NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 25, 2023

Assembly called to order at 12:53 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Ken Haskins.

Our eternal Father, we learn from the past, and we plan for the future, but we live in this day that You have made. So, enable us to make the most of every opportunity and to make the best use of our time. As opportunity presents itself, help us to do good to all people. I pray in Jesus' Name.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

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

Assembly in recess at 1:02 p.m.

ASSEMBLY IN SESSION

At 1:04 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 57, 310, 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 Senate Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 283, 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 Commerce and Labor, to which was referred Senate Bill No. 370, 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 Senate Bill No. 80, 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 Senate Bills Nos. 155, 434, 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 Judiciary, to which was referred Senate Bill No. 335, 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 was referred Senate Bill No. 60, 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 Legislative Operations and Elections, to which was referred Senate Bill No. 328, 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 Legislative Operations and Elections, to which was rereferred Senate Bill No. 418, 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 Ways and Means, to which were rereferred Assembly Bills Nos. 62, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 501, 503, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 13, 20, 53, 144, 316, 343, 394, 414, 424, 455, 456, 464; Assembly Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 23, Amendment No. 540; Assembly Bill No. 35, Amendment No. 548; Assembly Bill No. 60, Amendment No. 576; Assembly Bill No. 127, Amendment No. 556; Assembly Bill No. 132, Amendment No. 610; Assembly Bill No. 163, Amendment No. 538; Assembly Bill No. 169, Amendment No. 611; Assembly Bill No. 207, Amendment No. 586; Assembly Bill No. 241, Amendment No. 587; Assembly Bill No. 256, Amendment No. 559; Assembly Bill No. 267, Amendment No. 613; Assembly Bill No. 410, Amendment No. 555; Assembly Bill No. 415, Amendment No. 554, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 202, Amendments Nos. 615, 718, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 367.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 5.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

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

Motion carried.

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of May 25, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

THE NEVADA INDEPENDENT: Noel Sims.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 367.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 57.

Bill read second time.

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

Amendment No. 719.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law requires a health carrier to submit to the Commissioner of Insurance copies of certain form letters used by the health carrier. (NRS

679B.124) **Section 1** of this bill requires a health carrier to instead: (1) submit to the Commissioner a report summarizing such form letters; and (2) maintain a copy of each form letter and make each copy available to the Commissioner upon request.

Existing law sets forth circumstances under which the Commissioner is authorized or required to hold a hearing on certain matters and establishes procedures governing such hearings. (NRS 679B.310) **Section 3** of this bill revises requirements concerning such hearings. **Section 47** of this bill makes a conforming change that is necessary as the result of the changes in **section 3**.

Existing law requires the Attorney General to establish a Fraud Control Unit for Insurance for the purposes of investigating and prosecuting acts of insurance fraud. (NRS 228.412) Existing law authorizes a district attorney of a county to prosecute certain cases involving insurance fraud with the permission of or at the request of the Attorney General. (NRS 686A.283) Existing law makes confidential certain records and information relating to an investigation conducted by the Attorney General and the Fraud Control Unit for the prosecution of insurance fraud and sets forth the circumstances under which the Attorney General is authorized to disclose such information. (NRS 679B.690) **Section 4** of this bill: (1) makes confidential certain additional records and information relating to an investigation for the prosecution of insurance fraud; (2) requires, with certain exceptions, such records and information to remain confidential for the duration of the investigation and after the conclusion of the investigation; and (3) sets forth circumstances in which a district attorney prosecuting a case of insurance fraud is also authorized to disclose such information.

Existing law sets forth certain requirements for an insurer to deliver certain notices or other documents by electronic means. Among other requirements, existing law requires the party to whom the notice or document will be delivered to have consented to delivery by electronic means. (NRS 680A.550) **Sections 4.2 and 4.8** of this bill authorize the plan sponsor of a health plan to provide such consent on behalf of a party covered by the plan under certain circumstances. **Section 4.2** requires a plan sponsor to take certain actions before providing such consent and an insurer to take certain actions before delivering any notice or other document to a party on whose behalf a plan sponsor has provided such consent. Finally, **section 4.2** requires a notice of cancellation, nonrenewal or termination of a health plan to be sent to a party covered by the health plan by mail unless the notice is delivered by electronic means in a manner that provides for the verification of the receipt of the notice. **Sections 4.4 and 4.6** of this bill make conforming changes to indicate the proper placement of **section 4.2** in the Nevada Revised Statutes.

Existing law sets forth various fees applicable to persons regulated by the Commissioner. Among these fees is a fee for a licensee's association with or appointment or sponsorship by an organization. (NRS 680B.010) A fee for a licensee's "appointment" by an organization refers to the fee associated with the appointment by an insurer of a person to offer policies on behalf of the

insurer. (NRS 697.185, 697.250) A fee for a licensee's "association with" or "sponsorship by" an organization refers to the fee associated with the designation by an agent of an insurer of a natural person who is a licensee to represent the agent or to be responsible for the compliance of the agent with laws and regulations governing insurance. (NRS 683C.035, 684A.080, 684A.090, 684B.040, 697.184, 697.185, 697.250) **Sections 16-18, 20 and ~~[40-42]~~ 40, 41, and 42** of this bill revise provisions concerning the licensure of certain persons regulated by the Commissioner to clarify and standardize the circumstances in which an agent of an insurer is required to designate a natural person to represent the agent or to be responsible for the agent's compliance with the laws and regulations governing insurance and is therefore required to pay the applicable fee. **Section 5** of this bill revises the terminology used to describe such a fee to refer to that fee as one for a licensee's association with or designation or sponsorship by an organization. The amount of such fees remains unchanged. **Section 5** removes certain duplicative fees, and **sections 33-35** make conforming changes necessitated by the renumbering of **section 5**.

Section 14 of this bill revises the requirements for an application for the issuance of a license as a managing general agent. **Section 7** of this bill authorizes the Commissioner to require an applicant for the issuance of a license as a managing general agent to file and maintain with the Commissioner a surety bond in an amount determined by the Commissioner.

Existing law prohibits a person from acting as an administrator unless the person holds a certificate of registration issued by the Commissioner. (NRS 683A.085) Existing law also imposes certain requirements and restrictions on a pharmacy benefit manager. (NRS 683A.171-683A.179) **Section 9** of this bill revises the definition of "administrator" to include specifically any person who administers a program of pharmacy benefits for an employer, insurer, internal service fund or trust. **Sections 11 and 12** of this bill revise requirements for the issuance and renewal of a certificate of registration as an administrator. **Sections 10.5 and 13** of this bill authorize an administrator who has obtained a certificate of registration issued by the Commissioner to delegate any of the duties of the administrator to an administrator who has not obtained a certificate of registration only if the delegating administrator has first obtained the written approval of the Commissioner. **Section 8** of this bill requires an administrator to notify the Commissioner of certain changes to the administrator. **Section 10** of this bill makes a conforming change to indicate the proper placement of **section 8** in the Nevada Revised Statutes.

Existing law authorizes the Commissioner to issue to a person a temporary license as a producer of insurance and independent adjuster and a temporary certificate as an exchange enrollment facilitator, which, in general, are valid for not more than 180 days. (NRS 683A.311, 684A.150, 695J.190) **Sections 15, 19 and 36** of this bill authorize the Commissioner to renew such a license or certificate for one additional period of 180 days under certain circumstances.

Existing law prohibits certain insurers from moving a prescription drug in a formulary from a lower cost tier to a higher cost tier under certain policies of health insurance issued to an individual or a small employer, except at certain times and under certain circumstances. However, existing law does not prohibit an insurer from, at any time, removing a prescription drug from a formulary and adding a prescription drug to a formulary. (NRS 687B.4095) **Section 22** of this bill prohibits certain insurers who have removed a prescription drug from a formulary from adding that prescription drug back into the formulary in a higher cost tier in the same plan year in which it was removed, except at the times and under the circumstances provided for under existing law.

Sections 23 and 24 of this bill revise provisions relating to annuities for consistency with the Standard Nonforfeiture Law for Individual Deferred Annuities adopted by the National Association of Insurance Commissioners.

Existing law imposes certain requirements and restrictions on an applicant for a license as a producer of insurance or a licensee who wishes to use a name other than his or her true name to conduct business. (NRS 683A.301) **Sections 25 and 27** of this bill make these requirements and restrictions applicable to an applicant for or a holder of a certificate of authority to sell prepaid contracts for funeral services or a permit to sell prepaid contracts for burial services. **Section 26** of this bill requires a person to have a good business and personal reputation to qualify for an agent's license to sell prepaid contracts for burial services on behalf of a seller.

Section 28 of this bill revises the definition of "health benefit plan" that is applicable to provisions of existing law governing health insurance for small employers to standardize the definition of the term with other provisions of existing law governing health benefit plans.

Existing law sets forth certain requirements relating to the confidentiality and disclosure of certain records and information relating to an insurer. (NRS 679B.285) **Section 29** of this bill applies those requirements to certain records and information relating to a captive insurer. **Sections 30-32** of this bill revise the dates by which certain captive insurers are required to submit certain information to the Commissioner.

Existing law sets forth procedures and requirements for delinquency proceedings against an insurer. (Chapter 696B of NRS) Existing law sets forth the manner in which a delinquency proceeding must be commenced. (NRS 696B.250) **Section 37** of this bill provides that the Nevada Rules of Civil Procedure do not apply to the commencement of a delinquency proceeding. **Section 38** of this bill eliminates certain duplicative statutory language with respect to the powers of the Commissioner as a receiver, rehabilitator or liquidator of an insurer.

Existing law sets forth certain requirements for a person to obtain and renew a license as a bail agent, including, without limitation, the requirement that the person be a resident of this State and have resided in this State for not less than 1 year immediately preceding the date of the

application for licensure. (NRS 697.150) Sections 39.4 and 39.6 of this bill provide for the issuance of a nonresident license as a bail agent to a nonresident person who is licensed as a bail agent in his or her home state and set forth certain requirements to obtain such a license. Section 39.3 of this bill defines the term "home state." Section 39.5 of this bill makes a conforming change to indicate the proper placement of section 39.3 in the Nevada Revised Statutes. Sections 39.6, 39.7, 39.8, 41.3 and 41.6 of this bill exempt an applicant for the issuance or renewal of a nonresident license as a bail agent from certain requirements otherwise applicable to the issuance or renewal of a license as a bail agent.

Existing law requires a bail agent to maintain a place of business in this State accessible to the public. (NRS 697.280) Existing law requires a bail agent, before acting as an attorney-in-fact for an insurer on an undertaking, to register in the office of the sheriff and with the clerk of the district court in which the agent resides. (NRS 697.270) Section 42.5 of this bill requires a person who holds a nonresident license as a bail agent to instead register with the office of the sheriff and with the clerk of the district court in which the place of business of the bail agent is located.

Existing law sets forth certain requirements for a bail agent and bail enforcement agent with respect to the apprehension of a defendant and the surrender of a defendant to custody. (NRS 178.526, 697.325) **Sections 43 and 46** of this bill establish that only a bail enforcement agent is authorized to take certain actions with respect to the apprehension and surrender of a defendant. **Section 45** of this bill prohibits a bail agent, general agent, bail enforcement agent or bail solicitor from allowing any person other than a licensed bail enforcement agent to participate in the functions of a bail enforcement agent.

Existing law requires a bail agent or bail enforcement agent, before forcibly entering an inhabited dwelling, to notify the local law enforcement agency of the jurisdiction where the dwelling is located. Existing law defines "inhabited dwelling" to mean, in general, certain structures, buildings or vehicles in which the owner or other lawful occupant resides. (NRS 697.325) **Section 43**: (1) eliminates the term "inhabited dwelling"; (2) imposes certain requirements and restrictions on a bail enforcement agent with respect to the entry and forcible entry of any structure, as defined in **section 43**; and (3) imposes certain requirements and restrictions with respect to the use of physical force by a bail enforcement agent. **Section 44** of this bill provides that a bail agent who improperly causes the surrender of a defendant to custody is not entitled to collect any fees related to the surrender.

NEW section 39.2 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.2. **Chapter 697 of NRS is hereby amended by adding thereto the provisions set forth as sections 39.3 and 39.4 of this act.**

NEW section 39.3 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.3. ***"Home state" means the District of Columbia or any state or territory of the United States in which a bail agent maintains his or her principal place of residence or principal place of business and is licensed to act as a bail agent.***

NEW section 39.4 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.4. ***1. The Commissioner shall issue a nonresident license as a bail agent to a nonresident person if:***

(a) The person is currently licensed and in good standing as a bail agent in the resident or home state of the person;

(b) The person has submitted the proper request for licensure and has paid all fees required pursuant to NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110;

(c) The person has submitted or transmitted to the Commissioner the appropriate completed application for licensure;

(d) The person satisfies the requirements specified in subsection 2 of NRS 697.150; and

(e) The home state of the person awards nonresident licenses as a bail agent to persons of this State on the same basis.

2. The Commissioner may verify the licensing status of the nonresident person:

(a) Through any appropriate database, including, without limitation, the Producer Database maintained by the National Insurance Producer Registry or its affiliates or subsidiaries;

(b) By requesting that the nonresident person submit proof that the nonresident person is licensed and in good standing in the person's home state as a bail agent; or

(c) Through any other means the Commissioner determines to be appropriate.

3. As a condition to the continuation of a nonresident license as a bail agent, the nonresident bail agent shall maintain a resident license as a bail agent in the home state of the bail agent. A nonresident license as a bail agent issued under this section must be terminated and surrendered immediately to the Commissioner if the resident license as a bail agent in the home state is terminated for any reason, unless:

(a) The termination is due to the nonresident bail agent being issued a new resident license as a bail agent in a new home state; and

(b) The new resident license as a bail agent is from a state that has reciprocity with this State.

4. The Commissioner shall give notice of the termination of a resident license as a bail agent within 30 days after the date of the termination to any states that issued a nonresident license as a bail agent to the holder of the resident license. If the resident license as a bail agent was terminated

because of a change in the home state of the bail agent, the notice must include both the previous and current address of the bail agent.

5. The Commissioner shall terminate a nonresident license as a bail agent issued pursuant to this section if the bail agent establishes legal residency in this State and fails to apply for a resident license as a bail agent within 90 days after establishing legal residency.

NEW section 39.5 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.5. **NRS 697.020 is hereby amended to read as follows:**

697.020 As used in this Code, unless the context otherwise requires, the words and terms defined in NRS 697.030 to 697.070, inclusive, ***and section 39.3 of this act*** have the meanings ascribed to them in those sections.

NEW section 39.6 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.6. **NRS 697.150 is hereby amended to read as follows:**

697.150 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 3,*** a person is entitled to receive, renew or hold a license as a bail agent if the person:

(a) Is a resident of this State and has resided in this State for not less than 1 year immediately preceding the date of the application for the license.

(b) Is a natural person not less than 18 years of age.

(c) Has been appointed as a bail agent by an authorized surety insurer, subject to the issuance of the license.

(d) Is competent, trustworthy and financially responsible.

(e) Has passed any written examination required under this chapter.

(f) Has filed the bond required by NRS 697.190.

(g) Has, on or after July 1, 1999, successfully completed a 6-hour course of instruction in bail bonds that is:

(1) Offered by a state or national organization of bail agents or another organization that administers training programs for bail agents; and

(2) Approved by the Commissioner.

2. ***A nonresident person is entitled to receive, renew or hold a nonresident license as a bail agent if, in addition to the applicable requirements set forth in section 39.4 of this act, the nonresident person satisfies the requirements set forth in paragraphs (b), (d) and (f) of subsection 1.***

3. A person is not entitled to receive, renew or hold a license as a bail agent if the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude. A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in this subsection is a sufficient ground for the Commissioner to deny a license to the applicant or to suspend or revoke the license of the agent.

NEW section 39.7 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.7. **NRS 697.180 is hereby amended to read as follows:**

697.180 1. A written application for a license as a ~~[bail agent,]~~ general agent, bail enforcement agent**,** ~~[or]~~ bail solicitor ***or bail agent, other than a nonresident license as a bail agent,*** must be filed with the Commissioner by the applicant, accompanied by the applicable fees. The application form must:

(a) Include the social security number of the applicant; and

(b) Require full answers to questions reasonably necessary to determine the applicant's:

(1) Identity and residence.

(2) Business record or occupations for not less than the 2 years immediately preceding the date of the application, with the name and address of each employer, if any.

(3) Prior criminal history, if any.

2. The Commissioner may require the submission of such other information as may be required to determine the applicant's qualifications for the license for which the applicant applied.

3. The applicant must verify his or her application. An applicant for a license under this chapter shall not knowingly misrepresent or withhold any fact or information called for in the application form or in connection therewith.

4. Each applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

5. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation

and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

NEW section 39.8 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.8. **NRS 697.183 is hereby amended to read as follows:**

697.183 An application for a license as a bail agent ***, other than an application for a nonresident license as a bail agent,*** must be accompanied by:

1. Proof of the completion of a 6-hour course of instruction in bail bonds that is:

(a) Offered by a state or national organization of bail agents or another organization that administers training programs for bail agents; and

(b) Approved by the Commissioner.

2. A written appointment by an authorized insurer as agent for bail bonds, subject to the issuance of the license.

3. A letter from a local law enforcement agency in the applicant's county of residence which indicates that the applicant:

(a) Has not been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; and

(b) Has not been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.

NEW section 41.3 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 41.3. **NRS 697.200 is hereby amended to read as follows:**

697.200 1. Any natural person who intends to apply for a license as a bail ~~[agent, bail]~~ enforcement agent ***,*** ~~[or]~~ bail solicitor ***or bail agent, other than a nonresident license as a bail agent,*** must personally take and pass a written examination of his or her competence to act as such. After passing the examination, the person may apply to the Commissioner for such a license.

