for the Commission to render **a decision and issue** an opinion in the matter and serves **the** written notice of its determination on the public officer or employee who is the subject of the ethics complaint ~~{;}~~ **pursuant to NRS 281A.730;** or

(b) The public officer or employee who is the subject of the ethics complaint authorizes the Commission, in writing, to make the information, communications, records, documents or other materials that are related to the ethics complaint publicly available,

↪ whichever occurs first.

2. Except as otherwise provided in subsection ~~{3.}~~ 5, if a person who files an ethics complaint asks that his or her identity as the requester be kept confidential, the Commission:

(a) Shall keep the identity of the requester confidential if he or she is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the ethics complaint ~~or~~ **or worked for the same public body, agency or employer during the time of the alleged conduct at issue or if revealing the identity of the requester would reveal the identity of witnesses who work for the same public body, agency or employer.**

(b) May keep the identity of the requester confidential if he or she offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of his or her identity will subject the requester or a member of his or her household to a bona fide threat of physical force or violence.

3. **If the Commission keeps the identity of the requester of an ethics complaint confidential pursuant to this section, the following materials are confidential and are not public records pursuant to chapter 239 of NRS:**

(a) **All information, communications, records, documents or other materials in the possession of the Commission that, if disclosed by the Commission, would reveal that the requester filed the ethics complaint. Notwithstanding the provisions of chapter 239 of NRS, in denying a request for public records based on the confidentiality provided by this paragraph, the Commission is not required to provide any information that, if disclosed by the Commission in denying the request for public records, would reveal that the requester filed the ethics complaint.**

(b) **All information, communications, records, documents or other materials in the possession of the requester of the ethics complaint or his or her public body, agency or employer that, if disclosed by either of them, would reveal that the requester filed the ethics complaint. Notwithstanding the provisions of chapter 239 of NRS, in denying a request for public records based on the confidentiality provided by this paragraph, the requester of the ethics complaint or his or her public body, agency or employer is not required to provide any information that, if disclosed by either of them in denying the request for public records, would reveal that the requester filed the ethics complaint.**

4. **If the Commission keeps the identity of the requester of an ethics complaint confidential ~~or~~ pursuant to this section and the Executive Director does not intend to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering a decision and issuing an opinion in the matter,** the Commission shall not render **a decision and issue** an opinion in the matter unless there is sufficient evidence without the testimony of the requester to consider the propriety of the conduct of the public officer or employee who is the subject of the ethics complaint. **The provisions of this subsection do not abrogate or otherwise alter or affect the confidentiality of the identity of the requester of the ethics complaint.**

5. **If the Commission keeps the identity of the requester of an ethics complaint confidential pursuant to this section and** the Executive Director

intends to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering **a decision and issuing** an opinion in the matter and the public officer or employee who is the subject of the ethics complaint submits a written discovery request to the Commission pursuant to NRS 281A.755, the ~~Commission~~ **Executive Director** shall disclose the name of the requester only as a proposed witness ~~[within a reasonable time before the adjudicatory hearing on the matter.]~~ **in accordance with the schedule for discovery provided to the parties pursuant to NRS 281A.745.**

Sec. 41. NRS 281A.755 is hereby amended to read as follows:

281A.755 1. Except as otherwise provided in this section, the investigative file related to an ethics complaint is confidential and is not a public record pursuant to chapter 239 of NRS.

2. ~~[At any time after being served with written notice of the determination of the review panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter,]~~ **In accordance with the schedule for discovery provided to the parties pursuant to NRS 281A.745,** the public officer or employee who is the subject of the ethics complaint may submit a written discovery request to the Commission for a list of proposed witnesses and a copy of any portion of the investigative file that the Executive Director intends to present as evidence for consideration by the Commission at the adjudicatory hearing or in rendering **a decision and issuing** an opinion in the matter.

3. ~~[Any]~~ **Unless otherwise declared confidential by law, any** portion of the investigative file which the Executive Director presents as evidence for consideration by the Commission at the adjudicatory hearing or in rendering **a decision and issuing** an opinion in the matter becomes a public record and must be open for inspection pursuant to chapter 239 of NRS ~~[and]~~ **after the Commission takes final action concerning the ethics complaint in a public meeting or hearing pursuant to subsection 2 of NRS 281A.760.**

4. For the purposes of this section:

(a) The investigative file includes, without limitation:

(1) Any response concerning the ethics complaint prepared by the public officer or employee pursuant to NRS 281A.720 and submitted to the Executive Director and the review panel during the course of the investigation and any proceedings before the review panel;

(2) Any recommendation concerning the ethics complaint prepared by the Executive Director pursuant to NRS 281A.725 and ~~submitted~~ **presented** to the review panel during the course of the investigation and any proceedings before the review panel; and

(3) Any other information provided to or obtained by or on behalf of the Executive Director through any form of communication during the course of the investigation , **including, without limitation, information, records and documentation obtained pursuant to subsection 3 of NRS 281A.300,** and any proceedings before the review panel and any records, documents or other

materials created or maintained during the course of the investigation and any proceedings before the review panel which relate to the public officer or employee who is the subject of the ethics complaint, including, without limitation, a transcript, regardless of whether such information, records, documents or other materials are obtained pursuant to a subpoena.

(b) The investigative file does not include any deferral agreement.

Sec. 42. NRS 281A.760 is hereby amended to read as follows:

281A.760 1. The provisions of chapter 241 of NRS do not apply to:

~~{1-}~~ (a) Any meeting or hearing held by the Commission to receive information or evidence concerning an ethics complaint; and

~~{2-}~~ (b) Any deliberations **or actions** of the Commission on such information or evidence.

2. ***The Commission shall take final action concerning an ethics complaint in a public meeting or hearing. The Commission shall provide public notice of the meeting or hearing, and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to the provisions of chapter 241 of NRS.***

Sec. 43. NRS 281A.765 is hereby amended to read as follows:

281A.765 ~~{1. If the Commission renders an opinion in proceedings concerning an ethics complaint, the opinion must include findings of fact and conclusions of law.~~

~~2. If, in~~ **In** proceedings concerning an ethics complaint, **if** the Commission determines that a violation of this chapter:

~~{(a)}~~ 1. Has not been proven, the Commission shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.

~~{(b)}~~ 2. Has been proven, the Commission may take any action authorized by this chapter.