2. The scope of the examination must be as broad as the bail bond business.

3. The examination must be administered by the Commissioner or an entity approved by the Commissioner.

NEW section 41.6 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 41.6. **NRS 697.230 is hereby amended to read as follows:**

697.230 1. Except as otherwise provided in NRS 697.177, each license issued to or renewed for a general agent, bail agent, bail enforcement agent or bail solicitor under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon

payment of all applicable fees for renewal to the Commissioner on or before the renewal date for the license. All applicable fees must be accompanied by:

(a) ~~[Proof]~~ ***Except as otherwise provided in subsection 6, proof*** that the licensee has completed a 3-hour program of continuing education that is:

(1) Offered by the authorized surety insurer from whom the licensee received written appointment, if any, a state or national organization of bail agents or another organization that administers training programs for general agents, bail agents, bail enforcement agents or bail solicitors; and

(2) Approved by the Commissioner;

(b) If the licensee is a natural person, the statement required pursuant to NRS 697.181; and

(c) A written request for renewal of the license. The request must be made and signed:

(1) By the licensee in the case of the renewal of a license as a general agent, bail enforcement agent or bail agent.

(2) By the bail solicitor and the bail agent who employs the solicitor in the case of the renewal of a license as a bail solicitor.

2. Any license that is not renewed on or before the renewal date for the license expires on the renewal date. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the date of expiration if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110, and, if the person requesting renewal is a natural person, the statement required pursuant to NRS 697.181.

3. A bail agent's license continues in force while there is in effect an appointment of him or her as a bail agent of one or more authorized insurers. Upon termination of all the bail agent's appointments and the bail agent's failure to replace any appointment within 30 days thereafter, the bail agent's license expires and the bail agent shall promptly deliver his or her license to the Commissioner.

4. The Commissioner shall terminate the license of a general agent for a particular insurer upon a written request by the insurer.

5. This section does not apply to temporary licenses issued under NRS 683A.311 or 697.177.

6. ***The provisions of paragraph (a) of subsection 1 do not apply to a person who:***

(a) Holds a nonresident license as a bail agent; and

(b) Has met the continuing education requirements of his or her home state.

7. As used in this section, "renewal date" means:

(a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.

(b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

NEW section 42.5 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 42.5. **NRS 697.270 is hereby amended to read as follows:**

697.270 A bail agent shall not act as an attorney-in-fact for an insurer on an undertaking unless the bail agent has registered in the office of the sheriff and with the clerk of the district court in which the agent resides **[, and the]** ***or, for a bail agent who holds a nonresident license as a bail agent, in which his or her place of business required by NRS 697.280 is located. The*** bail agent may register in the same manner in any other county. Any bail agent shall file a certified copy of the appointment of the bail agent by power of attorney from each insurer which the bail agent represents as agent with each of such officers. The bail agent shall register and file a certified copy of renewed power of attorney annually on July 1. The clerk of the district court and the sheriff shall not permit the registration of a bail agent unless the agent is licensed by the Commissioner.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 60.

Bill read second time.

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

Amendment No. 721.

AN ACT relating to elections; **requiring the Secretary of State to allow any registered voter to use the system of approved electronic transmission to request and cast a ballot under certain circumstances;** revising provisions relating to mail ballots; revising provisions relating to a recount and contest of a presidential election; setting forth a specific form of a declaration of candidacy for an independent candidate for partisan office; revising the methods for paying certain filing fees; revising provisions governing members of election boards; revising provisions relating to when certain candidates may be declared elected at a primary election; revising provisions relating to the form of certain ballots; revising the deadline for a hearing of an election contest; **revising provisions relating to counting ballots and standards for counting votes;** revising provisions relating to risk-limiting audits; revising provisions relating to an application to preregister or register to vote; revising prohibitions relating to tampering or interfering with certain election equipment or computer programs; requiring the Secretary of State to adopt by regulation a cyber-incident response plan for elections; revising the deadline by which a withdrawal of candidacy must be presented by certain candidates; revising the definition of "uniformed-service voter"; revising provisions relating to the limit on contributions to a candidate for office; delaying the effective date of certain provisions relating to automatic voter registration; repealing certain provisions

relating to elections; making various other changes relating to elections; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires ~~[, with certain exceptions, the county clerk and city clerk to prepare and distribute a mail ballot for every election to each active registered voter in the county or city and each person who registers to vote or updates his or her voter registration information not later than 14 days before the election. (NRS 293.269911, 293C.263)]~~ **the Secretary of State to establish a system of approved electronic transmission through which: (1) certain military and overseas electors and voters; or (2) certain registered electors and voters with a disability may register to vote, request a ballot and cast a ballot. (NRS 293.269951, 293D.200) Sections 1.5 and 7.6** of this bill ~~[authorize a]~~ **require the Secretary of State to allow any** registered voter to ~~[request a replacement mail]~~ **use the system of approved electronic transmission to apply for and cast a** ballot if the registered voter: (1) does not have access to his or her ~~[original]~~ mail ballot; and (2) is unable to go to the polls because of an illness or disability resulting in confinement, hospitalization, serious illness or is suddenly called away from home. ~~[Sections 1.5 and 7.6 authorize a registered voter to designate in such a request a person to mark and sign a replacement mail ballot on his or her behalf. Sections 6.15, 6.2, 9.6 and 9.8 of this bill make conforming changes to provide that this provision is an exception to the prohibitions on a person marking or signing a mail ballot on behalf of another person.]~~ **Sections 6.55 and 10.5** of this bill require the county and city clerks to notify the public of the provisions of **sections 1.5 and 7.6**.

Existing federal law requires a certificate of ascertainment of appointment of presidential electors to be issued and transmitted to the Archivist of the United States not later than 6 days before the time fixed for the meeting of the electors, which is the first Tuesday after the second Wednesday in December. (3 U.S.C. §§ 5, 7) Existing state law authorizes a candidate defeated at any election to demand and receive a recount within 3 working days after the canvass of the vote. For purposes of demanding a recount in a general election, "canvass" means: (1) the canvass by the Supreme Court of the returns for a candidate for a statewide office; or (2) the canvass of the board of county commissioners of the returns for any other candidate. (NRS 293.403) The canvass by: (1) a board of county commissioners must be completed on or before the 10th day following the election; and (2) the Supreme Court is the fourth Tuesday of November after each general election. (NRS 293.387, 293.395) Each recount must be commenced within 5 days after demand, and completed within 5 days after it begins. (NRS 293.405) Existing state law further authorizes, with certain exceptions, a candidate or registered voter to contest an election by filing a statement of contest no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. (NRS 293.407, 293.413) If an election contest is filed, the court

is required to set the matter for hearing not less than 5 days nor more than 10 days after the filing of the statement of contest. (NRS 293.413)

Section 1.7 of this bill establishes a different timeline for filing a recount or an election contest that applies only to the election of presidential electors. Specifically, **section 1.7** provides that a candidate for the office of presidential elector may demand and receive a recount if, on or before the 13th day following the election, the candidate files the written demand to and deposits the estimated costs of the recount with the Secretary of State. Any such recount must be: (1) commenced within 1 day after the demand is filed; and (2) completed within 5 days after the recount begins. **Section 1.7** further authorizes a candidate or any registered voter to contest the election of a candidate to the office of presidential elector not more than 2 working days after the canvass of the returns by the Supreme Court. Such an election contest must be: (1) scheduled for a judicial hearing not more than 5 days after the filing of the statement of contest; and (2) decided before the deadline to issue and submit the certificate of ascertainment pursuant to federal law.

Pursuant to **section 1.7**, for purposes of the 2024 General Election, which will be held on November 5, 2024, the deadline: (1) to demand a recount for the office of presidential elector is November 18, 2024; (2) to begin a recount for the office of presidential elector is November 19, 2024; (3) to complete a recount for the office of presidential elector is November 24, 2024, (4) to contest the election for the office of presidential elector is December 2, 2024; and (5) for the court to set any such contest for hearing is December 7, 2024. Further, the deadline under federal law to issue and transmit the certificate of ascertainment is December 11, 2024, so pursuant to **section 1.7**, the court must determine the result of any election contest of the office of presidential elector before December 11, 2024.

Sections 6.35-6.5 and 7.3 of this bill make conforming changes to reflect the changes in **section 1.7** to the schedule for filing a demand for a recount or an election contest for the office of presidential elector.

Section 11.7 of this bill requires the Secretary of State to transmit the certificate of ascertainment to the Archivist.

Section 6.5 requires a court to set a contest of an election for hearing not more than 5 days after the filing of the statement of contest for any election.

Existing law requires an independent candidate for partisan office to file a declaration of candidacy. (NRS 293.200) Existing law further sets forth the form for a declaration of candidacy for all candidates for partisan office. (NRS 293.177) **Section 1.8** of this bill sets forth the form for the declaration of candidacy for an independent candidate for partisan office. **Section 3** of this bill makes conforming changes to clarify that the declaration of candidacy for an independent candidate must be in the form set forth in **section 1.8**.

Existing law sets forth certain fees for filing a declaration of candidacy and provides that the fee for filing a declaration of candidacy may be paid by cash, cashier's check or certified check. (NRS 293.193) **Section 2** of this bill: (1) provides that such a fee may also be paid by credit card; (2) revises the

description of certain offices; and (3) reorganizes existing fees set forth in other provisions of existing law in to this schedule of fees.

Existing law provides that members of election boards continue to serve as such from the day before the day of the election until the time for filing contests of the election has expired. (NRS 293.225) **Section 3.5** of this bill provides instead that members continue to serve as such from the day of appointment.

Existing law provides that, in certain circumstances, if one candidate receives a majority of the votes cast in a primary election for certain nonpartisan offices, the candidate must be declared elected and the candidate's name must not be placed on the ballot. (NRS 293.260, 293C.175; Carson City Charter § 5.010; Henderson City Charter § 5.010; Las Vegas City Charter § 5.010; North Las Vegas City Charter § 5.020; Sparks City Charter § 5.020) **Sections 4, 8 and 12-17** of this bill provide that for the purposes of determining the majority of the votes cast in a primary election for an office for which voters may select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.

Existing law provides that every ballot upon which appears the names of candidates for any statewide office or for President or Vice President of the United States must contain an additional line with a square in which the voter may select "None of these candidates." (NRS 293.269) **Section 5** of this bill provides instead that the additional line on such a ballot must contain a space in which the voter may select "None of these candidates."

Existing law: (1) authorizes the mail ballot central counting board to begin counting mail ballots 15 days before the day of the election; (2) requires the counting board to prepare to count the ballots when the polls are closed; and (3) establishes certain requirements for counting paper ballots. (NRS 293.269931, 293.363, 293C.26331, 293C.362) Sections 6.23 and 10.2 of this bill: (1) clarify that the mail ballot central counting board may begin counting mail ballots before the polls are closed; and (2) remove the requirements for counting paper ballots.

Existing law: (1) sets forth certain standards for counting votes; (2) requires the Secretary of State to adopt regulations establishing uniform, statewide standards for counting a vote; and (3) authorizes the Secretary of State to adopt regulations establishing additional uniform statewide standards. (NRS 293.3677, 293C.369) Sections 6.24 and 10.4 of this bill authorize the Secretary of State to establish uniform thresholds for determining whether writing or a mark must be counted as a vote.

Existing law provides that certain election materials, including the voted, rejected and spoiled ballots, must be sealed and deposited in the vaults of the county clerk. (NRS 293.391) **Section 6.25** of this bill provides that such election materials are subject to inspection for the purposes of a risk-limiting audit.

Existing law requires each county clerk to conduct a risk-limiting audit of the results of an election prior to the certification of the results of an election.

(NRS 293.394) **Section 6.3** of this bill removes the requirement to conduct such an audit prior to the certification of the results.

Existing law provides that the deadline to register to vote at a voter registration agency, the Department of Motor Vehicles or an automatic voter registration agency is the last day to register to vote by mail. Existing law requires a county clerk to accept any application which is completed by the last day to register to vote by mail if the county clerk receives the application not later than 5 days after that date. (NRS 293.504, 293.5727, 293.5737) **Sections 6.6, 6.75 and 17.7** of this bill require a voter registration agency, the Department of Motor Vehicles and an automatic voter registration agency to notify a voter who registers to vote after this deadline that in order to vote in the upcoming election, the voter must register to vote by computer or at a polling place or polling place for early voting.

Existing law requires the Secretary of State to prescribe the form for applications to preregister or register to vote. (NRS 293.5235) **Section 6.65** of this bill requires an application to preregister or register to vote to include an option for a voter to elect not to receive a mail ballot. **Sections 6.1 and 9.2** of this bill make conforming changes to provide that a county clerk and city clerk shall not distribute a mail ballot to a person who has elected not to receive a mail ballot.

Existing federal law sets forth certain requirements for the removal of a voter from the official list of eligible voters which prohibit a state from removing the name of a registered voter unless the voter: (1) confirms a change of residence outside of the registrar's jurisdiction in writing; or (2) fails to respond to a notice sent to his or her residence and has not voted or appeared to vote for a period of time after a notice has been mailed to his or her residence. (52 U.S.C. § 20507) **Sections 6.7 and 6.9** of this bill require a county clerk to mail a notice and conduct any correction or removal of a registered voter in accordance with existing federal law.

Existing law provides a penalty for a person who tampers or interferes or attempts to tamper or interfere with any computer program used to count ballots. (NRS 293.755) **Section 6.8** of this bill instead prohibits a person from tampering or interfering or attempting to tamper or interfere with any computer program used to conduct an election.

Existing law prohibits a person from being preregistered or registered to vote in more than one county at a time. (NRS 293.810) **Section 6.9** instead prohibits a person from being preregistered or registered to vote in more than one state at a time.

Existing law requires a county or city clerk or other election official to immediately notify the Secretary of State if the clerk or official identifies or is informed of a confirmed attack or attempted attack on the security of an information system used by the clerk or official. (NRS 293.875) **Section 7** of this bill requires the Secretary of State to adopt by regulation a cyber-incident response plan for elections. **Section 7** also requires a county or city clerk or other election official to notify the Secretary of State of any cyber-incident or

attempted cyber-incident on the security of an information system used by the county or city clerk or other election official in accordance with the cyber-incident response plan.

Existing law provides that a withdrawal of candidacy must be presented: (1) for a candidate for city office, to the city clerk within 2 days after the last day for filing for candidacy; and (2) for all other candidates, to the county clerk within 7 days after the last day for filing. (NRS 293.202, 293C.195) **Section 9** of this bill requires a withdrawal of candidacy by a candidate for a city office to be presented within 7 days, consistent with the requirement for all other candidates.

Existing law authorizes uniformed-service voters and certain other voters to vote in an election using a system of approved electronic transmission, a federal postcard application or the federal write-in absentee ballot. (Chapter 293D of NRS) **Section 11** of this bill revises the definition of "uniformed-service voter" to include a member of the active or reserve components of the Space Force of the United States who is on active duty.

Existing law sets forth certain limits on making or committing to make any contributions to a candidate for office, except for a federal office, and provides that no contribution made, committed or accepted for a primary election or general election affects the limitation on contributions for a special election to recall a public officer. (NRS 294A.100) **Section 11.3** of this bill also provides that no contribution made, committed or accepted for a special election other than a special election to recall a public officer affects the limitation on contributions for a special election to recall a public officer.

Beginning on January 1, 2024, existing law expands the agencies which provide automatic voter registration services and establishes certain requirements for an automatic voter registration agency to transmit certain voter registration information to the Secretary of State and county clerks. (Chapter 555, Statutes of Nevada 2021, at page 3849) **Section 17.7** of this bill delays the effective date of these provisions until January 1, 2025.

Section 19 of this bill repeals certain provisions that: (1) prohibit a counting board from commencing to count the votes until all ballots are accounted for; (2) provide for a recount at a hearing of any contest; and (3) require the county clerk to transmit the number of registered voters in the county and their political affiliation to the Secretary of State before certain elections.

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 1.5 and 1.7 of this act.

Sec. 1.5. ***1.*** ~~***[Any]***~~ ***The Secretary of State shall allow any registered voter*** ~~***[may submit a written request]***~~ ***to*** ~~***[the county clerk for a replacement mail]***~~ ***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 apply for and cast a military-overseas ballot if the registered voter does not have access to his or her mail ballot and is unable to go to the polls because:

(a) Of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) The registered voter is suddenly hospitalized, becomes seriously ill or is called away from home.

2. ~~[A written request submitted pursuant to subsection 1 must include, without limitation:~~

~~(a) The name, address and signature of the registered voter requesting the replacement mail ballot;~~

~~(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the replacement mail ballot for the registered voter;~~

~~(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home and cannot obtain his or her original mail ballot;~~

~~(d) If the registered voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and~~

~~(e) Unless the person designated pursuant to paragraph (b) will mark and sign the replacement mail ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the replacement mail ballot.~~

~~3. If the county clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 2, the county clerk shall, at the office of the county clerk, deliver the replacement mail ballot to the person designated in the request to obtain the replacement mail ballot for the registered voter.~~

~~4. Except as otherwise provided in subsection 5, the registered voter must vote the mail ballot in accordance with the requirements of NRS 293.269917.~~

~~5. A person designated in the request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the replacement mail ballot. If the person marks and signs the replacement mail ballot pursuant to this section, the person must:~~

~~(a) Indicate next to his or her signature that the replacement mail ballot has been marked and signed on behalf of the registered voter; and~~

~~(b) Submit a written statement with the replacement mail ballot that includes the name, address and signature of the person.~~

~~6. A replacement mail ballot prepared by or on behalf of a registered voter pursuant to this section must be mailed or delivered to the county clerk in accordance with NRS 293.269921.~~

~~7. The county clerk shall cancel the original mail ballot.~~

~~8. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by mail ballot to the extent that~~

~~*those provisions are not inconsistent with the provisions of this section.]*~~ *The deadlines for a registered voter to use the system of approved electronic transmission pursuant to subsection 1 to apply for and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to apply for and cast a military-overseas ballot.*

3. Upon receipt of an application and ballot cast by a registered voter in accordance with subsection 1 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.

4. The Secretary of State shall ensure that the registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the registered voter to request and cast a ballot.

5. The Secretary of State shall prescribe the form and content of a declaration for use by a registered voter who does not have access to his or her mail ballot and is unable to go to the polls to swear or affirm specific representations pertaining to identity, eligibility to vote, status as a registered voter and timely and proper completion of a ballot.

6. The Secretary of State shall prescribe the duties of the county clerk 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.

7. The Secretary of State shall make available to a registered voter using the system of approved electronic transmission pursuant to this section information regarding instructions on using the system for approved electronic transmission to apply for and cast a ballot.

8. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section.

9. 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. 1.7. *For the purposes of an election to the office of presidential elector:*

1. The following requirements apply to a demand for a recount:

(a) A candidate for the office of presidential elector may demand and receive a recount of the vote to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, on or before the 13th day following the election, the candidate who demands the recount:

(1) Files in writing a demand with the Secretary of State; and

(2) Deposits in advance the estimated costs of the recount with the Secretary of State, as determined by the Secretary of State, in accordance with the regulations adopted by the Secretary of State defining the term "costs."

(b) A recount conducted pursuant to this subsection must be commenced within 1 day after the demand is filed and must be completed within 5 days after the recount is begun.

2. The following requirements apply to a contest of an election:

(a) A candidate for the office of presidential elector or any registered voter of this State may contest the election of a candidate to the office of presidential elector. To contest the election, the candidate or registered voter, as applicable, must file with the clerk of the district court a written statement of contest not more than 2 working days after the canvass of the returns by the Supreme Court.

(b) The statement of contest must be prepared in accordance with NRS 293.407.

(c) The court shall set the matter for a hearing not more than 5 days after the filing of the statement of contest and must determine the results of the contest before the deadline to issue and submit the certificate of ascertainment pursuant to 3 U.S.C. § 5. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

(d) The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. 1.8. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) ***For an independent candidate for partisan office:***

Declaration of Candidacy of ..... for the Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot at the general election as an independent candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(c) For nonpartisan office:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence

where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in

writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 2. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy must be paid to the filing officer by cash, ***credit card,*** cashier's check or certified check.

United States Senator	$500
Representative in Congress	300
Governor	300
Justice of the Supreme Court	300
~~[Any state office, other than Governor or justice of the Supreme Court~~	~~200]~~
Independent candidate for the office of President of the United States	***250***
Lieutenant Governor	***200***
Secretary of State, State Treasurer, State Controller or Attorney General	***200***
Court of Appeals judge	***200***
Member of the State Board of Education	***200***
District judge	150
Justice of the peace	100
Any county office	100
State Senator	100
Assemblyman or Assemblywoman	100
Trustee of a county school district, hospital or hospital district	***30***
Any ***other*** district office other than district judge	30
Constable or other town or township office	30

Member of the Board of Regents of the University of Nevada 0
Any other office which receives no compensation 0

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

4. Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.

Sec. 3. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition

shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the third Friday in June.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy ***in the form required by NRS 293.177*** with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 3.5. NRS 293.225 is hereby amended to read as follows:

293.225 1. Members of election boards continue ***to serve*** as such from the day ~~[before the day of the election,]~~ ***of appointment*** until the time for filing contests of the election has expired.

2. Each member of an election board is subject to call by the board of county commissioners or city council to correct any errors discovered during the canvass of votes by the board of county commissioners or city council.

3. Reserve election board officers must be appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of the election, and the reserve officers must be compensated if they serve at the polls.

4. If a vacancy occurs in any election board on the day of the election and no reserves are available, the election board may appoint, at the polling place,

any registered voter who is willing to serve and satisfies the election board that he or she possesses the qualifications required to perform the services required.

Sec. 4. NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.

3. If not more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election.

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

4. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in NRS 293.400, those candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for:

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.

➥ ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for a nonpartisan office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.***

Sec. 5. NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a ~~[square]~~ ***space*** in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

2. Only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

Sec. 6. (Deleted by amendment.)

Sec. 6.1. 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.

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 ~~[.]~~ ***; or***

(c) Elects not to receive a mail ballot at the time the person preregistered or registered to vote.

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. 6.15. ~~[~~NRS 293.269917 is hereby amended to read as follows:

~~293.269917 1. Except as otherwise provided in NRS 293.269919~~ ***and section 1.5 of this act*** ~~and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:~~

~~(a) Mark and fold the mail ballot;~~

~~(b) Deposit the mail ballot in the return envelope and seal the return envelope;~~

~~(c) Affix his or her signature on the return envelope in the space provided for the signature; and~~

~~(d) Mail or deliver the return envelope in a manner authorized by law.~~

~~2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to NRS 293.269911, and no person may write in the name of an additional candidate for any office.~~

~~3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during~~

~~the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."~~**] (Deleted by amendment.)**

Sec. 6.2. **[**~~NRS 293.269919 is hereby amended to read as follows:~~

~~"293.269919 1. Except as otherwise provided in this section~~ **[,]** ***or section 1.5 of this act,*** ~~a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293.269911 to 293.269937, inclusive.~~

~~2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.~~

~~3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.~~

~~4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person or the voter must include on the return envelope his or her name, address and signature.~~**] (Deleted by amendment.)**

Sec. 6.23. **NRS 293.363 is hereby amended to read as follows:**

293.363 1. **[**~~When~~**]** ***Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293.269931.***

2. Ballots cast using a mechanical voting system must not be counted until the polls are closed**.** **[**~~, the counting board shall prepare to count the ballots voted.~~**]** The counting procedure must be public and***, to the extent practicable,*** continue without adjournment until completed.

[~~2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.~~

~~(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.]~~

Sec. 6.24. **NRS 293.3677 is hereby amended to read as follows:**

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted ~~[.]~~ ***if the marks meet or exceed the threshold established by regulation pursuant to subsection 3.***

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote ~~[.]~~ ***unless the writing or mark meets or exceeds the threshold established by regulation pursuant to subsection 3.***

3. The Secretary of State:

(a) May adopt regulations establishing ~~[additional]~~ ***:***

(1) Additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(2) Uniform thresholds for determining whether writing or a mark on a ballot must be counted as a vote; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 6.25. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, reports prepared pursuant to NRS 293.269937 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk

in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

6. All of the materials preserved pursuant to subsection 1 which are deposited with the county clerk are subject to inspection in a risk-limiting audit that is conducted in accordance with the regulations adopted pursuant to NRS 293.394.

Sec. 6.3. NRS 293.394 is hereby amended to read as follows:

293.394 1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:

(a) Procedures to conduct a risk-limiting audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the risk-limiting audit.

2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct a risk-limiting audit of the results of an election **.** ~~[~~prior to the certification of the results of the election pursuant to NRS 293.395.~~]~~

3. As used in this section, "risk-limiting audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 6.35. NRS 293.403 is hereby amended to read as follows:

293.403 1. ~~[A]~~ ***Except as otherwise provided in section 1.7 of this act, a*** candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, within 3 working days after the canvass of the

vote and the certification by the county clerk or city clerk of the abstract of votes, the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 6.4. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, ***or section 1.7 of this act,*** the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar

of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. The recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether all ballots are marked as required by law. All ballots must be recounted in the same manner in which the ballots were originally tabulated.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 6.43. NRS 293.405 is hereby amended to read as follows:

293.405 1. If the person who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the person shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary of State, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to the person.

2. If the person who demanded the recount prevails, the sum deposited with the Secretary of State, county clerk or city clerk must be refunded to the person and the cost of the recount must be paid as follows:

(a) If the recount concerns an office or ballot question for which voting is not statewide, the cost must be borne by the county or city which conducted the recount.

(b) If the recount concerns an office or ballot question for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the Secretary of State for review and approval. The Secretary of State shall submit the statements to the State Board of Examiners, which shall repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.

3. ~~[Each]~~ ***Except as otherwise provided in section 1.7 of this act, each*** recount must be commenced within 5 days after demand, and must be completed within 5 days after it is begun.

4. After the recount of a precinct is completed, that precinct must not be subject to another recount for the same office or ballot question at the same election.

Sec. 6.47. NRS 293.407 is hereby amended to read as follows:

293.407 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in NRS 293.413, ***or section 1.7 of this act, as applicable,*** file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and

(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

5. The contestant must notify the defendant that a statement of contest has been filed pursuant to this section.

Sec. 6.5. NRS 293.413 is hereby amended to read as follows:

293.413 1. ~~[The]~~ ***Except as otherwise provided in section 1.7 of this act, the*** statement of contest provided for in NRS 293.407 shall be filed with the clerk of the district court no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. The parties to a contest shall be denominated contestant and defendant.

2. The court shall set the matter for hearing not ~~[less]~~ ***more*** than 5 days ~~[nor more than 10 days]~~ after the filing of the statement of contest. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

3. The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. 6.55. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.269911, 293.269951, 293.2955 and 293.296 ~~[.]~~ ***and section 1.5 of this act.***

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the county clerk to the public in printed form.

Sec. 6.6. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for preregistering and registering to vote;

(b) Except as otherwise provided in subsection 3 and NRS 293.5732 to 293.5757, inclusive, distribute applications to preregister or register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to preregister or register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to preregister or register to vote.

3. A voter registration agency is not required to provide an application to preregister or register to vote pursuant to paragraph (b) of subsection 2 to a

person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person affirmatively declines to preregister or register to vote and submits to the agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to preregister or register to vote may not be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.5727 and 293.5747, any application to preregister or register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. The county clerk shall accept any application which is obtained from a voter registration agency pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

5. ***A voter registration agency shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.***

6. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to preregister or register to vote at recruitment offices of the United States Armed Forces.

Sec. 6.65. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by:

(a) Mailing an application to preregister or register to vote to the county clerk of the county in which the person resides.

(b) A computer using:

(1) The system established by the Secretary of State pursuant to NRS 293.671; or

(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

(c) Any other method authorized by the provisions of this title.

2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

3. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive:

(a) An application to preregister to vote may be used to correct information in a previous application.

(b) An application to register to vote may be used to correct information in the registrar of voters' register.

4. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

5. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 12 and signing the application.

6. The county clerk shall, upon receipt of an application, determine whether the application is complete.

7. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

8. Except as otherwise provided in subsections 5 and 6 of NRS 293.518 and NRS 293.5767, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

9. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.

10. If the applicant fails to check the box described in paragraph (b) of subsection 12, the application shall not be considered invalid, and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

11. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote by computer using:

(1) The system established by the Secretary of State pursuant to NRS 293.671; or

(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

12. The application to preregister or register to vote by mail must include:

(a) A notice in at least 10-point type which states:

> NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) If the application is to:

(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

(f) An option for an applicant to elect not to receive a mail ballot.

13. Except as otherwise provided in subsections 5 and 6 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

14. The county clerk shall mail, by postcard, the notices required pursuant to subsections 7 and 8. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

15. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

16. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

17. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

18. A person who willfully violates any of the provisions of subsection 15, 16 or 17 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

19. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 6.7. NRS 293.5307 is hereby amended to read as follows:

293.5307 If a county clerk enters into an agreement pursuant to NRS 293.5303, the county clerk shall review each notice of a change of address filed with the United States Postal Service by a resident of the county and identify each resident who is a registered voter and has moved to a new address. ~~[Before removing or correcting information in the statewide voter registration list, the]~~ ***The*** county clerk shall ***, in accordance with 52 U.S.C. § 20507,*** mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530.

Sec. 6.75. NRS 293.5727 is hereby amended to read as follows:

293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide an application to preregister or register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register an applicant to vote or to correct the preregistration or registration of the applicant, as applicable. An application that is not signed must not be used

to preregister or register or correct the preregistration or registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.

4. The Department ~~[is]~~ ***:***

(a) Is not required to provide an application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.

(b) Shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail in an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

5. The county clerk shall accept any application to:

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

6. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given

by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or register unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to preregister or register to vote.

8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the database created by the Secretary of State pursuant to NRS 293.675. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

9. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 6.8. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used ~~[to count ballots]~~ ***to conduct an election*** with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to ~~[count ballots]~~ ***conduct an election*** with the intent to influence the outcome of an election 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 2 years and a maximum term of not more than 20 years.

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 6.9. NRS 293.810 is hereby amended to read as follows:

293.810 ***1.*** It is unlawful for any person to be preregistered to vote or registered as a voter in more than one ~~[county]~~ ***state*** at one time.

2. If a county clerk receives information from another state that a person is registered to vote in that state, the county clerk shall, in accordance with 52 U.S.C. § 20507, mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530 or 293.541, as applicable.

Sec. 7. NRS 293.875 is hereby amended to read as follows:

293.875 1. At least once each year, each county or city clerk and all members of their staff whose duties include administering an election must complete a training class on cybersecurity that is approved by the Secretary of State.

2. ***The Secretary of State shall adopt by regulation a cyber-incident response plan for elections. Each county and city clerk and other local election official is required to comply with the requirements of the cyber-incident response plan.*** If any county or city clerk or other local election official identifies or is informed of a confirmed ~~[attack]~~ ***cyber-incident*** or attempted ~~[attack]~~ ***cyber-incident*** on the security of an information system used by the county or city clerk or other local election official, the county or city clerk or other local election official shall ~~[immediately]~~ notify the Secretary of State regarding such ~~[attack]~~ ***cyber-incident*** or attempted ~~[attack.]~~ ***cyber-incident in accordance with the cyber-incident response plan adopted by the Secretary of State pursuant to this subsection.***

Sec. 7.3. NRS 293B.400 is hereby amended to read as follows:

293B.400 1. Except as otherwise provided in this section, if a recount is demanded pursuant to the provisions of NRS 293.403 ***or section 1.7 of this act*** or if an election is contested pursuant to NRS 293.407, ***or section 1.7 of this act,*** the county or city clerk shall ensure that each mechanical recording device which directly recorded votes electronically for the applicable election provides a record printed on paper of each ballot voted on that device.

2. In carrying out the requirements of this section, the county or city clerk shall:

(a) Print only the records required for the recount or contest; and

(b) Collect those records and deposit them in the vaults of the county or city clerk pursuant to NRS 293.391 or 293C.390.

Sec. 7.6. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Any]~~ The Secretary of State shall allow any registered voter ~~[may submit a written request]~~ to ~~[the city clerk for a replacement mail]~~ 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 if the registered voter does not have access to his or her mail ballot and is unable to go to the polls because:

(a) Of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) The registered voter is suddenly hospitalized, becomes seriously ill or is called away from home.

2. ~~[A written request submitted pursuant to subsection 1 must include, without limitation:~~

~~(a) The name, address and signature of the registered voter requesting the replacement mail ballot;~~

~~(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the replacement mail ballot for the registered voter;~~

~~(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home and cannot obtain his or her original mail ballot;~~

~~(d) If the registered voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and~~

~~(e) Unless the person designated pursuant to paragraph (b) will mark and sign the replacement mail ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the replacement mail ballot.~~

~~3. If the city clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 2, the city clerk shall, at the office of the city clerk, deliver the replacement mail ballot to the person designated in the request to obtain the replacement mail ballot for the registered voter.~~

~~4. Except as otherwise provided in subsection 5, the registered voter must vote the mail ballot in accordance with the requirements of NRS 293C.26316.~~

~~5. A person designated in the request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the replacement mail ballot. If the person marks and signs the replacement mail ballot pursuant to this section, the person must:~~

~~(a) Indicate next to his or her signature that the replacement mail ballot has been marked and signed on behalf of the registered voter; and~~

~~(b) Submit a written statement with the replacement mail ballot that includes the name, address and signature of the person.~~

~~6. A replacement mail ballot prepared by or on behalf of a registered voter pursuant to this section must be mailed or delivered to the city clerk in accordance with NRS 293C.26321.~~

~~7. The city clerk shall cancel the original mail ballot.~~

~~8. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by mail ballot to the extent that those provisions are not inconsistent with the provisions of this section.] **The deadlines for a registered voter to use the system of approved electronic transmission pursuant to subsection 1 to apply for and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to apply for and cast a military-overseas ballot.***

3. Upon receipt of an application and ballot cast by a registered voter in accordance with subsection 1 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.

4. The Secretary of State shall ensure that the registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the registered voter to request and cast a ballot.

5. The Secretary of State shall prescribe the form and content of a declaration for use by a registered voter who does not have access to his or her mail ballot and is unable to go to the polls to swear or affirm specific representations pertaining to identity, eligibility to vote, status as a registered voter and timely and proper completion of a ballot.

6. The Secretary of State shall prescribe the duties of the city clerk 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.

7. The Secretary of State shall make available to a registered voter using the system of approved electronic transmission pursuant to this section information regarding instructions on using the system for approved electronic transmission to apply for and cast a ballot.

8. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section.

9. 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. 8. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the second Tuesday in June of each even-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk not earlier than:

(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.

(b) For any other office, the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office upon which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary city election for that office.***

Sec. 9. NRS 293C.195 is hereby amended to read as follows:

293C.195 A withdrawal of candidacy for a city office must be in writing and presented to the city clerk by the candidate in person within ~~[2]~~ ***7*** days, excluding Saturdays, Sundays and holidays, after the last day for filing a declaration of candidacy. ***If the withdrawal of candidacy is submitted in a timely manner pursuant to the provisions of this subsection, the withdrawal shall be deemed effective after the seventh day, excluding Saturdays, Sundays and holidays, after the last day for filing.***

Sec. 9.2. 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.

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 ~~[.]~~ ***; or***

(c) Elects not to receive a mail ballot at the time the person preregistered or registered to vote.

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. 9.6. ~~[NRS 293C.26316 is hereby amended to read as follows:~~

~~293C.26316 1. Except as otherwise provided in NRS 293C.26318~~ ***and section 7.6 of this act*** ~~and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:~~

~~(a) Mark and fold the mail ballot;~~

~~(b) Deposit the mail ballot in the return envelope and seal the return envelope;~~

~~(c) Affix his or her signature on the return envelope in the space provided for the signature; and~~

~~(d) Mail or deliver the return envelope in a manner authorized by law.~~

~~2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to NRS 293C.263, and no person may write in the name of an additional candidate for any office.~~

~~3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."~~**]** **(Deleted by amendment.)**

Sec. 9.8. ~~[NRS 293C.26318 is hereby amended to read as follows:~~

~~293C.26318 1. Except as otherwise provided in this section,~~ ***and section 7.6 of this act,*** ~~a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293C.263 to 293C.26337, inclusive.~~

~~2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.~~

~~3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.~~

~~4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person must include on the return envelope his or her name, address and signature.]~~ **(Deleted by amendment.)**

Sec. 10. (Deleted by amendment.)