Sec. 44. NRS 281A.770 is hereby amended to read as follows:

281A.770 In any matter in which the Commission disposes of an ethics complaint by stipulation, agreed settlement, **deferral agreement** or consent order or in which the review panel approves a deferral agreement, the Commission or the review panel, as appropriate, shall :

1. ***To the extent practicable based on the given set of facts and circumstances,*** treat comparable situations in a comparable manner ; and ~~{shall ensure}~~

2. ***Ensure*** that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 45. NRS 281A.775 is hereby amended to read as follows:

281A.775 1. The Commission, in determining whether a violation of this chapter is a willful violation and, if so, the penalty to be imposed on a ~~{public officer or employee}~~ **current** or former public officer or employee pursuant to NRS 281A.785 or 281A.790, or the review panel, in determining

whether to approve a deferral agreement regarding an alleged violation, shall consider, without limitation:

(a) The seriousness of the violation or alleged violation, including, without limitation, the nature, circumstances, extent and gravity of the violation or alleged violation;

(b) The number and history of previous warnings, letters of caution or instruction, deferral agreements or violations or alleged violations of the provisions of this chapter relating to the public officer or employee;

(c) The cost to conduct the investigation and any meetings, hearings or other proceedings relating to the violation or alleged violation;

(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation or alleged violation, any attempts to rectify the violation or alleged violation before any ethics complaint is filed and any cooperation by the public officer or employee in resolving the ethics complaint;

(e) Any restitution or reimbursement paid to parties affected by the violation or alleged violation;

(f) The extent of any financial gain resulting from the violation or alleged violation; ~~and~~

(g) **If the violation or alleged violation arises under subsection 5 of NRS 281A.550 and involves the public officer or employee soliciting or accepting employment from a person to whom a contract for supplies, materials, equipment or services was awarded, renewed or amended by the State or political subdivision, as applicable, the amount of the contract involved in the violation or alleged violation compared to the amount of:**

(1) The total annual budget of the agency that awarded, renewed or amended the contract; and

(2) The total annual budget of the person to whom the contract was awarded, renewed or amended; and

(h) Any other matter justice may require.

2. The factors set forth in this section are not exclusive or exhaustive, and the Commission or the review panel, as appropriate, may consider other factors in the disposition of the matter if they bear a reasonable relationship to the determination of the severity of the violation or alleged violation.

3. In applying the factors set forth in this section, the Commission or the review panel, as appropriate, shall :

(a) To the extent practicable based on the given set of facts and circumstances, treat comparable situations in a comparable manner ; and ~~{shall ensure}~~

(b) Ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 46. NRS 281A.780 is hereby amended to read as follows:

281A.780 1. In proceedings concerning an ethics complaint, the Commission or the review panel, as appropriate, may issue a letter of caution or instruction to the public officer or employee who is the subject of the ethics

complaint to caution or instruct the public officer or employee regarding the propriety of his or her conduct under the statutory ethical standards. ~~Set forth in this chapter.~~

2. If the Commission or the review panel issues a letter of caution or instruction to the public officer or employee, the letter:

(a) Is confidential and is not a public record pursuant to chapter 239 of NRS.

(b) May be considered in deciding the appropriate action to be taken on any subsequent ethics complaint involving the public officer or employee, unless the letter is not relevant to the issues presented by the subsequent ethics complaint.

Sec. 47. NRS 281A.785 is hereby amended to read as follows:

281A.785 1. ~~Except as otherwise provided in this section, in~~ **In** proceedings concerning an ethics complaint, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may, in addition to any other ~~penalty~~ **penalties** provided by law and in accordance with the provisions of NRS 281A.775:

(a) Require the public officer or employee who is the subject of the ethics complaint to:

(1) Comply in all respects with the provisions of this chapter for a specified period without being the subject of another ethics complaint arising from an alleged violation of this chapter by the public officer or employee which occurs during the specified period and for which the review panel determines that there is just and sufficient cause for the Commission to render **a decision and issue** an opinion in the matter.

(2) Attend and complete training.

(3) Follow a remedial course of action.

(4) Issue a public apology.

(5) Comply with conditions or limitations on future conduct.

(b) Publicly admonish, reprimand or censure the public officer or employee.

(c) Take any combination of such actions or any other reasonable action that the Commission or the review panel, as appropriate, determines will remedy the violation or alleged violation or deter similar violations or conduct.

2. In carrying out the provisions of subsection 1, the Commission, based on a finding that a violation of this chapter has been proven ~~it~~ **and as part of any manner in which the Commission is authorized to dispose of the matter**, or the review panel, as part of the terms and conditions of a deferral agreement, may publicly:

(a) Admonish a public officer or employee if it is determined that the public officer or employee has violated any provision of this chapter, but the violation is not willful, or if such an admonishment is imposed as part of the terms and conditions of a deferral agreement. An admonishment is a written expression of disapproval of the conduct of the public officer or employee.

(b) Reprimand a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter, but there is no evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law, or if such a reprimand is imposed as part of the terms and conditions of a deferral agreement. A reprimand is a severe written reproof for the conduct of the public officer or employee.

(c) Censure a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter and there is evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law or there are no substantial mitigating factors pursuant to NRS 281A.775 for the willful violation, or if such a censure is imposed as part of the terms and conditions of a deferral agreement. A censure is a formal written condemnation of the conduct of the public officer or employee.

3. Any action taken by the Commission pursuant to this section is a final decision for the purposes of judicial review pursuant to NRS 233B.130. Any action taken by the review panel pursuant to this chapter, including, without limitation, any action relating to a deferral agreement, is not a final decision for the purposes of judicial review pursuant to NRS 233B.130.

Sec. 48. NRS 281A.790 is hereby amended to read as follows:

281A.790 1. In addition to any other penalties provided by law and in accordance with the provisions of NRS 281A.775, the Commission may impose on a ~~public officer or employee~~ **current** or former public officer or employee civil penalties:

(a) Not to exceed \$5,000 for a first willful violation of this chapter;

(b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. ~~Has~~ **Except as otherwise provided in NRS 281A.280, in** addition to any other penalties provided by law, if any person prevents, interferes with or attempts to prevent or interfere with any investigation or proceedings pursuant to this chapter or the discovery of a violation of this chapter, the Commission may, upon its own motion or upon the motion of the current or former public officer or employee who is the subject of the investigation or proceedings:

(a) Impose on the person committing such an act a civil penalty not to exceed \$5,000; and

(b) If appropriate under the facts and circumstances, assess against the person committing such an act an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the current or former public officer or employee as a result of the act.