Sec. 10.2. **NRS 293C.362 is hereby amended to read as follows:**

293C.362 1. ~~[When]~~ ***Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293C.26331.***

2. Ballots cast using a mechanical voting system must not be counted until the polls are closed***.*** ~~[, the counting board shall prepare to count the ballots voted.]~~ The counting procedure must be public and***, to the extent practicable,*** continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.~~

~~(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall~~

~~proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~]

Sec. 10.4. **NRS 293C.369 is hereby amended to read as follows:**

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted [.] ***if the marks meet or exceed the threshold established by regulation pursuant to subsection 3.***

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote [.] ***unless the writing or mark meets or exceeds the threshold established by regulation pursuant to subsection 3.***

3. The Secretary of State:

(a) May adopt regulations establishing [additional] **:**

(1) Additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(2) Uniform thresholds for determining whether writing or a mark on a ballot must be counted as a vote; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 10.5. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.263, 293C.281 and 293C.282 [.] ***and section 7.6 of this act.***

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the city clerk to the public in printed form.

Sec. 11. NRS 293D.090 is hereby amended to read as follows:

293D.090 "Uniformed-service voter" means an elector who is:

1. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps **,** ~~[or]~~ Coast Guard ***or Space Force*** of the United States who is on active duty;

2. A member of the Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States;

3. A member of the National Guard or state militia unit who is on activated status; or

4. A spouse or dependent of a person described in subsection 1, 2 or 3.

Sec. 11.3. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election, regardless of the number of candidates for the office, and $5,000 for the general election, regardless of the number of candidates for the office, during the period:

(a) Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. No contribution made, committed to be made or accepted pursuant to this section to a candidate for a primary election **,** ~~[or]~~ general election ***or special election other than a special election to recall a public officer*** affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.115 for a special election to recall a public officer.

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 11.7. NRS 298.055 is hereby amended to read as follows:

298.055 The ***Secretary of State shall submit the*** certificate of ascertainment ~~[submitted]~~ to the Archivist of the United States pursuant to 3 U.S.C. § ~~[6]~~ ***5. The certificate of ascertainment*** must include a statement that:

1. Each nominee for presidential elector shall serve as a presidential elector unless a vacancy occurs in the position of presidential elector held by that nominee for presidential elector before the conclusion of the meeting of presidential electors held pursuant to 3 U.S.C. § 7; and

2. If a person is appointed pursuant to NRS 298.065 to fill a vacancy in a position of presidential elector, the Secretary of State will submit an amended certificate of ascertainment to the Archivist.

Sec. 12. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 295, Statutes of Nevada 2015, at page 1481, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

5. If in the primary election one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.***

Sec. 13. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3553, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

➥ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

5. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 14. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapters 350 and 558, Statutes of Nevada 2019, at pages 2179 and 3553, respectively, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

➥ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.

4. A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is

a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

6. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 15. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 558, Statutes of Nevada 2019, at page 3558, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections.

1. A primary municipal election must be held in the City:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

2. In the primary municipal elections:

(a) The candidates for Council Member who are to be nominated must be nominated and voted for separately according to the respective wards.

(b) If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

3. Each candidate for municipal office must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

4. If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general

municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 16. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3562, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. A primary municipal election must be held:

(a) On the Tuesday following the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

3. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

4. Except as otherwise provided in subsection 5, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which***

voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 17. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 158, Statutes of Nevada 2021, at page 716, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

1. At the primary election:

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.

(b) Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.

2. If at 5 p.m. on the last day for filing a declaration of candidacy:

(a) There is only one candidate who has filed for nomination for an office, that candidate must be declared elected to the office and no election may be held for that office.

(b) Except as otherwise provided in paragraph (a), not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election.

(c) More than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must be placed on the ballot for the primary election.

3. If at the primary election:

(a) One candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office.

(b) No candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

➥ ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.***

Sec. 17.3 Section 22 of chapter 555, Statutes of Nevada 2021, at page 3866, is hereby amended to read as follows:

Sec. 22. NRS 293.5747 is hereby amended to read as follows:

293.5747 1. An automatic voter registration agency is required to electronically transmit the following information of a person to the

Secretary of State and county clerk using the system established pursuant to NRS 293.5732:

(a) An electronic facsimile of the signature of the person, if the automatic voter registration agency is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;

(b) The first or given name and the surname of the person;

(c) The address at which the person actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(d) The date of birth of the person;

(e) At least one of the following:

(1) The number indicated on the person's current and valid driver's license or identification card issued by the Department of Motor Vehicles; or

(2) The last four digits of the person's social security number; and

(f) A description of the documentation presented to the automatic voter registration agency that indicates the person is a citizen of the United States.

2. Except as otherwise provided in section 3 of this act, the automatic voter registration agency shall electronically transmit to the Secretary of State and the appropriate county clerk the information described in subsection 1:

(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.

3. An automatic voter registration agency shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 17.7. Section 36 of chapter 555, Statutes of Nevada 2021, at page 3876, is hereby amended to read as follows:

Sec. 36. 1. This section becomes effective upon passage and approval.

2. Sections 32.3 and 32.7 of this act become effective on July 1, 2021.

3. Sections 1 to 32, inclusive, and 33, 34 and 35 of this act become effective:

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

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

Sec. 18. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 19. NRS 293.365, 293.423, 293.567 and 293C.365 are hereby repealed.

Sec. 20. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, inclusive, and 15 to 19, inclusive, of this act become effective on July 1, 2023.

3. Section 13 of this act becomes effective on July 1, 2023, if the question set forth in subsection 2 of section 5 of Assembly Bill No. 282 of the 2019 Legislative Session, chapter 350, Statutes of Nevada 2019, at page 2181, is not approved and ratified by the registered voters of the City of Henderson at the 2022 General Election.

4. Section 14 of this act becomes effective on July 1, 2023, if the question set forth in subsection 2 of section 5 of Assembly Bill No. 282 of the 2019 Legislative Session, chapter 350, Statutes of Nevada 2019, at page 2181, is approved and ratified by the registered voters of the City of Henderson at the 2022 General Election.

LEADLINES OF REPEALED SECTIONS

293.365 Accounting for all paper ballots before counting of votes begins.

293.423 Recount of ballots at hearing of contest.

293.567 Number of registered voters in county to be transmitted by county clerk to Secretary of State before certain elections.

293C.365 Accounting for all paper ballots before counting of votes begins.

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 604.

AN ACT relating to public safety; **requiring the Superintendent of Public Instruction to adopt a policy concerning the treatment of injuries to the head;** revising the contents of certain policies adopted by the Nevada Interscholastic Activities Association **, the board of trustees of a school district** and organizations for youth sports concerning the prevention and treatment of injuries to the head; requiring certain schools to adopt such a policy; ~~[requiring certain schools to create and distribute a brochure concerning the prevention and treatment of injuries to the head and establish a concussion management team; providing a penalty;]~~ **revising the**

requirements for a provider of health care to perform certain functions under such a policy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association, the board of trustees of each school district and each organization for youth sports that sponsors or sanctions competitive sports for youth to adopt a policy concerning the prevention and treatment of injuries to the head. Existing law requires such a policy to require: (1) a pupil or youth who sustains or is suspected to have sustained an injury to the head to be removed from an activity or event to which the policy applies; and (2) the parent or guardian of such a pupil or youth to provide a signed statement from a provider of health care authorizing the pupil or youth to return to the activity or event before the pupil or youth is authorized to return to the activity or event. (NRS 385B.080, 392.452, 455A.200)

~~[Section 2 of this bill defines "provider of health care" as it is used in sections 3-7 of this bill.]~~ **Section 6.5 of this bill requires the Superintendent of Public Instruction to adopt by regulation a policy concerning the treatment of injuries to the head that affect the ability of a pupil to engage in his or her course work at school. Regulations adopted pursuant to section 6.5 must require a school to authorize a pupil who has sustained or is suspected of sustaining an injury to the head to receive reasonable accommodations that are based on peer-reviewed evidence. Section 6.5 requires the Superintendent to post the policy on an Internet website maintained by the Department of Education.**

Section 7 of this bill ~~[: (1) expands the policy that the Association is required]~~ **requires the Association** to adopt **regulations prescribing the policy of the Association** concerning the prevention and treatment of injuries to the head **.** ~~[; and (2) requires the Association to create a brochure on the prevention and treatment of injuries to the head. Sections 3-6 of this bill prescribe the requirements of the expanded policy.~~

~~Section 3 of this bill requires the policy to include a requirement that, if practicable, a provider of health care evaluate each pupil before the pupil participates in an interscholastic activity or event to determine the physical and cognitive abilities of the pupil. Section 4 of this bill requires the policy to require the person responsible for the supervision of a pupil who sustains or is suspected of sustaining an injury to the head during the interscholastic activity or event to: (1) immediately remove the pupil from the interscholastic activity or event and ensure the pupil is evaluated for an injury to the head; and (2) convey certain information about the head injury and the policy of the Association regarding head injuries to the parent or legal guardian of that pupil.~~

~~Section 6 of this bill requires the policy to include certain steps the pupil who has sustained or is suspected of having sustained an injury to the head is required to complete in order to return to participation in course work at school or an interscholastic activity or event. Section 5 of this bill prescribes a process for conducting daily evaluations of such a pupil to determine whether the pupil~~

~~should progress through the steps prescribed by section 6.]~~ **Section 7 additionally requires the association to compile information on the prevention and treatment of injuries to the head. Section 7** also requires the Association to: (1) provide the policy to a parent or legal guardian of a pupil before the pupil participates in an interscholastic activity or event and annually thereafter; (2) ensure that the pupil and his or her parent or legal guardian sign a form containing certain disclosures before the pupil participates in an interscholastic activity or event and annually thereafter; and (3) post the policy ~~[and brochure]~~ **and information** to an Internet website maintained by the Association. ~~[Lastly, section 7 requires the Association to review the policy and brochure every 5 years and update them as necessary to reflect current best practices in the treatment and prevention of injuries to the head.~~

~~— Sections]~~ **Section 8** ~~[and 9]~~ of this bill ~~[require]~~ **requires** the board of trustees of each school district and the governing body of each charter school ~~[,]~~ **or** university school for profoundly gifted pupils ~~[and private school]~~ to adopt a policy ~~[and create a brochure]~~ with the same or substantially similar provisions as those required in ~~[sections 3-7]~~ **sections 6.5 and 7** and to modify such provisions as necessary for the provisions to apply to any pupil that sustains an injury to the head. ~~[Sections 8 and 9 additionally require: (1) the principal of each public and private school to create a concussion management team to perform certain duties prescribed in the policy; and (2) certain employees of a public or private school to complete training relating to head injuries. Section 9 provides that a person who willfully fails to perform the duties prescribed by section 9 is guilty of a misdemeanor.]~~

Section 10 of this bill requires each organization for youth sports that sanctions or sponsors competitive sports for youths in this State to adopt a policy with the same or substantially similar provisions as those required in ~~[sections 3-7, except those provisions concerning the return to course work in a classroom.]~~ **section 7.**

Sections 6.5-8 and 10 require the Superintendent, the Association, the board of trustees of each school district, the governing body of each charter school or university school for profoundly gifted pupils and each organization for youth sports, as applicable, to review the policy each person or organization adopted pursuant to the provisions of this bill at least once every 5 years and update it as necessary to reflect current best practices in the treatment and prevention of injuries to the head.

If a pupil or youth sustains an injury to the head, existing law requires that a provider of health care sign a form indicating that the pupil is medically cleared for participation in an activity, event or competitive sport before the pupil is authorized to return to such participation. (NRS 385B.080, 392.452, 455A.200) Sections 7, 8 and 10 additionally require the provider of health care that signs such a form to be acting within his or her scope of practice.

WHEREAS, A concussion is a type of injury to the brain that has the ability to mildly or severely disrupt the normal function of the brain; and

WHEREAS, Some concussions cause people to lose consciousness, but the majority of concussions occur without a loss of consciousness; and

WHEREAS, Concussions may occur in any organized or unorganized sport or recreational activity or through daily life events and can result from a fall or collision with another person, the ground or an object; and

WHEREAS, According to the Johns Hopkins University School of Medicine, children and young adults are at greater risk of sustaining a concussion than the average adult; and

WHEREAS, The Mayo Clinic estimates that between 15 and 20 percent of concussions result in post-concussive syndrome, the long-term effects of which may include cognitive impairment, depression, personality changes and other psychological disorders; and

WHEREAS, The Johns Hopkins University School of Medicine advises that concussions be treated with rest and limiting activities that require a person to concentrate heavily; and

WHEREAS, The National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services stresses the importance of schools and sports organizations adopting policies to reduce the risk of a child sustaining a concussion and ensure that proper treatment is provided to a child that sustains a concussion; now, therefore,

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

Section 1. ~~[Chapter 385B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[As used in NRS 385B.080 and sections 2 to 6, inclusive, of this act, "provider of health care" means a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to chapter 632 of NRS, a physical therapist licensed pursuant to chapter 640 of NRS or an athletic trainer licensed pursuant to chapter 640B of NRS.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[Except as otherwise provided in NRS 385B.080, the policy adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.080 must require:*~~

~~*1. If practicable, a provider of health care to evaluate the physical and cognitive abilities of each pupil before the pupil participates in an interscholastic activity or event governed by the Nevada Interscholastic Activities Association and at least annually thereafter.*~~

~~*2. The evaluation required by subsection 1 to use one or more evidence-based tests that include, without limitation:*~~

~~*(a) Attempting to provoke the symptoms of an injury to the head in the pupil and evaluating the symptoms exhibited by the pupil; and*~~

~~*(b) Evaluating the postural stability and cognitive ability of the pupil.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[Except as otherwise provided in NRS 385B.080, the policy adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.080 must require the teacher, coach or other person responsible for supervising a pupil who sustains or is suspected of sustaining an injury to the head while participating in an interscholastic activity or event to:*~~

~~*1. Immediately remove the pupil from the activity or event and ensure that the pupil is evaluated in accordance with procedure set forth in section 5 of this act; and*~~

~~*2. Ensure that the parent or legal guardian of the pupil is notified of the injury to the head and provided with the:*~~

~~*(a) Brochure created pursuant to NRS 385B.080;*~~

~~*(b) Procedure set forth in this section and sections 5 and 6 of this act for the pupil to return to full participation in course work at school and to an interscholastic activity or event;*~~

~~*(c) Contact information for the concussion management team established pursuant to subsection 5 of NRS 392.452 or subsection 5 of section 9 of this act, as applicable; and*~~

~~*(d) Form prescribed by the Nevada Interscholastic Activities Association pursuant to subsection 9 of section 5 of this act.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[Except as otherwise provided in NRS 385B.080, the policy adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.080 must require that:*~~

~~*1. Not sooner than 24 hours after a pupil sustains or is suspected of sustaining an injury to the head while participating in an interscholastic activity or event, a provider of health care initially evaluate the pupil as provided in subsection 3.*~~

~~*2. A provider of health care or school nurse who has received training in the evaluation of injuries to the head evaluate the pupil as provided in subsection 3 at least once each day thereafter until the pupil is authorized to return to full participation in course work at school and the interscholastic activity or event pursuant to subsection 9.*~~

~~*3. An evaluation performed pursuant to subsection 1 or 2 consists of:*~~

~~*(a) Evaluating the symptoms, postural stability and cognitive ability of the pupil. Such an evaluation must use the same test as was initially used to evaluate the pupil pursuant to section 3 of this act, if applicable.*~~

~~*(b) Comparing the results of the evaluation conducted pursuant to paragraph (a) to:*~~

~~*(1) The results of the evaluation conducted pursuant to section 3 of this act; or*~~

~~*(2) If an evaluation of the pupil has not been performed pursuant to section 3 of this act, a statistically valid database that establishes the physical*~~

~~*and cognitive abilities of a pupil of similar age and other relevant characteristics to the pupil that sustained or is suspected to have sustained an injury to the head.*~~

~~*4. After performing an evaluation pursuant to subsection 1 or 2, a provider of health care or school nurse consult with other members of the concussion management team established pursuant to subsection 5 of NRS 392.452 or subsection 5 of section 9 of this act, as applicable, and, if such other members have been appointed, determine whether the pupil should advance to the next step, remain at the current step or return to the previous step of the procedures set forth in section 6 of this act.*~~

~~*5. Before a pupil advances to the next step or returns to the previous step of the procedures set forth in section 6 of this act, a provider of health care or school nurse approve the advancement or return, as applicable. A provider of health care or school nurse may not authorize a pupil to:*~~

~~*(a) Skip a step or progress through more than one step in a day under any circumstance; or*~~

~~*(b) Advance to the next step if the provider of health care or school nurse believes that it would be unsafe for the pupil to advance to the next step.*~~

~~*6. If a provider of health care or school nurse approves the advancement of a pupil to the next step of the procedures set forth in section 6 of this act, the provider of health care or school nurse document in a written record the date on which he or she approved the advancement.*~~

~~*7. The school in which a pupil is enrolled maintain the written record created pursuant to subsection 6 for at least 4 years after the date the documentation is made.*~~

~~*8. A provider of health care or school nurse who evaluates a pupil pursuant to subsection 2 return the pupil to the previous step of the procedures set forth in section 6 of this act, if the provider of health care or school nurse determines that symptoms for the injury to the head have worsened after the previous evaluation.*~~

~~*9. Before a pupil returns to full participation in course work at school or an interscholastic activity or event, a provider of health care evaluate the pupil pursuant to subsection 2 and sign a form prescribed by the Nevada Interscholastic Activities Association:*~~

~~*(a) Certifying that the pupil has completed the appropriate procedure set forth in section 6 of this act; and*~~

~~*(b) Authorizing the pupil to return to full participation in course work at school or a sport or other physically demanding interscholastic activity or event, as applicable.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[Except as otherwise provided in NRS 385B.080, the policy adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.080 must prohibit a pupil from returning to full participation in:*~~

~~*1. Course work at school until the pupil has completed a procedure that ensures the pupil is physically and mentally ready to return to full*~~

~~*participation in course work at school, including, without limitation, completing the following steps in the following order:*~~

~~*(a) Total rest;*~~

~~*(b) Daily activities at home;*~~

~~*(c) Course work completed at home;*~~

~~*(d) Course work completed at school, but not participating in a classroom;*~~

~~*(e) Participation in a classroom with any accommodation necessary;*~~

~~*(f) Participation in a classroom with minimal accommodations; and*~~

~~*(g) A provider of health care signing a form authorizing the pupil to return to full participation in course work at school pursuant to subsection 9 of section 5 of this act.*~~

~~*2. An interscholastic activity or event until the pupil has completed a procedure that ensures the pupil is physically and mentally ready to return to full participation in the interscholastic activity or event, including, without limitation, completing the following steps in the following order:*~~

~~*(a) Total rest;*~~

~~*(b) Light aerobic activity;*~~

~~*(c) Moderate aerobic activity, including, without limitation, non-contact training activities at half speed;*~~

~~*(d) Vigorous aerobic activity, including, without limitation, non-contact training activities at full speed;*~~

~~*(e) Full-contact practice; and*~~

~~*(f) A provider of health care signing a form authorizing the pupil to return to full participation in the interscholastic activity or event pursuant to subsection 9 of section 5 of this act.]~~ (Deleted by amendment.)**

Sec. 6.5. **Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Superintendent of Public Instruction shall, in cooperation with the Nevada Interscholastic Activities Association and the Chief Medical Officer, adopt regulations prescribing a policy concerning the treatment of injuries to the head that affect the ability of a pupil to learn and otherwise engage with his or her course work at school, including, without limitation, a concussion of the brain.