3. If the Commission finds that a violation of a provision of this chapter by a ~~public officer or employee~~ **current** or former public officer or employee has resulted in the realization of a financial benefit by the current or former

public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:

~~(a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:~~

~~(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or~~

~~(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.~~

~~(b)~~ One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.

~~(c)~~ (b) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in ~~paragraphs (a) and (b)~~ paragraph (a), the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

➤ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation found in the opinion.

5. Notwithstanding any other provision of this chapter, any act or failure to act by a ~~public officer or employee~~ **current** or former public officer or employee relating to this chapter is not a willful violation of this chapter if the public officer or employee establishes by sufficient evidence that:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and

(b) The advice of the legal counsel was:

(1) Provided to the public officer or employee before the public officer or employee acted or failed to act; and

(2) Based on a reasonable legal determination by the legal counsel under the circumstances when the advice was given that the act or failure to act by the public officer or employee would not be contrary to the provisions of this chapter as interpreted by the Commission.

6. In addition to any other penalties provided by law, if a public employee commits a willful violation of this chapter or fails to complete a period of compliance imposed by the Commission pursuant to NRS 281A.785 or by the review panel as part of the terms and conditions of a deferral agreement, the public employee is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a **current or former** public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

9. A finding by the Commission that a **current or former** public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 49. Title 17 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 50 to 105, inclusive, of this act.

Sec. 50. This chapter may be cited as the Nevada Legislative Ethics Law.

Sec. 51. The Legislature hereby finds and declares that:

1. The purposes of this chapter are to:

(a) Establish the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect;

(b) Prohibit any conduct that creates the appearance of impropriety; and

(c) Prohibit any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

2. This chapter must be construed:

(a) Liberally to carry out and achieve its purposes; and

(b) Strictly against any person alleging that his or her conduct is not subject to its provisions, so that any doubt or uncertainty as to the application

of its provisions must be resolved against such a person and in favor of removing unethical behavior from the legislative process.

Sec. 52. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 53 to 71, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 53. “Adjudicatory hearing” means a hearing held by the Senate Commission, Assembly Commission or Joint Commission, as applicable, pursuant to this chapter to receive evidence, render a decision and, if appropriate, issue an opinion concerning an ethics complaint.

Sec. 54. “Assembly Commission” means the Assembly Commission on Ethics created by section 88 of this act.

Sec. 55. “Business entity” means an organization or enterprise operated for economic gain, including, without limitation, a proprietorship, partnership, firm, business, company, trust, joint venture, syndicate, corporation or association.

Sec. 56. “Candidate” means any person:

1. Who files a declaration of candidacy; or
2. Whose name appears on an official ballot at any election.

Sec. 57. “Chair” means:

1. The Chair of the Senate Commission, Assembly Commission or Joint Commission, as applicable; or
2. The Vice Chair or another member serving in the capacity of the Chair.

Sec. 58. “Commitment in a private capacity” means a private commitment, interest or relationship of a legislative officer or employee to:

1. The spouse or domestic partner of the legislative officer or employee;
2. A member of the household of the legislative officer or employee;
3. A relative of the legislative officer or employee, or the spouse or domestic partner of the legislative officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;
4. The employer of the legislative officer or employee, the spouse or domestic partner of the legislative officer or employee or a member of the household of the legislative officer or employee;
5. A person with whom the legislative officer or employee has a substantial and continuing business relationship; or
6. A person with whom the legislative officer or employee has any other private commitment, interest or relationship that is substantially similar to a private commitment, interest or relationship described in subsections 1 to 5, inclusive.

Sec. 59. “Compensation” means any money, thing of value or economic benefit conferred on or received by any person in return for services rendered, personally or by another person.

Sec. 60. “Domestic partner” means a person in a domestic partnership.

Sec. 61. “Domestic partnership” means a domestic partnership as defined in NRS 122A.040.

Sec. 62. “Ethics complaint” means an ethics complaint which is filed with the Senate Commission, Assembly Commission or Joint Commission, as applicable, pursuant to this chapter regarding the propriety of the conduct of a legislative officer or employee under the legislative ethical standards.

Sec. 63. “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.

Sec. 64. “Joint Commission” means the Joint Commission on Ethics created by section 92 of this act.

Sec. 65. 1. “Legislative employee” means any current or former employee, assistant, attache, intern or other staff employed with reference to the legislative duties of a Legislator or the Legislative Department, regardless of whether they are paid or otherwise compensated to serve in their positions.

2. The term includes, without limitation, any current or former employee, assistant, attache, intern or other staff of:

(a) The Legislature or either House;

(b) Any legislative committee;

(c) Any legislative office or caucus;

(d) Any division of the Legislative Counsel Bureau; or

(e) Any other agency, body, office, organization or unit of the Legislative Department.

Sec. 66. “Legislative ethical standards” means:

1. Any statutory ethical standards set forth in this chapter; and

2. Any other ethical standards recognized by the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution.

Sec. 67. 1. “Legislative officer” means any current or former:

(a) Member of the Senate, Secretary of the Senate or officer of the Senate;

(b) Member of the Assembly, Chief Clerk of the Assembly or officer of the Assembly; or

(c) Officer of the Legislature, the Legislative Counsel Bureau or the Legislative Department.

2. The term does not include the Lieutenant Governor when acting in his or her official capacity as the President of the Senate.

Sec. 68. 1. “Opinion” means an opinion issued by the Senate Commission, Assembly Commission or Joint Commission, as applicable, in accordance with the provisions of this chapter.

2. The term includes, without limitation, the disposition of an ethics complaint by stipulation, agreed settlement, consent order or default.

Sec. 69. “Pecuniary interest” means any beneficial or detrimental interest in a matter that consists of or is measured in money or is otherwise related to money, including, without limitation:

1. Anything of economic value; and

2. Payments or other money which a person is owed or otherwise entitled to by virtue of any statute, regulation, code, ordinance or contract or other agreement.

Sec. 70. “Senate Commission” means the Senate Commission on Ethics created by section 84 of this act.

Sec. 71. “State agency of the Executive Department” means any agency, bureau, board, commission, department, division, office or other unit of the Executive Department.

Sec. 72. 1. In carrying out the provisions of this chapter, the Legislative Department is entitled to pursue every legal and equitable remedy that is available to enforce the provisions of this chapter.

2. This chapter does not create any private right of action for any person, and this chapter cannot be enforced by any person in any private right of action.

Sec. 73. 1. This chapter supplements all other ethical standards recognized by the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution and does not limit the application of such other ethical standards but is cumulative thereto, so that the application or attempted application of any one of the ethical standards does not bar the application or attempted application of any other, except in circumstances where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.

2. If there is any conflict between the provisions of the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution and the provisions of this chapter, the provisions of the rules control.

Sec. 74. 1. Except as otherwise provided in this section, the Senate Commission, Assembly Commission or Joint Commission, as applicable, has jurisdiction to investigate and take appropriate actions regarding an alleged violation of the legislative ethical standards by a current or former legislative officer or employee in any proceedings commenced by an ethics complaint which is filed in accordance with this chapter within 2 years after the alleged violation or reasonable discovery of the alleged violation.

2. The Senate Commission, Assembly Commission or Joint Commission, as applicable, does not have jurisdiction in circumstances where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.

Sec. 75. In applying the provisions of this chapter to an alleged violation by a former legislative officer or employee, the use of the term “legislative officer” or “legislative employee” in this chapter must be interpreted to include the former legislative officer or employee, unless the commencement of proceedings against the former legislative officer or employee concerning the alleged violation is time-barred by the statute of limitations pursuant to section 74 of this act.

Sec. 76. 1. The provisions of this chapter establish legislative ethical standards to govern:

(a) Legislative officers and employees; and
(b) Former legislative officers and employees in situations where the legislative ethical standards apply to the conduct of former legislative officers and employees after the end of any period of legislative service or employment.

2. The legislative ethical standards set forth in this chapter are cumulative and supplement each other, and the application of any one of the legislative ethical standards to a given set of facts and circumstances does not bar the application of any other of the legislative ethical standards that also apply to the given set of facts and circumstances.

Sec. 77. 1. A legislative officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity, for the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity, which would tend to improperly influence a reasonable person in the legislative officer's or employee's position to depart from the faithful and impartial discharge of the legislative officer's or employee's official duties.

2. A legislative officer or employee shall not use the legislative officer's or employee's official position to secure or grant unwarranted privileges, preferences, exemptions or advantages for the legislative officer or employee, any business entity in which the legislative officer or employee has a significant pecuniary interest or any person to whom the legislative officer or employee has a commitment in a private capacity.

3. A legislative officer or employee shall not participate as an agent of the Legislative Department in the negotiation or execution of a contract between the Legislative Department and the legislative officer or employee, any business entity in which the legislative officer or employee has a significant pecuniary interest or any person to whom the legislative officer or employee has a commitment in a private capacity.

4. A legislative officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source, for the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity, for the performance of the legislative officer's or employee's official duties.

5. If a legislative officer or employee acquires, through the legislative officer's or employee's official duties or relationships, any information which by law or practice is not at the time available to people generally, the legislative officer or employee shall not use the information to further a significant pecuniary interest of the legislative officer or employee or any other person or business entity.

6. A legislative officer or employee shall not suppress any governmental report or other official document because it might tend to affect unfavorably a significant pecuniary interest of the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity.

7. Except for Legislators who are subject to the restrictions set forth in subsection 8, a legislative officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) At the time that the use occurs, the use is:

(I) Authorized by a policy which was adopted before the use occurs by the legislative officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility; or

(II) Necessary as a result of emergency circumstances, whether or not the use is authorized by such a policy;

(2) The use does not interfere with the performance of the legislative officer's or employee's official duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

↪ If the Legislative Department incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the legislative officer or employee shall reimburse the cost or pay the charge to the Legislative Department.

8. A Legislator shall not:

(a) Use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the Legislator or any person to whom the Legislator has a commitment in a private capacity. This paragraph does not prohibit:

(1) A limited use of governmental property, equipment or other facility for personal purposes if:

(I) The use does not interfere with the performance of the Legislator's official duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where such service or assistance is reasonably necessary to permit the Legislator or legislative employee to perform that person's official duties; or

(2) Where such service or assistance has otherwise been established as legislative policy.

9. A legislative officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity through the influence of a subordinate.

10. A legislative officer or employee shall not seek other employment or contracts for the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity through the use of the legislative officer's or employee's official position.

11. A legislative officer or employee shall not use the legislative officer's or employee's official position to take any actions or compel a subordinate to take any actions that would cause unwarranted harm or damage to another person to benefit a significant personal or pecuniary interest of the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity.

12. As used in this section:

(a) "Appearance of impropriety" means a reasonable person would find, based on the given set of facts and circumstances, that a legislative officer's or employee's limited use of governmental property, equipment or other facility for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.

(b) "Unwarranted" means without any legitimate justification or adequate reason.

Sec. 78. 1. Unless permitted by this section, a legislative officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive Department or the Legislative Department.

2. A Legislator, or a legislative officer or employee whose legislative service requires less than half of his or her time, may represent or counsel a private person for compensation before any state agency of the Executive Department in which he or she does not serve.

Sec. 79. 1. Except as otherwise provided in this section and NRS 218A.970, a legislative officer or employee shall not bid on or enter into a contract between a state agency of the Executive Department and any business entity in which the legislative officer or employee has a significant pecuniary interest.

2. A legislative officer or employee may bid on or enter into a contract between a state agency of the Executive Department and any business entity in which the legislative officer or employee has a significant pecuniary interest if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding or for a solicitation are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

(c) The legislative officer or employee has not taken part in developing the contract plans or specifications; and

(d) The legislative officer or employee will not be personally involved in opening, considering or accepting offers.

Sec. 80. 1. Except as otherwise provided in this section, a legislative officer or employee shall not accept or receive an honorarium.

2. An honorarium paid on behalf of a legislative officer or employee to a charitable organization from which the legislative officer or employee does not derive any financial benefit is deemed not to be accepted or received by the legislative officer or employee for the purposes of this section.

3. This section does not prohibit:

(a) The receipt of any payment by a legislative officer or employee for work performed outside the normal course and scope of his or her legislative office or employment if the performance of that work is consistent with the applicable policies of his or her legislative body, agency or employer regarding supplemental employment.

(b) The receipt of an honorarium by the spouse or domestic partner of a legislative officer or employee if it is related to the profession or occupation of the spouse or domestic partner.

4. As used in this section, "honorarium" means the payment of money or anything of value for an appearance or speech by the legislative officer or employee in his or her capacity as a legislative officer or employee. The term does not include the payment of:

(a) The actual and necessary costs incurred by the legislative officer or employee, the spouse or domestic partner of the legislative officer or employee or any assistant of the legislative officer or employee for transportation and for lodging and meals while the legislative officer or employee is away from his or her residence.