2. The policy adopted pursuant to subsection 1 must require a school to authorize a pupil who has sustained or is suspected of sustaining an injury to the head to receive reasonable accommodations that are based on peer-reviewed evidence until the pupil is mentally and physically ready to return to full participation in his or her course work. Such accommodations may include, without limitation:

(a) Rest;

(b) A modified schedule or curriculum; or

(c) Monitoring by a school nurse, athletic trainer or other person qualified to monitor the mental and physical health of the pupil.

3. The Superintendent of Public Instruction shall post the policy adopted pursuant to subsection 1 on an Internet website maintained by the Department.

4. At least once every 5 years, the Superintendent of Public Instruction shall:

(a) Review the policy adopted pursuant to subsection 1; and

(b) Update the policy to reflect current best practices in the prevention and treatment of injuries to head.

Sec. 7. NRS 385B.080 is hereby amended to read as follows:

385B.080 1. The Nevada Interscholastic Activities Association shall ***, in cooperation with the Superintendent of Public Instruction and the Chief Medical Officer,*** adopt ~~*[:*~~

~~*(a) Adopt]*~~ ***regulations prescribing*** a policy concerning the prevention and treatment of injuries to the head which may occur during ***or otherwise affect*** a pupil's participation in interscholastic activities and events, including, without limitation, a concussion of the brain. ~~*[Except as otherwise provided in subsection 6, the policy must contain the items required by sections 3 to 6, inclusive, of this act.*~~

~~*(b) Create a brochure concerning the prevention and treatment of injuries to the head which may occur during the participation of a pupil in interscholastic activities or events, including, without limitation, a concussion of the brain.*~~

~~*2.]*~~ The policy ~~*[brochure created pursuant to paragraph (b) of subsection 1]*~~ must provide information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, the risks associated with continuing to participate in the activity or event after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a pupil ***has or*** sustains or is suspected of ***having or*** sustaining an injury to the head while participating in an interscholastic activity or event, the pupil:

(a) Must be immediately removed from the activity or event; and

(b) May return to the activity or event if the parent or legal guardian of the pupil provides a signed statement of a provider of health care ***acting within his or her scope of practice*** indicating that the pupil is medically cleared for participation in the activity or event and the date on which the pupil may return to the activity or event. ~~*[include;]*~~

3. The Nevada Interscholastic Activities Association shall compile educational information on the prevention and treatment of injuries to the head, including, without limitation:

(a) Information about injuries to the head, including, without limitation, traumatic brain injuries and concussions of the brain;

(b) The procedure to be followed after an injury to the head or a suspected injury to the head of a pupil is sustained, including, without limitation, ~~*[the]*~~ ***any procedure in the policy adopted pursuant to*** ~~*[paragraph (a) of]*~~

subsection 1 to determine when a pupil may return to full participation in ~~[course work at school and]~~ any interscholastic activity or event;

(c) The symptoms that a pupil who has sustained an injury to the head is likely to exhibit and the manner in which such symptoms are likely to subside over time; and

(d) The recommended care and accommodations for a pupil who has sustained or is suspected to have sustained a concussion or other injury to the head and the resources for identifying the proper care and accommodations for a specific pupil . ~~[; and~~

~~(e) A place for school personnel to fill in the contact information for:~~

~~(1) The concussion management team established pursuant to subsection 5 of NRS 392.452 or subsection 5 of section 9 of this act, as applicable;~~

~~(2) Providers of emergency medical services; and~~

~~(3) Nearby hospitals.~~

~~3.]~~ ***4.*** Before a pupil participates in an interscholastic activity or event, and on an annual basis thereafter, ***the Nevada Interscholastic Activities Association shall ensure that*** the pupil and his or her parent or legal guardian:

(a) ~~[Must be]~~ ***Are*** provided with a copy of the policy adopted pursuant to ~~***[paragraph (a) of]***~~ subsection 1; and

(b) ~~[Must sign]~~ ***Sign*** a statement on a form prescribed by the Nevada Interscholastic Activities Association acknowledging that the pupil ***, if capable,*** and his or her parent or guardian ~~[have read and understand the terms and conditions of the policy.~~ ~~***.]***~~ ***understand:***

(1) ~~[Understand that]~~ That injuries to the head may occur during the participation of a pupil in interscholastic activities and events;

(2) ~~[Understand the]~~ The risks associated with participating in an activity or event in which a pupil may sustain an injury to the head;

(3) ~~[Understand the]~~ The risks associated with continuing to participate in an activity or event after a pupil has sustained an injury to the head; and

(4) ~~[Agree to follow the policy adopted pursuant to paragraph (a) of subsection 1 and the policy adopted pursuant to NRS 392.452 or section 9 of this act, as applicable, by the school district, charter school, university school for profoundly gifted pupils or private school in which the pupil is enrolled;~~

~~(5) Understand that]~~ That the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1 and the ~~[brochure created]~~ educational information compiled pursuant to ~~[paragraph (b) of]~~ subsection ~~[1]~~ 3 are available on the Internet website maintained by the Nevada Interscholastic Activities Association . ~~[; and~~

~~(6) Understand that the policy adopted and brochure created pursuant to NRS 392.452 or section 9 of this act, as applicable, are available on the Internet website maintained by the school district, charter school, university school for profoundly gifted pupils or private school in which the pupil is enrolled.~~

~~4. As used in this section, "provider of health care" means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.~~]

5. The Nevada Interscholastic Activities Association shall post the policy adopted pursuant to [~~paragraph (a) of~~] subsection 1 and the [~~brochure created~~] educational information compiled pursuant to [~~paragraph (b) of~~] subsection [~~1~~] 3 on the Internet website of the Nevada Interscholastic Activities Association.

[~~5.~~] 6. At least once every 5 years, the Nevada Interscholastic Activities Association shall:

(a) Review the policy adopted pursuant to [~~paragraph (a) of~~] subsection 1 and the [~~brochure created~~] information compiled pursuant to [~~paragraph (b) of~~] subsection [~~1;~~] 3; and

(b) Update the policy and [~~brochure~~] information to reflect current best practices in the prevention and treatment of injuries to head.

[~~6. Notwithstanding the provisions of sections 3 to 6, inclusive, of this act, the Nevada Interscholastic Activities Association may adopt regulations which prescribe alternative contents of the policy adopted by the Association pursuant to this section if the Association:~~

~~(a) Receives testimony from experts in the field of the prevention and treatment of injuries to the head that the alternative contents reflect current best practices in the prevention and treatment of injuries to the head; and~~

~~(b) Concludes, on the basis of such testimony, that the alternative contents would be more effective at preventing and treating injuries to the head than the contents required by sections 3 to 6, inclusive, of this act.~~]

7. As used in this section, "provider of health care" means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

Sec. 8. NRS 392.452 is hereby amended to read as follows:

392.452 1. [~~For those competitive sports not governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS, the~~] ***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 adopt [~~:~~

~~(a) Adopt~~] a policy [~~and create a brochure~~] concerning the prevention and treatment of injuries to the head [~~which may occur during~~] ***of*** a [~~pupil's participation in competitive sports within the school district,~~] ***pupil,*** including, without limitation, a concussion of the brain. [~~To the extent practicable, the~~] ***The*** policy [~~and brochure~~] must [~~be consistent with~~] ***:***

[~~(1)~~] ***(a) Include at least the same or substantially similar provisions as*** the [~~policy~~] ***policies*** adopted [~~and brochure created~~] by the ***Superintendent***

of Public Instruction pursuant to section 6.5 of this act and the Nevada Interscholastic Activities Association pursuant to NRS 385B.080 ~~[. The policy must provide information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in competitive sports, including, without limitation, the risks associated with continuing to participate in competitive sports after sustaining such an injury.]~~ ***; and***

~~[(2)]~~ ***(b) Be modified as necessary to cover all pupils at a school who have or sustain , or are suspected of having or sustaining , an injury to the head, regardless of whether a pupil is at school or participating in an extracurricular activity when the injury or suspected injury occurs.***

~~[(b) Prescribe a form that is substantially similar to the form prescribed by the Nevada Interscholastic Activities Association pursuant to subsection 9 of section 5 of this act on which a provider of health care may:~~

~~(1) Certify that a pupil who has sustained or is suspected of having sustained an injury to the head has completed all procedures required by the policy adopted pursuant to paragraph (a) for the pupil to return to full participation in course work at school or an extracurricular activity; and~~

~~(2) Authorize the pupil to return to full participation in course work at school or an extracurricular activity, as applicable.]~~

2. The policy adopted pursuant to subsection 1 must require that if a pupil ***has or*** sustains , or is suspected of ***having or*** sustaining , an injury to the head while participating in competitive sports, the pupil:

(a) Must be immediately removed from the competitive sport; and

(b) May return to the competitive sport if the parent or legal guardian of the pupil provides a signed statement of a provider of health care ***acting within his or her scope of practice*** indicating that the pupil is medically cleared for participation in the competitive sport and the date on which the pupil may return to the competitive sport.

3. Before a pupil participates in competitive sports within a school district ~~[.]~~ ***or for a charter school or university school for profoundly gifted pupils,*** and on an annual basis thereafter, the ***board of trustees of a school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall ensure that each*** pupil and his or her parent or legal guardian:

(a) ~~[Must be]~~ ***Are*** provided with a copy of the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1; and

(b) ~~[Must sign]~~ ***Sign*** a statement on a form prescribed by the board of trustees ***of the school district, governing body of the charter school or the governing body of the university school for profoundly gifted pupils, as applicable,*** acknowledging that the pupil ***, if capable,*** and his or her parent or guardian ~~[have read and understand the terms and conditions of the policy.~~

~~4.~~ ~~.]~~ ***understand:***

(1) ~~[Understand that]~~ ***That injuries to the head may occur during the participation of a pupil in interscholastic activities and events;***

(2) ~~[Understand the]~~ The risks associated with participating in an activity or event in which a pupil may sustain an injury to the head;

(3) ~~[Understand the]~~ The risks associated with continuing to participate in an activity or event after a pupil has sustained an injury to the head; and

(4) ~~[Agree to follow the policy adopted pursuant to paragraph (a) of subsection 1 and the policy adopted pursuant to NRS 385B.080 by the Nevada Interscholastic Activities Association;~~

~~(5) Understand that]~~ That the policy adopted ~~[and the brochure created]~~ pursuant to ~~[paragraph (a) of]~~ subsection 1 and the educational information compiled pursuant to subsection 3 of NRS 385B.080 are available on the Internet website maintained by the school district, charter school or university school for profoundly gifted pupils in which the pupil is enrolled . ~~[; and~~

~~(6) Understand that the policy adopted and brochure created pursuant to NRS 385B.080 are available on the Internet website maintained by the Nevada Interscholastic Activities Association.~~

~~3.]~~ 4. Upon notification that a pupil enrolled in a public school has sustained or is suspected of having sustained an injury to the head, the board of trustees of a school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils, as applicable, shall ensure that the pupil and his or her parent or legal guardian are provided with a printed or electronic copy of the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1.

~~[4.]~~ 5. Each public school, charter school and university school for profoundly gifted pupils shall post the policy adopted ~~[and the brochure created]~~ pursuant to ~~[paragraph (a) of]~~ subsection 1 and the educational information prepared pursuant to subsection 3 of NRS 385B.080 on an Internet website maintained by the school.

~~[5. The principal or other person in charge of each public school, including, without limitation, each charter school or university school for profoundly gifted pupils, shall establish a concussion management team for the school. The concussion management team must include a school nurse or athletic trainer, and may additionally include, without limitation:~~

~~(a) School psychologists;~~

~~(b) School social workers;~~

~~(c) School counselors;~~

~~(d) Teachers; and~~

~~(e) Administrators.~~

~~6. A concussion management team established pursuant to subsection 5 shall perform the duties prescribed in the policies adopted pursuant to paragraph (a) of subsection 1 and NRS 385B.080.~~

~~7.]~~ 6. At least once every 5 years, 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:

(a) Review the policy adopted [and the brochure created] pursuant to [paragraph (a) of] subsection 1; and

(b) Update the policy [and brochure] to reflect current best practices in the prevention and treatment of injuries to the head.

[8.] 7. Each [administrator, teacher, counselor or other] employee of a public school who [is likely to encounter] supports the academics or health, including, without limitation, mental or physical health, of a pupil who has sustained or is suspected of having sustained an injury to the head must annually complete training regarding the prevention and treatment of injuries to the head [provided by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the National Federation of State High School Associations or a similar entity.] , which must include, without limitation, a review of the educational information compiled pursuant to subsection 3 of NRS 385B.080. Each public school shall maintain a record of the training required by this section which is completed by each employee of the public school and provide such a record upon request.

[9.] 8. As used in this section, "provider of health care" means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

Sec. 9. [Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each private school shall:

(a) Adopt a policy and create a brochure concerning the prevention and treatment of injuries to the head of a pupil, including, without limitation, a concussion of the brain. The policy and brochure must:

(1) Include at least the same or substantially similar provisions as the policy adopted and brochure created by the Nevada Interscholastic Activities Association pursuant to NRS 385B.080; and

(2) Be modified as necessary to cover all pupils at a school who sustain or are suspected of sustaining an injury to the head, regardless of whether a pupil is at school or participating in an extracurricular activity when the injury or suspected injury occurs.

(b) Prescribe a form that is substantially similar to the form prescribed by the Nevada Interscholastic Activities Association pursuant to subsection 9 of section 5 of this act on which a provider of health care may:

(1) Certify that a pupil who has sustained or is suspected of having sustained an injury to the head has completed all procedures required by the policy adopted pursuant to paragraph (a) for the pupil to return to full participation in course work at school or an extracurricular activity; and

(2) Authorize the pupil to return to full participation in course work at school or an extracurricular activity, as applicable.

~~*2. Before a pupil participates in competitive sports with a private school, and on an annual basis thereafter, the governing body of each private school shall ensure that each pupil and his or her parent or legal guardian:*~~

~~*(a) Are provided with a copy of the policy adopted pursuant to paragraph (a) of subsection 1;*~~

~~*(b) Sign a statement on a form prescribed by the governing body of the private school acknowledging that the pupil, if capable, and his or her parent or guardian:*~~

~~*(1) Understand that injuries to the head may occur during the participation of a pupil in interscholastic activities and events;*~~

~~*(2) Understand the risks associated with participating in an activity or event in which a pupil may sustain an injury to the head;*~~

~~*(3) Understand the risks associated with continuing to participate in an activity or event after a pupil has sustained an injury to the head;*~~

~~*(4) Agree to follow the policy adopted pursuant to paragraph (a) of subsection 1 and the policy adopted pursuant to NRS 385B.080 by the Nevada Interscholastic Activities Association;*~~

~~*(5) Understand that the policy adopted and the brochure created pursuant to paragraph (a) of subsection 1 are available on the Internet website maintained by the private school in which the pupil is enrolled; and*~~

~~*(6) Understand that the policy adopted and brochure created pursuant to NRS 385B.080 are available on the Internet website maintained by the Nevada Interscholastic Activities Association.*~~

~~*3. Upon notification that a pupil enrolled in a private school has sustained or is suspected of having sustained an injury to the head, the board of trustees of the private school shall ensure that the pupil and his or her parent or legal guardian are provided with a copy of the policy adopted pursuant to paragraph (a) of subsection 1.*~~

~~*4. Each private school shall post the brochure created pursuant to paragraph (a) of subsection 1 on an Internet website maintained by the school.*~~

~~*5. The principal or other person in charge of each private school shall establish a concussion management team for the school. The concussion management team must include a school nurse or athletic trainer, and may include, without limitation:*~~

~~*(a) School psychologists;*~~

~~*(b) School social workers;*~~

~~*(c) School counselors;*~~

~~*(d) Teachers; and*~~

~~*(e) Administrators.*~~

~~*6. A concussion management team established pursuant to subsection 5 shall perform the duties prescribed in the policies adopted pursuant to paragraph (a) of subsection 1 and NRS 385B.080.*~~

~~*7. At least once every 5 years, the governing body of each private school shall:*~~

~~*(a) Review the policy adopted and the brochure created pursuant to paragraph (a) of subsection 1; and*~~

~~*(b) Update the policy and brochure to reflect current best practices in the prevention and treatment of injuries to the head.*~~

~~*8. Each administrator, teacher, counselor or other employee of a private school who is likely to encounter a pupil who has sustained or is suspected of having sustained an injury to the head must annually complete training regarding the prevention and treatment of injuries to the head provided by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the National Federation of State High School Associations or a similar entity. Each private school shall maintain a record of the training required by this section which is completed by each employee of the private school and provide such a record upon request.*~~

~~*9. A person who willfully violates the provisions of this section is guilty of a misdemeanor. Each day's failure to comply with the provisions of this section is a separate offense.*~~

~~*10. As used in this section, "provider of health care" means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.]*~~ **(Deleted by amendment.)**

Sec. 10. NRS 455A.200 is hereby amended to read as follows:

455A.200 1. Each organization for youth sports that sanctions or sponsors competitive sports for youths in this State shall adopt ~~*[:*~~

~~*(a) Adopt]*~~ a policy concerning the prevention and treatment of injuries to the head which may occur during ***or otherwise affect*** a youth's participation in those competitive sports, including, without limitation, a concussion of the brain. ~~[To the extent practicable, *Except for provisions concerning a pupil returning to full participation in course work at school,* the]~~ ***The*** policy must ~~[be consistent with]~~ ***include at least the same or substantially similar provisions as*** the policy adopted by the Nevada Interscholastic Activities Association pursuant to ***subsection 1 of*** NRS 385B.080. ~~[The policy must provide information concerning the nature and risk of injuries to the head which may occur during a youth's participation in competitive sports, including, without limitation, the risks associated with continuing to participate in competitive sports after sustaining such an injury.~~

~~*(b) Prescribe a form that is substantially similar to the form prescribed by the Nevada Interscholastic Activities Association pursuant to subsection 9 of section 5 of this act on which a provider of health care may:*~~

~~*(1) Certify that a youth who has sustained or is suspected of having sustained an injury to the head has completed all procedures required by the policy adopted pursuant to paragraph (a) for the youth to return to full participation in competitive sports; and*~~

~~*(2) Authorize the youth to return to full participation in competitive sports.]*~~

2. The policy adopted pursuant to subsection 1 must require that if a youth ***has or*** sustains **,** or is suspected of ***having or*** sustaining **,** an injury to the head while participating in competitive sports, the youth:

(a) Must be immediately removed from the competitive sport; and

(b) May return to the competitive sport if the parent or legal guardian of the youth provides a signed statement of a provider of health care ***acting within his or her scope of practice*** indicating that the youth is medically cleared for participation in the competitive sport and the date on which the youth may return to the competitive sport.