(b) Compensation which would otherwise have been earned by the legislative officer or employee in the normal course and scope of his or her legislative office or employment.

(c) A fee for a speech related to the legislative officer's or employee's profession or occupation outside the normal course and scope of his or her legislative office or employment if:

(1) Other members of the profession or occupation are ordinarily compensated for such a speech; and

(2) The fee paid to the legislative officer or employee is approximately the same as the fee that would be paid to a member of the private sector whose qualifications are similar to those of the legislative officer or employee for a comparable speech.

(d) A fee for a speech delivered to an organization of legislatures, legislators or other elected officers.

5. In addition to any other remedies or penalties provided by law, a legislative officer or employee who violates the provisions of this section shall forfeit the amount of the honorarium.

Sec. 81. 1. Except as otherwise provided in this section, a legislative officer or employee shall not request or otherwise cause the Legislative Department to incur an expense or make an expenditure to support or oppose:

(a) A ballot question.

(b) A candidate.

2. For the purposes of paragraph (b) of subsection 1, an expense incurred or an expenditure made by the Legislative Department shall be considered an expense incurred or an expenditure made in support of a candidate if:

(a) The expense is incurred or the expenditure is made for the creation or dissemination of a pamphlet, brochure, publication, advertisement or television programming that prominently features the activities of a current legislative officer or employee who is a candidate for a state, local or federal elective office; and

(b) The pamphlet, brochure, publication, advertisement or television programming described in paragraph (a) is created or disseminated during the period specified in subsection 3.

3. The period during which the provisions of subsection 2 apply to the Legislative Department begins when a current legislative officer or employee files a declaration of candidacy and ends on the date of the general election, general city election or special election for the office for which the current legislative officer or employee is a candidate.

4. The provisions of this section do not prohibit the creation or dissemination of, or the appearance of a candidate in or on, as applicable, a pamphlet, brochure, publication, advertisement or television programming that:

(a) Is made available to the public on a regular basis and merely describes the functions of:

(1) The legislative office or employment held by the legislative officer or employee who is the candidate; or

(2) The Legislative Department; or

(b) Is created or disseminated in the course of carrying out a duty of:

(1) The legislative officer or employee who is the candidate; or

(2) The Legislative Department.

5. The provisions of this section do not prohibit an expense incurred or an expenditure made to create or disseminate a television program that provides a forum for discussion or debate regarding a ballot question, if persons both in support of and in opposition to the ballot question participate in the television program.

6. The provisions of this section do not prohibit an expense incurred or an expenditure made to carry out any functions, powers or duties regarding preparation and distribution of ballot materials for a ballot question as authorized or required by NRS 218D.810 or any other law, rule or resolution.

7. As used in this section, “pamphlet, brochure, publication, advertisement or television programming” includes, without limitation, a publication, a public service announcement and any programming on a television station created to provide community access to cable television. The term does not include:

(a) A press release issued to the media by the Legislative Department; or

(b) An official Internet website of the Legislative Department.

Sec. 82. A current or former legislative officer or employee, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded, renewed or amended by the Legislative Department if the solicitation or acceptance of employment occurs during the legislative officer’s or employee’s period of legislative service or employment, or within 1 year after the termination of his or her period of legislative service or employment, and:

1. The amount of the contract exceeded \$25,000;

2. The contract was awarded, renewed or amended by the Legislative Department within the immediately preceding year during the legislative officer’s or employee’s period of legislative service or employment, or within the year immediately preceding the termination of the legislative officer’s or employee’s period of legislative service or employment; and

3. The position held by the legislative officer or employee at the time the contract was awarded, renewed or amended by the Legislative Department allowed the legislative officer or employee to materially affect or influence the awarding, renewing or amending of the contract because the legislative officer or employee had the authority or responsibility to recommend, advise, negotiate, develop, draft, revise, review or approve any material terms of the contract, including, without limitation, terms relating to products, supplies, materials, equipment, services, quantities, rates, prices, costs, obligations, duties, standards, benchmarks, schedules, timeframes, administration, oversight, compliance, changes, extensions, suspensions, cancellations, terminations, liabilities, immunities, remedies or penalties.

Sec. 83. 1. In addition to any other remedies or penalties provided by law, a governmental grant, contract or lease entered into by any person in violation of this chapter is voidable by the governmental entity. In making a determination under this section whether to void a grant, contract or lease, the interests of innocent third parties who could be damaged must be taken into account. The Attorney General or official attorney for the governmental entity must give notice of the intent to void a grant, contract or lease under this section not later than 30 days after the Senate Commission, Assembly

Commission or Joint Commission, as applicable, has determined that there has been a related violation of this chapter.

2. Any actions taken by a state agency of the Executive Department in violation of this chapter are voidable, except that the interests of innocent third parties in the nature of the violation must be taken into account. The Attorney General may also pursue any other available legal or equitable remedies to redress the violation.

3. In addition to any other remedies or penalties provided by law, the Attorney General may recover any fee, compensation, gift or other pecuniary benefit received by any person as a result of a violation of this chapter by a legislative officer or employee. An action to recover under this section must be brought within 2 years after the Senate Commission, Assembly Commission or Joint Commission, as applicable, has determined that there has been a violation of this chapter.

Sec. 84. 1. The Senate Commission on Ethics is hereby created. Subject to the provisions of this section, the Senate Commission consists of six members appointed as follows:

(a) Two members of the Senate appointed by the Majority Leader of the Senate from the majority political party;

(b) One member of the Senate appointed by the Minority Leader of the Senate from the minority political party; and

(c) Three members who are qualified electors of the State, with two such members appointed by the Majority Leader of the Senate and one such member appointed by the Minority Leader of the Senate. The members appointed pursuant to this paragraph must not be current Legislators or employed by the State of Nevada during their terms.

2. Not more than four members of the Senate Commission may be members of the same political party.

3. As soon as practicable after each regular session convenes, the appointing authorities shall appoint the members of the Senate Commission. The terms of the members end when the next regular session convenes. Any member who is a Legislator and who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular session convenes, with all the rights, powers, privileges and immunities of a member who is a Legislator.

4. As soon as practicable after each regular session convenes, the appointing authorities shall appoint the following alternate members for the Senate Commission:

(a) The Majority Leader of the Senate shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1.

(b) The Minority Leader of the Senate shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an

alternate member with the qualifications set forth in paragraph (c) of subsection 1.

5. The terms of the alternate members end when the next regular session convenes. Any alternate member who is a Legislator and who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular session convenes, with all the rights, powers, privileges and immunities of an alternate member who is a Legislator.

6. If a regular member of the Senate Commission is unable to serve for any reason during the consideration of a specific matter, the alternate member appointed with the qualifications from the same paragraph in subsection 1 by the same appointing authority shall serve as a member of the Senate Commission during the consideration of the specific matter, with all the rights, powers, privileges and immunities of a regular member.

7. A vacancy in the membership or alternate membership of the Senate Commission must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 85. 1. The Legislative Commission shall review and approve the budget and work program for the Senate Commission and any changes to the budget or work program.

2. Except during a regular or special session, if members of the Senate Commission are Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 84 of this act, the members are entitled to receive for each day or portion of a day during which they attend a meeting of the Senate Commission or are otherwise engaged in the business of the Senate Commission:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

3. If members of the Senate Commission are not Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 84 of this act, the members:

(a) Serve without compensation.

(b) Are entitled to receive for each day or portion of a day during which they attend a meeting of the Senate Commission or are otherwise engaged in the business of the Senate Commission:

(1) The per diem allowance provided for state officers and employees generally; and

(2) The travel expenses provided pursuant to NRS 218A.655.

4. An alternate member of the Senate Commission who serves for a regular member during the consideration of a specific matter is entitled to receive the same compensation, per diem allowances and travel expenses as that regular member would be entitled to receive for the same service.

5. All compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 86. 1. The Majority Leader of the Senate shall appoint the Chair and Vice Chair of the Senate Commission.

2. If a vacancy occurs in the office of Chair or Vice Chair of the Senate Commission, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

3. The Chair may prescribe rules, practices and procedures for the Senate Commission's management, government and proceedings.

4. The Chair may take, direct or require any necessary and reasonable actions to facilitate or carry out the Senate Commission's management, government and proceedings, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

5. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific matter.

Sec. 87. 1. The Senate Commission shall meet at such times and places as specified by a call of the Chair or a majority of the Senate Commission.

2. At a meeting, four members of the Senate Commission constitute a quorum, and a quorum may exercise all the power and authority conferred on the Senate Commission.

3. The Senate Commission shall hear ethics complaints brought against a legislative officer or employee of the Senate regarding an alleged violation of the legislative ethical standards.

4. The Senate Commission may hear requests brought by a legislative officer or employee of the Senate for advice on the legislative ethical standards.

Sec. 88. 1. The Assembly Commission on Ethics is hereby created. Subject to the provisions of this section, the Assembly Commission consists of six members appointed as follows:

(a) Two members of the Assembly appointed by the Speaker of the Assembly from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader of the Assembly from the minority political party; and

(c) Three members who are qualified electors of the State, with two such members appointed by the Speaker of the Assembly and one such member appointed by the Minority Leader of the Assembly. The members appointed pursuant to this paragraph must not be current Legislators or employed by the State of Nevada during their terms.

2. Not more than four members of the Assembly Commission may be members of the same political party.

3. As soon as practicable after each regular session convenes, the appointing authorities shall appoint the members of the Assembly Commission. The terms of the members end when the next regular session

convenes. Any member who is a Legislator and who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular session convenes, with all the rights, powers, privileges and immunities of a member who is a Legislator.

4. As soon as practicable after each regular session convenes, the appointing authorities shall appoint the following alternate members for the Assembly Commission:

(a) The Speaker of the Assembly shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1.

(b) The Minority Leader of the Assembly shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1.

5. The terms of the alternate members end when the next regular session convenes. Any alternate member who is a Legislator and who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular session convenes, with all the rights, powers, privileges and immunities of an alternate member who is a Legislator.

6. If a regular member of the Assembly Commission is unable to serve for any reason during the consideration of a specific matter, the alternate member appointed with the qualifications from the same paragraph in subsection 1 by the same appointing authority shall serve as a member of the Assembly Commission during the consideration of the specific matter, with all the rights, powers, privileges and immunities of a regular member.

7. A vacancy in the membership or alternate membership of the Assembly Commission must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 89. 1. The Legislative Commission shall review and approve the budget and work program for the Assembly Commission and any changes to the budget or work program.

2. Except during a regular or special session, if members of the Assembly Commission are Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 88 of this act, the members are entitled to receive for each day or portion of a day during which they attend a meeting of the Assembly Commission or are otherwise engaged in the business of the Assembly Commission:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

3. If members of the Assembly Commission are not Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 88 of this act, the members:

(a) Serve without compensation.

(b) Are entitled to receive for each day or portion of a day during which they attend a meeting of the Assembly Commission or are otherwise engaged in the business of the Assembly Commission:

(1) The per diem allowance provided for state officers and employees generally; and

(2) The travel expenses provided pursuant to NRS 218A.655.

4. An alternate member of the Assembly Commission who serves for a regular member during the consideration of a specific matter is entitled to receive the same compensation, per diem allowances and travel expenses as that regular member would be entitled to receive for the same service.

5. All compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 90. 1. The Speaker of the Assembly shall appoint the Chair and Vice Chair of the Assembly Commission.

2. If a vacancy occurs in the office of Chair or Vice Chair of the Assembly Commission, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

3. The Chair may prescribe rules, practices and procedures for the Assembly Commission's management, government and proceedings.

4. The Chair may take, direct or require any necessary and reasonable actions to facilitate or carry out the Assembly Commission's management, government and proceedings, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

5. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific matter.

Sec. 91. 1. The Assembly Commission shall meet at such times and places as specified by a call of the Chair or a majority of the Assembly Commission.

2. At a meeting, four members of the Assembly Commission constitute a quorum, and a quorum may exercise all the power and authority conferred on the Assembly Commission.

3. The Assembly Commission shall hear ethics complaints brought against a legislative officer or employee of the Assembly regarding an alleged violation of the legislative ethical standards.

4. The Assembly Commission may hear requests brought by a legislative officer or employee of the Assembly for advice on the legislative ethical standards.

Sec. 92. 1. The Joint Commission on Ethics is hereby created. Subject to the provisions of this section, the Joint Commission consists of six members as follows:

(a) The three members of the Senate Commission who are Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 84 of this act; and

(b) The three members of the Assembly Commission who are Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 88 of this act.