3. Before a youth participates in competitive sports sanctioned or sponsored by an organization for youth sports in this State, ***and on an annual basis thereafter, the organization for youth sports shall ensure that*** the youth and his or her parent or legal guardian:

(a) ~~[Must be]~~ ***Are*** provided with a copy of the policy adopted pursuant to ***paragraph (a) of*** subsection 1; and

(b) ~~[Must sign]~~ ***Sign*** a statement on a form prescribed by the organization for youth sports acknowledging that the youth ***, if capable,*** and his or her parent or legal guardian ~~[have read and understand the terms and conditions of the policy.~~

~~4.~~ ~~.]~~ ***understand:***

(1) ~~[Understand that]~~ That injuries to the head may occur during the participation of a youth in youth sports;

(2) ~~[Understand the]~~ The risks associated with participating in a youth sport in which a youth may sustain an injury to the head;

(3) ~~[Understand the]~~ The risks associated with continuing to participate in a youth sport after a youth has sustained an injury to the head;

(4) ~~[Agree to follow the policy adopted pursuant to paragraph (a) of subsection 1;~~

~~*(5) Understand that]*~~ ***That the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1 is available on the Internet website , if any, maintained by the organization for youth sports; and***

~~[(6) Understand that]~~

(5) That the policy adopted ~~[and brochure created]~~ and the educational information compiled pursuant to NRS 385B.080 are available on the Internet website maintained by the Nevada Interscholastic Activities Association.

~~[3.]~~ 4. Each organization for youth sports that sanctions or sponsors competitive sports for youths shall post the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1 on an Internet website maintained by the organization ~~[.]~~ , if any.

~~[4.]~~ 5. At least once every 5 years, each organization for youth sports that sanctions or sponsors competitive sports for youths in this State shall:

(a) Review the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1; and

(b) Update the policy to reflect current best practice in the prevention and treatment of injuries to the head.

~~[5.]~~ 6. As used in this section:

(a) "Provider of health care" means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

(b) "Youth" means a person under the age of 18 years.

Sec. 11. 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. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act become effective:

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

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

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 106.

Bill read second time.

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

Amendment No. 683.

AN ACT relating to ophthalmic dispensing; exempting the sale of prescription eyewear to intended wearers outside this State from provisions regulating ophthalmic dispensing **~~[.]~~ under certain circumstances; authorizing the imposition of certain administrative action and injunctive relief for certain violations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a person to hold a license as a dispensing optician issued by the Board of Dispensing Opticians in order to engage in the practice of ophthalmic dispensing in this State. (NRS 637.090) Existing law defines "ophthalmic dispensing" as the design, verification and delivery to the intended wearer of lenses, frames and other specially fabricated optical devices upon prescription. (NRS 637.022)]~~

Existing law exempts certain activity from provisions of law governing ophthalmic dispensing. (NRS 637.025) **Section ~~[6]~~ 9** of this bill additionally exempts from such provisions the **manufacturing and direct online** sale of **lenses, frames and other specially fabricated optical devices upon** prescription ~~[eyewear]~~ to an intended wearer **who is** located outside this State

~~[or any design,]~~ **at the time of purchase, if the** manufacturing ~~[or other activity in conjunction with such]~~ **is supervised by** a ~~[sale.]~~ **licensed dispensing optician. Section 9 requires such supervision to include a daily review of all optical manufacturing equipment by the licensed dispensing optician. Section 9 requires a person engaged in such manufacturing and direct online sale to confirm that lenses shipped to the intended wearer match the relevant prescription, as submitted by the intended wearer.**

Existing law authorizes the imposition of disciplinary action and the issuance of an injunction against a person who is licensed to engage in the practice of ophthalmic dispensing or manage a business engaged in ophthalmic dispensing and violates certain provisions of law governing ophthalmic dispensing. (NRS 637.150, 637.185) Existing law also provides that such a person is guilty of a misdemeanor. (NRS 637.200) Section 9 provides that such a licensee is subject to disciplinary action and injunctive relief if the licensee: (1) is engaged in activity which, under the provisions of section 9, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with section 9 or, alternatively, with other provisions governing ophthalmic dispensing.

Existing law prohibits a person from engaging in the practice of ophthalmic dispensing or managing a business engaged in ophthalmic dispensing without a license. (NRS 637.090) Existing law provides that a person who violates that prohibition is guilty of a misdemeanor and subject to an administrative fine and injunctive relief. (NRS 637.181, 637.185, 637.200) Section 9 provides that an unlicensed person is subject to such an administrative fine and injunctive relief if the person: (1) is engaged in activity which, under the provisions of section 9, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with section 9. Sections 9 and 10 of this bill provide that a person who fails to comply with section 9 is not guilty of a misdemeanor, regardless of whether the person is licensed.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. ~~[NRS 637.025 is hereby amended to read as follows:~~

~~637.025 The provisions of this chapter do not apply to:~~

~~1. Ophthalmic dispensing personally by a licensed physician, surgeon or optometrist unless exclusively engaged in the business of filling prescriptions.~~

~~2. Ophthalmic dispensing by an employee of a licensed physician, surgeon or optometrist if the employee practices ophthalmic dispensing only under the~~

~~direct supervision of the licensed physician, surgeon or optometrist and only as an assistant to the licensed physician, surgeon or optometrist.~~

~~3. A licensed pharmacist dispensing prepackaged contact lenses pursuant to the provisions of NRS 639.2825.~~

~~4. The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses.~~

~~*5. The sale of prescription eyewear to an intended wearer located outside this State or any design, manufacturing or other activity in conjunction with such a sale.*~~ **(Deleted by amendment.)**

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. **Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this section, a person is exempt from the provisions of this chapter if the person:

(a) Is engaged in the manufacturing and direct online sale of lenses, frames and other specially fabricated optical devices upon prescription to an intended wearer who is located outside this State at the time of purchase; and

(b) Complies with the requirements of subsection 2.

2. Any person who engages in the activity described in paragraph (a) of subsection 1 and does not otherwise comply with the provisions of this chapter shall:

(a) Ensure that the manufacturing of lenses, frames and other specially fabricated optical devices is supervised by a dispensing optician licensed pursuant
to this chapter. Such supervision must include, without limitation, a daily review of all optical manufacturing equipment by the dispensing optician to ensure that the lenses, frames and other specially fabricated optical devices being manufactured meet the standards adopted by the Board pursuant to this chapter; and

(b) Confirm that any lenses shipped to an intended wearer meet the requirements of the relevant prescription, as submitted by the intended wearer.

3. A person who engages in the activity described in paragraph (a) of subsection 1, is licensed pursuant to this chapter and fails to comply with the requirements of subsection 2 or the requirements of this chapter:

(a) Is subject to the provisions of 637.150 and 637.185; and

(b) Is not guilty of a misdemeanor.

4. A person who engages in the activity described in paragraph (a) of subsection 1 who is not licensed pursuant to this chapter:

(a) Shall be deemed to be in violation of NRS 637.090 and, except as otherwise provided in paragraph (b), is subject to all provisions applicable to a person who violates that section; and

(b) Is not guilty of a misdemeanor.

Sec. 10. **NRS 637.200 is hereby amended to read as follows:**

637.200 The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.

6. ~~[Violating]~~ ***Except as otherwise provided in section 9 of this act, violating*** any provision of this chapter.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 155.

Bill read second time.

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

Amendment No. 625.

SUMMARY—Revises provisions relating to ~~[certain]~~ crimes **.** ~~[committed by homeless persons.]~~ (BDR 14-244)

AN ACT relating to ~~[homeless persons;]~~ **crimes;** revising provisions relating to certain crimes committed by homeless persons; **authorizing a justice court or a municipal court to transfer original jurisdiction of certain cases to the district court to enable the defendant to receive assisted outpatient treatment;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain diversionary and specialty court programs to which certain defendants may be assigned, such as the preprosecution diversionary program and specialty court programs for veterans and members of the military, persons with mental illness and persons who use alcohol or other substances. (NRS 174.032, 176A.230, 176A.250, 176A.280) **Sections 4-8** of this bill authorize homeless persons who commit certain misdemeanor offenses to be assigned to such diversionary and specialty court programs. **Section 5** of this bill authorizes a court that assigns a homeless person to complete such a program of treatment to waive or reduce any fine,

administrative assessment or fee that would otherwise be imposed upon the homeless person for committing such an offense.

Existing law authorizes a criminal defendant or the district attorney to make a motion to the district court to commence a proceeding for the issuance of a court order requiring assisted outpatient treatment of the defendant or the district court to commence such a proceeding on its own motion. (NRS 433A.335) Sections 5-11 of this bill authorize a justice court or a municipal court to transfer original jurisdiction of a case involving a defendant who is eligible to receive assisted outpatient treatment to the district court, including homeless persons who commit certain misdemeanors pursuant to section 5. Sections 12 and 13 of this bill make conforming changes to refer to provisions that have been renumbered by section 11.

Existing law limits the definition of an "eligible defendant" to mean a person who: (1) 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; (2) appears to suffer from mental illness or to be intellectually disabled; and (3) would benefit from assignment to a specialty court program. (NRS 176A.235, 176A.255, 176A.285) Sections 6-8 of this bill expand the definition of an "eligible defendant" to include any person who, regardless of whether the person has tendered a plea to or been found guilty of an offense that is a misdemeanor: (1) appears to suffer from a mental illness or to be intellectually disabled; and (2) would benefit from assignment to a specialty court program.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 174.032 is hereby amended to read as follows:

174.032 1. A justice court or municipal court may establish a preprosecution diversion program to which it may assign a defendant if he or she is determined to be eligible pursuant to NRS 174.031.

2. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031, the justice or municipal court must receive input from the prosecuting attorney, the attorney for the defendant, if any, and the defendant relating to the terms and conditions for the defendant's participation in the program.

3. A preprosecution diversion program established by a justice court or municipal court pursuant to this section may include, without limitation:

(a) A program of treatment which may rehabilitate a defendant, including, without limitation, educational programs, participation in a support group, anger management therapy, counseling**,** ~~[or]~~ a program of treatment for veterans and members of the military, mental illness or intellectual disabilities

~~*[,]*~~ or the use of alcohol or other substances ~~[:]~~ ***or [chronic homelessness;] a program of treatment to assist homeless persons;***

(b) Any appropriate sanctions to impose on a defendant, which may include, without limitation, community service, restitution, prohibiting contact with certain persons or the imposition of a curfew; and

(c) Any other factor which may be relevant to determining an appropriate program of treatment or sanctions to require for participation of a defendant in the preprosecution diversion program.

4. If the justice court or municipal court determines that a defendant may be rehabilitated by a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or the use of alcohol or other substances, the court may refer the defendant to an appropriate program of treatment established pursuant to NRS ***176A.230,*** 176A.250, 176A.280 or ~~[453.580.]~~ ***section 5 of this act.*** The court shall retain jurisdiction over the defendant while the defendant completes such a program of treatment.

5. The justice court or municipal court shall, when assigning a defendant to a preprosecution diversion program, issue an order setting forth the terms and conditions for successful completion of the preprosecution diversion program, which may include, without limitation:

(a) Any program of treatment the defendant is required to complete;

(b) Any sanctions and the manner in which they must be carried out by the defendant;

(c) The date by which the terms and conditions must be completed by the defendant, which must not be more than 18 months after the date of the order;

(d) A requirement that the defendant appear before the court at least one time every 3 months for a status hearing on the progress of the defendant toward completion of the terms and conditions set forth in the order; and

(e) A notice relating to the provisions of subsection 3 of NRS 174.033.

6. A defendant assigned to a preprosecution diversion program shall pay the cost of any program of treatment required by this section to the extent of his or her financial resources. The court shall not refuse to place a defendant in a program of treatment if the defendant does not have the financial resources to pay any or all of the costs of such program.

7. If restitution is ordered to be paid pursuant to subsection 5, the defendant must make a good faith effort to pay the required amount of restitution in full. If the justice court or municipal court determines that a defendant is unable to pay such restitution, the court must require the defendant to enter into a judgment by confession for the amount of restitution.

8. As used in this section, "homeless person" has the meaning ascribed to it in section 5 of this act.

Sec. 5. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A justice court, municipal court or district court, as applicable, that has jurisdiction over an eligible defendant who is charged with or convicted

of an eligible offense may order the eligible defendant to complete a program of treatment.

2. Notwithstanding any other provision of law, a court that orders an eligible defendant to complete a program of treatment pursuant to this section may waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the eligible defendant for commission of the eligible offense pursuant to specific statute.

3. As used in this section:

(a) "Eligible defendant" means a homeless person who is charged with or convicted of an eligible offense.

(b) "Eligible offense" means a violation of any of the following statutory provisions, or any local ordinance prohibiting the same or similar conduct, that is punishable as a misdemeanor:

(1) NRS 202.450.
(2) NRS 205.860.
(3) NRS 206.010.
(4) NRS 206.040.
(5) NRS 206.140.
(6) NRS 206.310.
(7) NRS 207.030.
(8) NRS 207.200.
(9) NRS 207.203.

(c) "Homeless person" means a person:

(1) Who lacks a fixed, regular and adequate ~~[nighttime]~~ residence;

(2) With a primary ~~[nighttime]~~ residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including, without limitation, a car, a park, an abandoned building, a bus or train station, an airport or a camping ground; or

(3) Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, including, without limitation, transitional housing, hotels or motels paid for by any federal, state or local governmental program or any charitable organization.

➥ For the purpose of this paragraph, a person shall be deemed to be a homeless person if the person provides sufficient proof to the court that the person meets the criteria set forth in subparagraph (1), (2) or (3) or the person has recently used public services for homeless persons or if a public or private agency or entity that provides services to homeless persons provides sufficient proof to the court that the person is a homeless person.

(d) "Program of treatment" means a preprosecution diversion program, specialty court program or other program designed to assist homeless persons that is established pursuant to NRS 174.032, 176A.230, 176A.250, 176A.280 , 433A.335 or another specific statute or by court rule or court order.

Sec. 6. NRS 176A.235 is hereby amended to read as follows:

176A.235 1. A justice court or a municipal court 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 ~~***Except as otherwise provided in section 5 of this act, 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)]~~ Has been diagnosed as having a substance use disorder after an in-person clinical assessment; and

~~[(c)]~~ ***(b)*** Would benefit from assignment to a program established pursuant to NRS 176A.230.

Sec. 7. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. A justice court or a municipal court 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 ~~***Except as otherwise provided in section 5 of this act, 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)]~~ ***(b)*** Would benefit from assignment to a program established pursuant to ***:***

(1) NRS 176A.250 ~~[.]~~ ***; or***

(2) NRS 433A.335, if the defendant is eligible to receive assisted outpatient treatment pursuant to that section.

Sec. 8. NRS 176A.285 is hereby amended to read as follows:

176A.285 If a justice court or municipal court has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as applicable, may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving a defendant who meets the qualifications of subsection 1 of NRS 176A.280 ***.*** ~~[and ***, except as otherwise provided in section 5 of this act,*** 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.]~~

Sec. 9. **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 a program established pursuant to ***:***

(a) NRS 176A.250 ~~[or, if]~~ ***;***

(b) If the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ ***; or***

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment 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. 10. **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 a program established pursuant to ***:***

(a) NRS 176A.250 ~~[or, if]~~ ***;***

(b) If the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ ***; or***

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment 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. 11. **NRS 433A.335 is hereby amended to read as follows:**

433A.335 1. A proceeding for an order requiring any person in the State of Nevada to receive assisted outpatient treatment may be commenced by the filing of a petition for such an order with the clerk of the district court of the county where the person who is to be treated is present. The petition may be filed by:

(a) Any person who is at least 18 years of age and resides with the person to be treated;

(b) The spouse, parent, adult sibling, adult child or legal guardian of the person to be treated;

(c) A physician, physician assistant, psychologist, social worker or registered nurse who is providing care to the person to be treated;

(d) The Administrator or his or her designee; or

(e) The medical director of a division facility in which the person is receiving treatment or the designee of the medical director of such a division facility.

2. A proceeding to require a person who is the defendant in a criminal proceeding in the district court to receive assisted outpatient treatment may be commenced ~~[by]~~ **:**

(a) By the district court ~~[, on]~~ ***:***

(1) On its own motion ~~[, or by]~~ ***;***

(2) By motion of the defendant or the district attorney ~~[if:~~

~~(a)]~~ ***; or***

(3) After a justice court or a municipal court, upon approval of the district court, transfers original jurisdiction to the district court of a case involving a defendant who is eligible to receive assisted outpatient treatment pursuant to this section; and

(b) If:

(1) The defendant has been examined in accordance with NRS 178.415;

~~[(b)]~~ ***(2)*** The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

~~[(c)]~~ ***(3)*** The Division makes a clinical determination that assisted outpatient treatment is appropriate ~~[.]~~ ***for the defendant.***

3. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must allege the following concerning the person to be treated:

(a) The person is at least 18 years of age.

(b) The person has a mental illness.

(c) The person has a history of poor compliance with treatment for his or her mental illness that has resulted in at least one of the following circumstances:

(1) At least twice during the immediately preceding 48 months, poor compliance with mental health treatment has been a significant factor in causing the person to be hospitalized or receive services in the behavioral health unit of a detention facility or correctional facility. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(2) Poor compliance with mental health treatment has been a significant factor in causing the person to commit, attempt to commit or threaten to commit serious physical harm to himself or herself or others during the immediately preceding 48 months. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(3) Poor compliance with mental health treatment has resulted in the person being hospitalized, incarcerated or detained for a cumulative period of at least 6 months and the person:

(I) Is scheduled to be discharged or released from such hospitalization, incarceration or detention during the 30 days immediately following the date of the petition; or

(II) Has been discharged or released from such hospitalization, incarceration or detention during the 60 days immediately preceding the date of the petition.

(d) Because of his or her mental illness, the person is unwilling or unlikely to voluntarily participate in outpatient treatment that would enable the person to live safely in the community without the supervision of the court.

(e) Assisted outpatient treatment is the least restrictive appropriate means to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis.

4. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must be accompanied by:

(a) A sworn statement or a declaration that complies with the provisions of NRS 53.045 by 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:

(1) Evaluated the person who is the subject of the petition or motion not earlier than 10 days before the filing of the petition or making of the motion;

(2) Recommends that the person be ordered to receive assisted outpatient treatment; and

(3) Is willing and able to testify at a hearing on the petition or motion; and

(b) A sworn statement or a declaration that complies with the provisions of NRS 53.045 from a person professionally qualified in the field of psychiatric mental health stating that he or she is willing to provide assisted outpatient treatment for the person in the county where the person resides.

5. A copy of the petition filed pursuant to subsection 1 or the motion made pursuant to subsection 2 must be served upon the person who is the subject of the petition or motion or his or her counsel and, if applicable, his or her legal guardian.

Sec. 12. **NRS 433A.337 is hereby amended to read as follows:**

433A.337 1. Before the date of a hearing on a petition or motion for assisted outpatient treatment, the person who made the sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, the personnel of the Division who made the clinical determination concerning the appropriateness of assisted outpatient treatment pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 2 of NRS 433A.335 or the person or entity who submitted the petition pursuant to NRS 433A.345, as applicable, shall submit to the court a proposed written treatment plan created by a person professionally qualified in the field of psychiatric mental health who is familiar with the person who is the subject of the petition or motion, as applicable. The proposed written treatment plan must set forth:

(a) The services and treatment recommended for the person who is the subject of the petition or motion; and

(b) The person who will provide such services and treatment and his or her qualifications.

2. Services and treatment set forth in a proposed written treatment plan must include, without limitation:

(a) Case management services to coordinate the assisted outpatient treatment recommended pursuant to paragraph (b); and

(b) Assisted outpatient treatment which may include, without limitation:

(1) Medication;

(2) Periodic blood or urine testing to determine whether the person is receiving such medication;

(3) Individual or group therapy;

(4) Full-day or partial-day programming activities;

(5) Educational activities;

(6) Vocational training;

(7) Treatment and counseling for a substance use disorder;

(8) If the person has a history of substance use, periodic blood or urine testing for the presence of alcohol or other recreational drugs;

(9) Supervised living arrangements; and

(10) Any other services determined necessary to treat the mental illness of the person, assist the person in living or functioning in the community or prevent a deterioration of the mental or physical condition of the person.

3. A person professionally qualified in the field of psychiatric mental health who is creating a proposed written treatment plan pursuant to subsection 1 shall:

(a) Consider any wishes expressed by the person who is to be treated in an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive; and

(b) Consult with the person who is to be treated, any providers of health care who are currently treating the person, any supporter or legal guardian of the person, and, upon the request of the person, any other person concerned with his or her welfare, including, without limitation, a relative or friend.

4. If a proposed written treatment plan includes medication, the plan must specify the type and class of the medication and state whether the medication is to be self-administered or administered by a specific provider of health care. A proposed written treatment plan must not recommend the use of physical force or restraints to administer medication.

5. If a proposed written treatment plan includes periodic blood or urine testing for the presence of alcohol or other recreational drugs, the plan must set forth sufficient facts to support a clinical determination that the person who is to be treated has a history of substance use disorder.

6. If the person who is to be treated has executed an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, a copy of the advance directive must be attached to the proposed written treatment plan.

7. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. **NRS 433A.341 is hereby amended to read as follows:**

433A.341 1. In proceedings for assisted outpatient treatment, the court shall hear and consider all relevant testimony, including, without limitation:

(a) The testimony of the person who made a sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, any personnel of the Division responsible for a clinical determination made pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 2 of NRS 433A.335 or the person or entity responsible for the decision to submit a petition pursuant to NRS 433A.345, as applicable;

(b) The testimony of any supporter or legal guardian of the person who is the subject of the proceedings, if that person wishes to testify; and

(c) If the proposed written treatment plan submitted pursuant to NRS 433A.337 recommends medication and the person who is the subject of the petition or motion objects to the recommendation, the testimony of the person

professionally qualified in the field of psychiatric mental health who prescribed the recommendation.

2. The court may consider testimony relating to any past actions of the person who is the subject of the petition or motion if such testimony is probative of the question of whether the person currently meets the criteria prescribed by subsection 3 of NRS 433A.335 or subsection 1 of NRS 433A.345, as applicable.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 283.

Bill read second time.

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

Amendment No. 681.

CONTAINS UNFUNDED MANDATE (§~~[~~5~~]~~ 1 ~~[~~, 3~~)]~~ **)**

(Not Requested by Affected Local Government)

AN ACT relating to health care; requiring ~~[~~certain persons and entities~~]~~ **a custodian of health care records** to furnish health care records electronically under certain circumstances; prohibiting ~~[~~such persons and entities~~]~~ **a custodian of health care records** from charging a fee that exceeds a certain amount to furnish health care records electronically if the health care records are maintained electronically; **authorizing a person to disclose the genetic information of another person in accordance with certain federal law; requiring an insurer, third-party administrator or employer to furnish health care records in certain circumstances; prescribing the maximum amount of any fee charged to furnish health care records in those circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each custodian of health care records to make health care records available for inspection by a patient, certain representatives of a patient and certain government officials. (NRS 629.061) Upon request of such a person, **section 1** of this bill requires a custodian of health care records to electronically transmit the health care records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity.

Existing law authorizes a custodian of health care records to charge certain fees for furnishing a copy of health care records. (NRS 629.061) **Section 1 : (1) generally** prohibits a custodian of health care records from charging a fee that exceeds ~~[~~$15~~]~~ **$40** or other amounts prescribed by existing law for furnishing a copy of health care records electronically if the custodian of health care records maintains such health care records electronically ~~[.]~~ **; and (2) authorizes a custodian of health care records, other than the health care records of a state or local governmental entity, to charge certain**

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

Existing law prohibits a person from disclosing or compelling a person to disclose the identity of a person who was the subject of a genetic test or any genetic information of another person, with certain exceptions, without first obtaining the informed consent of that person or his or her legal guardian. (NRS 629.171) Section 1.5 of this bill adds an exception to this prohibition to authorize a person to disclose such information as permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

Existing law provides for the payment of compensation to employees who are injured or disabled as a result of an occupational injury or disease. (Chapters 616A-616D and 617 of NRS) Existing law entitles any injured employee or a person who has been authorized by the injured employee to information from the records of an insurer or employer to the extent necessary for the proper presentation of such a claim. (NRS 616B.012) Existing regulations: (1) prescribe a process for an injured employee or person who has been authorized by the injured employee to request such information from the records of an insurer or employer; and (2) prohibit an insurer or employer from charging a fee that is more than 30 cents per page when providing the requested information. (NAC 616B.008)

Upon receiving such a request for health care records**,** ~~[that asks for the records to be furnished electronically,]~~ **section 3** of this bill requires an insurer, third-party administrator or employer to ~~[electronically transmit]~~ **furnish** any health care records **to the injured employee or his or her legal representative. Section 3 authorizes an insurer, third-party administrator or employer to electronically transmit such health care records** using a method of secure electronic transmission. **Section 3** ~~[prohibits an insurer, third-party administrator or employer from charging a fee that exceeds $15 for furnishing a copy of the health care records electronically if the insurer, third-party administrator or employer maintains such health care records electronically.]~~ **prescribes the maximum amounts of fees for furnishing health care records in response to such a request, which depend on whether the records are furnished by electronic mail, through a secure electronic method of file sharing or in a nonelectronic format.** **Section 4** of this bill makes a conforming change to clarify that **section 3** provides an exception to the general requirement that information obtained from an insurer or employer remain confidential.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person who is authorized to request a copy of health care records of a patient pursuant to NRS 629.061 requests that a copy of such records be furnished electronically, the custodian of health care records must electronically transmit a copy of the requested records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity. Such records must be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.

2. ~~[If]~~ Except as otherwise provided in subsections 3 and 4, if a custodian of health care records maintains health care records electronically, any fee to furnish those records electronically pursuant to subsection 1 must not exceed ~~[$15]~~ $40 or the amount per page prescribed by NRS 629.061, whichever is less.

3. If the total amount of the fee chargeable pursuant to subsection 2 for the furnishing of health care records electronically is less than $5, a custodian of health care records, other than a custodian of the health care records of a state or local governmental entity, may charge a fee of $5 for the furnishing of those health care records.

4. A custodian of health care records, other than a custodian of the health care records of a state or local governmental entity, may charge the following fees to furnish health care records electronically, in addition to the total amount of the fee charged pursuant to subsection 2 or 3:

(a) A fee of $5 for written confirmation that no health care records were found.

(b) A fee of $5 for furnishing a copy of a certificate of the custodian of health care records.

(c) A fee of $20 for a copy of a printed film sheet.

(d) A fee of $25 for furnishing a copy of radiologic images in any form other than a printed film sheet.

~~[3.]~~ 5. As used in this section ~~[, "secure]~~ :

(a) "Custodian of health care records" has the meaning ascribed to it in NRS 629.016 and additionally includes a covered entity or business associate, as those terms are defined in 45 C.F.R. § 160.103.

(b) "Health care records" has the meaning ascribed to it in NRS 629.021 and additionally includes individually identifiable health information, as defined in 45 C.F.R. § 160.103.

(c) "Secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

~~[(a)]~~ (1) No person other than the intended recipient receives the information;

~~[(b)]~~ (2) The identity and signature of the sender of the information can be authenticated; and

~~[(c)]~~ (3) The information which is received by the intended recipient is identical to the information that was sent.

Sec. 1.5. **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 of a person pursuant to NRS 126.121 or 425.384;

4. Pursuant to an order of a court of competent jurisdiction;

5. 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. To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

7. 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. To carry out the provisions of NRS 442.300 to 442.330, inclusive; ~~[or]~~

9. By an agency of criminal justice pursuant to NRS 179A.075 ~~[.]~~ ***; or***

10. As permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

Sec. 2. NRS 641.2291 is hereby amended to read as follows:

641.2291 1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a psychologist to a patient that meets the requirements of subsection 2 if:

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The patient has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a psychologist to a patient used for the purpose described in paragraph (a) of subsection 1:

(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted

pursuant thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the patient unless the patient has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a psychologist who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a psychologist to a patient for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining "training activity" for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a psychologist to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to patients in accordance with NRS 629.051 to 629.069, inclusive ~~[.]~~ ***, and section 1 of this act.***

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a psychologist to a patient that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, "mental health professional" means a psychologist, a marriage and family therapist, a clinical professional counselor, a social worker, a master social worker, an independent social worker, a clinical social worker, a clinical alcohol and drug counselor, an alcohol and drug counselor or problem gambling counselor.

Sec. 3. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an injured employee or his or her legal representative requests health care records ~~[electronically]~~ from an insurer, third-party administrator or employer pursuant to subsection ~~[1]~~ 2 of NRS 616B.012, any other provision of chapters 616A to 616D, inclusive, or chapter 617 of NRS or any regulation adopted pursuant thereto, the insurer, third-party administrator or employer shall ~~[electronically transmit]~~ furnish a copy of

the requested records to the injured employee or legal representative. Such records ~~[must]~~ may be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.

2. If an insurer, third-party administrator or employer maintains health care records electronically, any fee to furnish those records ~~[electronically]~~ in an electronic format pursuant to subsection 1 must not exceed ~~[$15.]~~ :

(a) Fifteen dollars for records able to be delivered by electronic mail; or

(b) Twenty-five dollars for records required to be delivered using a secure electronic method of file sharing.

3. Any fee to furnish health care records in a form that is not electronic pursuant to subsection 1 must not exceed 30 cents per page.

4. As used in this section:

(a) "Health care records" has the meaning ascribed to it in NRS 629.021 ~~.~~ and additionally includes individually identifiable health information, as defined in 45 C.F.R. § 160.103.

(b) "Secure electronic transmission" has the meaning ascribed to it in section 1 of this act.

Sec. 4. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 607.217, 616B.015, 616B.021 and 616C.205, ***and section 3 of this act,*** information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of

employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

➥ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B, 363C and 363D of NRS. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from:

(a) Disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance; or

(b) Notifying an injured employee or the surviving spouse or dependent of an injured employee of benefits to which such persons may be entitled in addition to those provided pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS but only if:

(1) The notification is solely for the purpose of informing the recipient of benefits that are available to the recipient; and

(2) The content of the notification is limited to information concerning services which are offered by nonprofit entities.

Sec. 5. 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.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 310.

Bill read second time.

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

Amendment No. 680.

AN ACT relating to dentistry; providing for the licensure and regulation of expanded function dental assistants; creating a special endorsement for dental hygienists to practice restorative dental hygiene; ~~[~~providing for the regulation of the administration of local anesthesia and laser radiation by a dental hygienist or dental therapist;~~]~~ authorizing a dental hygienist who possesses certain qualifications to prescribe and dispense certain drugs ~~[;]~~ **that are not controlled substances and certain devices;** authorizing a public health dental hygienist to authorize an expanded function dental assistant or dental assistant to perform certain tasks under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of dentists, dental hygienists and dental therapists by the Board of Dental Examiners of Nevada. (Chapter 631 of NRS) Existing law authorizes a licensed dentist to assign certain tasks to a dental assistant, who is not required to have a license. (NRS 631.313, 631.317)

Sections 4-8 of this bill provide for the licensure and regulation of expanded function dental assistants. **Sections 2, 3 and 3.5** of this bill define the terms "expanded function dental assistance," "expanded function dental assistant" and "restorative dental hygiene," respectively. **Section 10** of this bill makes a conforming change to indicate the proper placement of **sections 2, 3 and 3.5** in the Nevada Revised Statutes.

Section 4 requires a person to be ~~[~~a citizen of the United States or lawfully entitled to remain and work in the United States and~~]~~ over 18 years of age to be eligible to apply for a license to practice expanded function dental assistance. **Section 5** of this bill requires an applicant for such a license to: (1)

possess certain education and experience; (2) hold a current certification in the techniques of administering cardiopulmonary resuscitation; and (3) pass a written clinical examination and a written jurisprudence examination administered by the Board. **Section 6** of this bill authorizes a person who is licensed in another state and possesses certain other qualifications to apply for a license by endorsement as an expanded function dental assistant. **Section 6** authorizes the Board to require such an applicant to complete such additional training as is necessary for the applicant to be able to practice expanded function dental assistance with the same degree of competence as a person licensed pursuant to **section 5**. **Section 6.5** of this bill requires the Board to issue a special endorsement to practice restorative dental hygiene to a dental hygienist who has an active license in good standing to practice dental hygiene in this State and has successfully completed a course on restorative dental hygiene. **Section 7** of this bill requires an expanded function dental assistant or a dental hygienist with a special endorsement to practice restorative dental hygiene to work under the authorization of a dentist and prescribes certain requirements governing the supervision of an expanded function dental assistant. **Section 8** of this bill prescribes the services and procedures an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene is authorized to perform. **Section 22** of this bill requires the Board to adopt regulations governing the practice of: (1) expanded function dental assistants; and (2) dental hygienists who hold a special endorsement to practice restorative dental hygiene. **Section 25** of this bill requires the Board to adopt regulations governing continuing education in expanded function dental assistance. **Section 26** of this bill prescribes certain fees relating to licensure as an expanded function dental assistant, which are equal to similar fees that apply to dental hygienists.

Section 36 of this bill prescribes certain activities that constitute the illegal practice of expanded function dental assistance, and **section 39** of this bill makes it a crime to practice expanded function dental assistance without a license. It is also a crime to practice restorative dental hygiene without the proper special endorsement. (NRS 631.400)

Sections 11-20, 21, 23, 24, 27-35, 37-40, 42-45, 47 and 48 of this bill make revisions to certain existing provisions so that expanded function dental assistants are treated in the same manner as similar providers of oral health care in various respects.

Existing law: (1) provides for the issuance of a special endorsement as a public health dental hygienist to a dental hygienist who possesses certain qualifications; and (2) authorizes the holder of such an endorsement to provide services without the authorization or supervision of a dentist under certain circumstances. (NRS 631.287) **Sections 20.5 and 42** of this bill authorize a public health dental hygienist to authorize an expanded function dental assistant or a dental assistant to perform certain tasks as part of an approved program of public health dental hygiene.