2. The terms of the members of the Joint Commission are coextensive with their respective terms on the Senate Commission or Assembly Commission, as applicable.

3. If a regular member of the Joint Commission is unable to serve for any reason during the consideration of a specific matter, the appropriate alternate member authorized to serve for that member pursuant to section 84 or 88 of this act, as applicable, shall serve as a member of the Joint Commission during the consideration of the specific matter, with all the rights, powers, privileges and immunities of a regular member.

Sec. 93. 1. The Legislative Commission shall review and approve the budget and work program for the Joint Commission and any changes to the budget or work program.

2. Except during a regular or special session, the members of the Joint Commission are entitled to receive for each day or portion of a day during which they attend a meeting of the Joint Commission or are otherwise engaged in the business of the Joint Commission:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

3. An alternate member of the Joint Commission who serves for a regular member during the consideration of a specific matter is entitled to receive the same compensation, per diem allowances and travel expenses as that regular member would be entitled to receive for the same service.

4. All compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 94. 1. The offices of Chair and Vice Chair of the Joint Commission alternate between the Houses, beginning with the Chair of the Senate Commission serving as the Chair of the Joint Commission and the Chair of the Assembly Commission serving as the Vice Chair of the Joint Commission, and following this pattern thereafter.

2. The terms of the Chair and Vice Chair of the Joint Commission are coextensive with their respective terms as the Chairs of the Senate Commission and Assembly Commission, as applicable.

3. If a vacancy occurs in the office of Chair or Vice Chair of the Joint Commission, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. The Chair may prescribe rules, practices and procedures for the Joint Commission's management, government and proceedings.

5. The Chair may take, direct or require any necessary and reasonable actions to facilitate or carry out the Joint Commission's management, government and proceedings, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

6. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific matter.

Sec. 95. 1. The Joint Commission shall meet at such times and places as specified by a call of the Chair or a majority of the Joint Commission.

2. At a meeting, four members of the Joint Commission constitute a quorum, and a quorum may exercise all the power and authority conferred on the Joint Commission.

3. The Joint Commission shall hear ethics complaints brought against a legislative officer or employee, other than a legislative officer or employee of the Senate or Assembly, regarding an alleged violation of the legislative ethical standards.

4. The Joint Commission may hear requests brought by a legislative officer or employee, other than a legislative officer or employee of the Senate or Assembly, for advice on the legislative ethical standards.

Sec. 96. As used in sections 96 to 105, inclusive, of this act, unless the context otherwise requires, "Commission" means the Senate Commission, Assembly Commission or Joint Commission, as applicable to the proceedings.

Sec. 97. 1. The Commission shall conduct investigations and hold hearings to carry out the provisions of this chapter and may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, and any other investigative powers that are necessary and reasonable to carry out the provisions of this chapter.

2. The rights, powers, privileges and immunities granted by this chapter to the Commission and its members are in addition to any other rights, powers, privileges and immunities recognized by law, and all such rights, powers, privileges and immunities are cumulative, so that the application or attempted application of any one does not bar the application or attempted application of any other.

Sec. 98. All proceedings held by the Commission pursuant to this chapter to consider the character, alleged misconduct, professional competence or physical or mental health of any person on matters regarding the legislative ethical standards and all materials related to those proceedings are confidential, unless the legislative officer or employee who is the subject of the proceedings requests a public hearing or discloses the content of the proceedings or materials.

Sec. 99. A member of the Commission is disqualified to serve during the consideration of a specific matter if:

1. The member is the subject of the ethics complaint alleging a violation of the legislative ethical standards regarding the specific matter;

2. The member is the person who requested advice on the legislative ethical standards regarding the specific matter; or

3. A reasonable person in the member's situation could not exercise independent judgment on the specific matter.

Sec. 100. 1. An individual may file an ethics complaint against a legislative officer or employee regarding an alleged violation of the legislative ethical standards.

2. If the alleged violation involves the conduct of more than one legislative officer or employee, separate ethics complaints must be filed regarding each legislative officer or employee.

3. An ethics complaint must be:

(a) Made in writing on a form provided by the Legislative Counsel;

(b) Signed and verified under penalty of perjury by the individual making the allegation; and

(c) Filed with the Legislative Counsel.

4. The Legislative Counsel shall review the ethics complaint and any other relevant information and consult with the Chair of the Commission or, if the Chair is the subject of the ethics complaint, with the Vice Chair, to evaluate whether the Commission has jurisdiction and whether an investigation is warranted in the matter.

5. If it is determined that the Commission:

(a) Does not have jurisdiction or that an investigation is not warranted in the matter, the Legislative Counsel shall send written notice of the determination to the individual who filed the ethics complaint.

(b) Has jurisdiction and that an investigation is warranted in the matter, the Legislative Counsel shall send written notice of the determination and a copy of the ethics complaint to the legislative officer or employee who is the subject of the ethics complaint.

6. If the Legislative Counsel is the subject of the ethics complaint, the General Counsel shall carry out all powers and duties assigned to legal counsel for the Commission regarding that specific matter.

Sec. 101. 1. If the Commission holds an adjudicatory hearing on an ethics complaint, the Commission shall provide the legislative officer or employee who is the subject of the ethics complaint with a written notice of the date, time and place of the hearing.

2. At the adjudicatory hearing, the Commission shall:

(a) Allow the legislative officer or employee to be represented by legal counsel;

(b) Allow the legislative officer or employee to hear the evidence presented to the Commission and to respond and present evidence on his or her own behalf; and

(c) Require the parties to follow any other procedures that are necessary and reasonable to facilitate or carry out the adjudicatory hearing.

3. Strict rules of evidence do not apply to the parties at the adjudicatory hearing, but the Chair may admit or exclude any evidence based on the rules of evidence.

4. To facilitate or carry out the adjudicatory hearing, the Chair may instruct the Director to:

(a) Request that the Attorney General appoint a deputy to serve as the party who presents the evidence and argues the matter against the legislative officer or employee; or

(b) Employ outside legal counsel to serve as the party who presents the evidence and argues the matter against the legislative officer or employee.

5. The party who presents the evidence and argues the matter against the legislative officer or employee has the burden of proof at the adjudicatory hearing.

6. The standard of proof at the adjudicatory hearing is a preponderance of the evidence, which means evidence that enables a trier of fact to determine that the existence of the contested fact is more probable than the nonexistence of the contested fact.