Existing law authorizes a dental hygienist to perform only those services which are authorized by a dentist, unless otherwise provided by a regulation adopted by the Board. (NRS 631.310) **Sections 9, 41 and 46** of this bill authorize a dental hygienist who possesses certain qualifications to prescribe and dispense **only** certain drugs that are not controlled substances and are used for preventative treatment and ~~[items]~~ **devices** used for such treatment. **Section 9 prohibits such a dental hygienist from prescribing or dispensing any controlled substance or any other drug or device that is not listed in section 9.** **Section 9** requires the Board to adopt regulations prescribing continuing education for a dental hygienist who prescribes ~~[such]~~ **and dispenses the** drugs ~~[. Section 9.5 of this bill requires the Board to adopt regulations authorizing a dental hygienist or dental therapist to administer local anesthesia and laser radiation if authorized by the supervising dentist of the dental hygienist or dental therapist.]~~ **and devices listed in section 9. Section 40.5 of this bill: (1) requires a dental hygienist to obtain a certification from the State Board of Pharmacy to possess, prescribe and dispense dangerous drugs and devices pursuant to section 9; and (2) authorizes the State Board of Pharmacy to deny a dental hygienist application for such a certificate or grant the certificate but limit the ability of a dental hygienist to possess, prescribe and dispense dangerous drugs and devices.**

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

Section 1. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9.5, inclusive, of this act:

Sec. 2. ***"Expanded function dental assistance" means the performance of educational, preventative, therapeutic, palliative and restorative treatment of intraoral or extraoral procedures under the supervision of a dentist or as otherwise authorized pursuant to this chapter by a person licensed pursuant to section 5 or 6 of this act.***

Sec. 3. ***"Expanded function dental assistant" means any person who practices the profession of expanded function dental assistance and is licensed pursuant to this chapter.***

Sec. 3.5. ***"Restorative dental hygiene" means the performance of educational, preventative, therapeutic, palliative and restorative treatment of intraoral or extraoral procedures under the supervision of a dentist or as otherwise authorized pursuant to this chapter by a dental hygienist who holds a special endorsement issued pursuant to section 6.5 of this act.***

Sec. 4. ***Any person is eligible to apply for a license to practice expanded function dental assistance in this State who*** ~~***:***~~

~~***1. Is a citizen of the United States or lawfully entitled to remain and work in the United States; and***~~

~~***2. Is]***~~ ***is over 18 years of age.***

Sec. 5. *Except as otherwise provided in section 6 of this act, an applicant for a license as an expanded function dental assistant must include in his or her application proof that he or she:*

1. Possesses the following qualifications:

(a) Graduation from an accredited program for dental assisting with expanded functions; or

(b) Successful completion of a course of training for expanded function dental assistants and:

(1) Graduation from an accredited program for dental assisting without expanded functions; or

(2) Employment as a dental assistant working full-time for at least 2 years or part-time for at least 4 years and a passing score on the examination for Certified Dental Assistants administered by the Dental Assisting National Board, or its successor organization;

2. Holds a current certification in the techniques of administering cardiopulmonary resuscitation;

3. Has passed a written clinical examination given by the Board upon such subjects as the Board deems necessary for the practice of expanded function dental assistance; and

4. Has passed a written examination given by the Board concerning laws and regulations governing the practice of expanded function dental assistance in this State.

Sec. 6. *1. An applicant for a license by endorsement as an expanded function dental assistant must include in his or her application proof that he or she:*

(a) Is currently licensed as an expanded function dental assistant in another state or territory of the United States, or the District of Columbia;

(b) Possesses the following qualifications:

(1) Graduation from an accredited program for dental assisting with expanded functions; or

(2) Employment as a dental assistant or an expanded function dental assistant working full-time for at least 2 years or part-time for at least 4 years; and

(c) Has passed a written examination given by the Board concerning laws and regulations governing the practice of expanded function dental assistance in this State.

2. The Board may require an applicant for licensure by endorsement as an expanded function dental assistant to complete any training that the Board deems necessary for the applicant to be able to practice expanded function dental assistance with the same degree of competence as a person who possesses the qualifications described in section 5 of this act.

Sec. 6.5. *1. The Board shall, upon application by a dental hygienist who has the qualifications prescribed by subsection 2, issue a special endorsement of the license allowing the dental hygienist to practice*

restorative dental hygiene. The special endorsement may be renewed biennially upon renewal of the license of the dental hygienist.

2. An applicant for a special endorsement allowing a dental hygienist to practice restorative dental hygiene must include in his or her application proof that he or she:

(a) Holds an active license in good standing as a dental hygienist in this State; and

(b) Has successfully completed a course on restorative dental hygiene.

Sec. 7. *1. An expanded function dental assistant or dental hygienist with a special endorsement of his or her license issued pursuant to section 6.5 of this act may only practice expanded function dental assistance or restorative dental hygiene, as applicable, under the authorization of a dentist who is licensed in this State, unless otherwise authorized by NRS 631.287 or a regulation adopted by the Board.*

2. Except as specifically authorized by NRS 631.287 or a regulation adopted by the Board, an expanded function dental assistant shall not practice expanded function dental assistance to a person unless that person is a patient of the authorizing dentist of the expanded function dental assistant.

3. Except as specifically required by a regulation adopted by the Board, the authorizing dentist of an expanded function dental assistant is not required to be present during the provision of services by the expanded function dental assistant.

4. If the expanded function dental assistance required or requested by a patient exceeds the scope of practice or the skill and training of an expanded function dental assistant, the expanded function dental assistant shall refer the patient to the authorizing dentist of the expanded function dental assistant.

Sec. 8. *An expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene may perform the following acts under the conditions prescribed by section 7 of this act:*

1. Any service that a dental assistant or dental hygienist, as applicable, is authorized to perform pursuant to this chapter or any regulation adopted pursuant thereto.

2. Placing, condensing, contouring, adjusting, curing and finishing restorations that are made of a direct restorative material, including, without limitation, amalgam, resin-based composite and glass ionomer.

3. Placing and removing matrices and interproximal wedge devices.

4. Placing desensitizers, liners and bases.

5. Taking final impressions for:

(a) Indirect restorations, including, without limitation, crowns, bridges and veneers; and

(b) Removable prostheses, including, without limitation, dentures.

6. Adjusting a removable prostheses extraorally.

7. Cementation of permanent restorations, including, without limitation, crowns, bridges and veneers, if the authorizing dentist:

(a) Evaluates and approves each permanent restoration before the cementation is final; and

(b) Inspects each permanent restoration before the patient leaves the premises where the cementation occurred.

8. Placing topical fluoride.

9. Administering a hemostatic agent.

10. Applying agents for bleaching teeth.

11. Using an ultrasonic scaling unit only for the removal of bonding agents. This subsection does not authorize an expanded function dental assistant ~~[or dental hygienist with a special endorsement to practice restorative dental hygiene]~~ to use an ultrasonic scaling unit on any natural tooth.

Sec. 9. *1. A dental hygienist who meets the requirements prescribed by regulation of the Board pursuant to subsection 4 and is issued a certificate by the State Board of Pharmacy pursuant to section 40.5 of this act may prescribe and dispense ~~[an]~~ only:*

(a) Topical or systemic prescription ~~[drug,]~~ drugs, other than ~~[a]~~ controlled ~~[substance,]~~ substances, for preventative care;

(b) Fluoride ~~[preparation]~~ preparations for which a prescription is not required;

(c) Topical antimicrobial oral ~~[rinse; or]~~ rinses; and

(d) Medicament ~~[tray]~~ trays or ~~[mouthguard.]~~ mouthguards.

2. A dental hygienist shall not prescribe or dispense ~~[a]~~ :

(a) A controlled substance ; or ~~[any]~~

(b) Any drug or ~~[item]~~ device not listed in subsection 1 ~~[.]~~ or authorized under the certificate issued pursuant to section 40.5 of this act.

3. A dental hygienist may only prescribe and dispense a drug or ~~[item]~~ device pursuant to subsection 1:

(a) In compliance with any applicable regulations adopted by the Board; and

(b) In compliance with any applicable law governing the handling, prescribing and dispensing of a drug ~~[.]~~ or device.

4. The Board shall adopt regulations prescribing the:

(a) Education and training that a dental hygienist must complete before prescribing and dispensing a drug or ~~[item]~~ device pursuant to subsection 1; and

(b) Continuing education that a dental hygienist must complete to be authorized to continue prescribing and dispensing drugs or ~~[items]~~ devices pursuant to subsection 1.

Sec. 9.5. ~~*[1. The Board shall adopt regulations authorizing a dental hygienist or dental therapist to administer local anesthesia or use X-ray or laser radiation for dental treatment or dental diagnostic purposes.*~~

~~*2. The regulations adopted pursuant to this section must require:*~~

~~*(a) The supervising dentist of a dental hygienist or dental therapist to authorize any activity described in subsection 1; and*~~

~~*(b) Any location at which a dental hygienist or dental therapist administers local anesthesia to have licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia is administered.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, ***and sections 2, 3 and 3.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 631.070 is hereby amended to read as follows:

631.070 "License" means a certificate issued by the Board to any applicant upon completion of requirements for admission to practice ***expanded function dental assistance,*** dental hygiene, dental therapy or dentistry, or any of the special branches of dentistry, as provided by the license.

Sec. 12. NRS 631.115 is hereby amended to read as follows:

631.115 Except as otherwise provided in subsection ~~[2.]~~ ***3*** of NRS 631.317, this chapter does not apply to:

1. A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

2. A dentist, dental hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs 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.

Sec. 13. NRS 631.130 is hereby amended to read as follows:

631.130 The Governor shall appoint:

1. Six members who are graduates of accredited dental schools or colleges, are residents of Nevada and have ethically engaged in the practice of dentistry in Nevada for a period of at least 5 years.

2. One member who has resided in Nevada 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 may be licensed under the provisions of this chapter.

3. Three members who:

(a) Are graduates of accredited schools or colleges of dental hygiene or dental therapy;

(b) Are residents of Nevada; and

(c) Have been actively engaged in the practice of dental hygiene or dental therapy in Nevada for a period of at least 5 years before their appointment to the Board.

4. One member who is a representative of the general public. This member must not be:

(a) A dentist, dental hygienist **,** ~~[or]~~ dental therapist ~~[,]~~ ***or expanded function dental assistant;*** or

(b) The spouse or the parent or child, by blood, marriage or adoption, of a dentist, dental hygienist **,** ~~[or]~~ dental therapist ~~[,]~~ ***or expanded function dental assistant.***

Sec. 14. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, review panels, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry, dental hygiene **,** ~~[and]~~ dental therapy ~~[,]~~ ***and expanded function dental assistance.***

4. Examine applicants for licenses to practice dentistry, dental hygiene **,** ~~[and]~~ dental therapy ~~[,]~~ ***and expanded function dental assistance.***

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists, dental hygienists **,** ~~[and]~~ dental therapists ***and expanded function dental assistants*** licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 15. NRS 631.215 is hereby amended to read as follows:

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;

(c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the adjacent and associated structures and their impact on the human body;

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, dental hygienist, dental therapist ***, expanded function dental assistant*** or qualified technician from making radiograms or X-ray exposures for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) Prevents a dental hygienist or dental therapist from administering local anesthesia for pain management during treatment or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, upon authorization of a licensed dentist ***[and, where applicable, in accordance with the regulations adopted pursuant to section 9.5 of this act.]***

(c) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

(d) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental therapy or an accredited school of dental assisting.

(e) Prevents a licensed dentist ***, [or]*** dental hygienist ***or expanded function dental assistant*** from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

(f) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

(g) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

(h) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.

(i) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

(j) Prohibits a dental hygienist, dental therapist or expanded function dental assistant from engaging in any activity authorized by this chapter or the regulations adopted pursuant thereto.

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

➥ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 16. NRS 631.220 is hereby amended to read as follows:

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

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121 ~~[,]~~ ***or section 5 or 6 of this act,*** submit with the application proof satisfactory that the applicant passed the examination.

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

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

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

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 17. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human

Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 18. NRS 631.260 is hereby amended to read as follows:

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

Sec. 19. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240, 631.300 or 631.3121, issue a limited license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** to a person who:

(a) Is qualified for a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with:

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** at an educational or

outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or

(2) An accredited program of dentistry, dental hygiene **, ~~[or]~~** dental therapy ***or expanded function dental assistance*** of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry, dental hygiene **, ~~[or]~~** dental therapy ***or expanded function dental assistance*** at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230, 631.290 or 631.312, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry, dental hygiene **, ~~[or]~~** dental therapy ***or expanded function dental assistance*** issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry, dental hygiene **, ~~[or]~~** dental therapy ***or expanded function dental assistance*** if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry, dental hygiene **, ~~[or]~~** dental therapy **~~[,]~~** ***or expanded function dental assistance,***

➥ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry, dental hygiene **, ~~[or]~~** dental therapy ***or expanded function dental assistance*** in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State or accept compensation for the practice of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** for services provided as a dental intern, dental resident or instructor of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 20. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240, 631.300 or 631.3121 ~~[,]~~ ***or section 5 of this act,*** issue a restricted

geographical license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** to a person if the person meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240, 631.300 or 631.3121 ***or section 5 of this act*** for any applicant intending to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in a rural area of a county in which dental, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** needs are underserved ***,*** as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240, 631.300 or 631.3121 ***or section 5 of this act*** for any applicant intending to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in one or more rural areas within those counties in which dental, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** needs are underserved ***,*** as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240, 631.300 or 631.3121 ***or section 5 of this act*** for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240, 631.300 or 631.3121 ~~[;]~~ ***or section 5 of this act;***

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230, 631.290 or 631.312 ~~[,]~~ ***or section 4 of this act,*** as appropriate.

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** has been revoked or suspended;

(b) Who has been refused a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ~~[;]~~ ***or expanded function dental assistance;*** or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ~~[,]~~ ***or expanded function dental assistance,***

➥ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State or accept compensation for the practice of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240, 631.300 or 631.3121 ***or section 5 of this act*** if the person:

(a) Has not had a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board may revoke a restricted geographical license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 20.5. NRS 631.287 is hereby amended to read as follows:

631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist.

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

3. As part of a program for the provision of public health dental hygiene approved by the Board, a dental hygienist with a special endorsement to practice public health dental hygiene may authorize a dental assistant or expanded function dental assistant under his or her direct supervision to:

(a) Apply dental sealants;

(b) Apply topical fluoride;

(c) Perform coronal polishing;

(d) Take radiographs; and

(e) Provide oral health education.

Sec. 21. 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, ***a*** dental therapist, ***a*** dental assistant ***, an expanded function 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 ~~[,]~~ ***or expanded function dental assistant,*** 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]~~ ***Except as otherwise provided in sections 8 and 9 of this act, 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.

Sec. 22. NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a dental hygienist, dental therapist or dental assistant in his or her employ or that may be performed by a dental hygienist or dental therapist engaged in school health activities or employed by a public health agency.

2. ***Specifying the intraoral tasks, in addition to those prescribed by section 8 of this act, that may be assigned by a licensed dentist to an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene in his or her employ or that may be performed by an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene engaged in school health activities or employed by a public health agency.***

3. Governing the practice of dentists, dental hygienists ***,*** ~~[and]~~ dental therapists ***and expanded function dental assistants*** in full-time employment with the State of Nevada.

Sec. 23. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271, 631.2715 and 631.275:

(a) Each holder of a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

➥ be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be

reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 24. NRS 631.340 is hereby amended to read as follows:

631.340 1. Any person who has obtained from the Board a license certificate to practice dental hygiene, dental therapy ***, expanded function dental assistance*** or dentistry or any special branch of dentistry in this State, and who fails to obtain a renewal certificate, must, before resuming the practice in which he or she was licensed, make application to the Secretary-Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.

2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice in his or her particular profession, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, the Secretary-Treasurer shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter.

Sec. 25. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene ***,*** ~~[and]~~ dental therapy ~~[.]~~ ***and expanded function dental assistance.*** The regulations must include:

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

(b) The criteria used to accredit each course; and

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

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

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

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

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

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

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

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

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

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

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

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

6. As used in this section:

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

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

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

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

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

Sec. 26. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry	$1,500
Application fee for an initial license to practice dental hygiene ***or expanded function dental assistance***	750
Application fee for an initial license to practice dental therapy	1,000
Application fee for a specialist's license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance***	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance***	1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	600

Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation 350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines 500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry 1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry 300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** 600
Annual license renewal fee for a limited license to practice dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** 300
Biennial license renewal fee for an inactive dentist 400
Biennial license renewal fee for a dentist who is retired or has a disability 100
Biennial license renewal fee for an inactive dental hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** 200
Biennial license renewal fee for a dental hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** who is retired or has a disability 100
Reinstatement fee for a suspended license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** 500
Reinstatement fee for a revoked license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** 500
Reinstatement fee to return a dentist, dental hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** who is inactive, retired or has a disability to active status 500
Fee for the certification of a license 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed $150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 27. NRS 631.3452 is hereby amended to read as follows:

631.3452 Except as otherwise provided in NRS 631.3453, an entity that owns or operates a dental office or clinic as described in paragraph (g) of subsection 2 of NRS 631.215 must:

1. Designate an actively licensed dentist as the dental director of the dental office or clinic. The dental director shall have responsibility for the clinical practice of dentistry at the dental office or clinic, including, without limitation:

(a) Diagnosing or treating any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof.

(b) Administering or prescribing such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases.

(c) Determining:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable.

(d) The overall quality of patient care that is rendered or performed in the clinical practice of dentistry.

(e) Supervising dental hygienists, dental therapists, dental assistants ***, expanded function dental assistants*** and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists, dental therapists, dental assistants ***, expanded function dental assistants*** and other personnel in accordance with the standards of supervision established by law or regulations adopted pursuant thereto.

(f) Providing any other specific services that are within the scope of clinical dental practice.

(g) Retaining patient dental records as required by law and regulations adopted by the Board.

(h) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

2. Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental therapists, dental assistants ***, expanded function dental assistants*** or other personnel involved in direct patient care. The records must be available to the Board upon written request.

Sec. 28. NRS 631.3455 is hereby amended to read as follows:

631.3455 Nothing in this chapter precludes a person or entity not licensed by the Board from providing goods or services for the support of the business of a dental practice, office or clinic if the person or entity does not manage or control the clinical practice of dentistry. Such goods and services may include, without limitation, transactions involving:

1. Real and personal property, other than the ownership of the clinical records of patients; and

2. Personnel, other than licensed dentists, dental hygienists **,** ~~[and]~~ dental therapists ~~[.]~~ ***and expanded function dental assistants.***

Sec. 29. NRS 631.346 is hereby amended to read as follows:

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

1. Employing, directly or indirectly, any student or any suspended or unlicensed dentist, dental hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** to perform operations of any kind to treat or correct the teeth or jaws, except as provided in this chapter;

2. Except as otherwise provided in NRS 