7. For the Commission to determine that a violation of the legislative ethical standards has been proven against the legislative officer or employee, the Commission's determination must be supported by a preponderance of the evidence.

Sec. 102. 1. If the Commission determines that a violation of the legislative ethical standards has not been proven against a legislative officer or employee, the Commission shall dismiss the matter.

2. If the Commission determines that a violation of the legislative ethical standards has been proven against a legislative officer or employee, the Commission may take any actions authorized by this chapter or the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution.

Sec. 103. 1. In proceedings concerning an ethics complaint, the Commission may issue a letter of caution or instruction to the legislative officer or employee who is the subject of the ethics complaint to caution or instruct the legislative officer or employee regarding the propriety of the conduct under the legislative ethical standards.

2. If the Commission issues a letter of caution or instruction to the legislative officer or employee, the letter may be considered in deciding the appropriate actions to be taken on any subsequent ethics complaint involving the legislative officer or employee, unless the letter is not relevant to the issues presented by the subsequent ethics complaint.

Sec. 104. 1. In addition to any other remedies or penalties provided by law, if the Commission determines that a violation of the legislative ethical standards has been proven against a legislative officer or employee, the Commission may take one or more of the following actions:

(a) Admonish, reprimand or censure the legislative officer or employee.

(b) Impose on the legislative officer or employee civil penalties:

(1) Not to exceed \$5,000 for a separate act or event that constitutes a first violation of the legislative ethical standards;

(2) Not to exceed \$10,000 for a separate act or event that constitutes a second violation of the legislative ethical standards; and

(3) Not to exceed \$25,000 for a separate act or event that constitutes a third violation of the legislative ethical standards or any additional violation of the legislative ethical standards.

(c) If the Commission finds that a violation of the legislative ethical standards has resulted in the realization of a financial benefit by the legislative officer or employee or any other person, require the legislative officer or employee to pay a civil penalty of not more than twice the amount so realized.

(d) Take any other reasonable actions that the Commission determines will remedy the violation or deter similar violations, including, without limitation, referring the matter to the appropriate House for review and consideration pursuant to Section 6 of Article 4 of the Nevada Constitution.

2. If a legislative officer or employee fails to pay any civil penalties imposed pursuant to this chapter, the Legislative Department is entitled to pursue every legal and equitable remedy that is available to recover and collect the civil penalties in the same manner as if they were imposed by a judgment rendered by the district court in a civil action.

Sec. 105. 1. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of legislative officers or employees.

2. If the Commission finds that a legislative officer or employee has committed a violation of the legislative ethical standards which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

Sec. 106. 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 98 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. 49.]~~ **Sec. 107.** 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 7 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. 50.}~~ **Sec. 108.** 1. Except as otherwise provided in this section, the Commission on Ethics:

(a) Shall apply the amendatory provisions of sections 2 to 48, inclusive, of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that are within the jurisdiction of the Commission on Ethics and are commenced on or after ~~{October 1, 2023,}~~ the effective date of this act, whether or not the conduct at issue in such proceedings occurred before ~~{October 1, 2023,}~~ the effective date of this act.

(b) May apply the amendatory provisions of sections 2 to 48, inclusive, of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that were commenced before ~~{October 1, 2023,}~~ the effective date of this act and are still within the jurisdiction of the Commission on Ethics and pending before the Commission on Ethics on ~~{October 1, 2023,}~~ the effective date of this act, unless the Commission on Ethics determines that such an application would be impracticable, unreasonable or unconstitutional under the circumstances, in which case the Commission on Ethics shall apply the procedures in effect before ~~{October 1, 2023,}~~ the effective date of this act.

2. The amendatory provisions of sections 13 ~~{and 25 to 28, inclusive,}~~ 25, 26, 27 and 28 of this act do not apply to any conduct occurring before ~~{October 1, 2023,}~~ the effective date of this act.

Sec. 109. Notwithstanding any other provisions of this act to the contrary:

1. As soon as practicable after the effective date of this act, the appointing authorities shall appoint the members and alternate members of the Senate Commission on Ethics, Assembly Commission on Ethics and Joint Commission on Ethics in the manner set forth in sections 84, 88 and 92 of this act, as applicable.

2. The terms of the members and alternate members appointed pursuant to this section end when the next regular session of the Legislature convenes in the manner set forth in sections 84, 88 and 92 of this act, as applicable.

Sec. 110. 1. Notwithstanding any other provisions of this act to the contrary:

(a) If, before the effective date of this act, administrative proceedings were commenced under chapter 281A of NRS against a legislative officer or employee and are still pending before the Commission on Ethics on the effective date of this act, the Commission on Ethics may exercise continuing jurisdiction or authority over such proceedings after the effective date of this act.

(b) If, on or after the effective date of this act, administrative proceedings are commenced under chapter 281A of NRS against a legislative officer or employee, the Commission on Ethics shall not exercise jurisdiction or authority over such proceedings, whether or not

the conduct at issue in such proceedings occurred before the effective date of this act.

2. Notwithstanding any other provisions of this act to the contrary, the Senate Commission on Ethics, Assembly Commission on Ethics or Joint Commission on Ethics, as applicable, has jurisdiction to investigate and take appropriate actions regarding an alleged violation of the legislative ethical standards by a current or former legislative officer or employee which occurred before the effective date of this act if proceedings are commenced by an ethics complaint which is filed in accordance with sections 50 to 105, inclusive, of this act within 2 years after the alleged violation or reasonable discovery of the alleged violation.

3. Notwithstanding any other provisions of this act to the contrary:

(a) If, on the effective date of this act, an ethics complaint regarding an alleged violation of the legislative ethical standards by a current or former legislative officer or employee is pending before the Senate Committee on Ethics created by Senate Standing Rule No. 23 or the Assembly Select Committee on Ethics created by Senate Standing Rule No. 23, the Chair of the respective committee may refer the ethics complaint and all materials related to the ethics complaint to the Senate Commission on Ethics, Assembly Commission on Ethics or Joint Commission on Ethics, as applicable; and

(b) The Commission to which the ethics complaint is referred has jurisdiction to investigate and take appropriate actions regarding the referred ethics complaint in the same manner as an ethics complaint filed in accordance with sections 50 to 105, inclusive, of this act.

4. As used in this section, the words and terms defined in sections 53 to 71, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 111. This act becomes effective upon passage and approval.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 5:19 p.m.

ASSEMBLY IN SESSION

At 5:27 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Yazdan Kardavani.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, April 25, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:28 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly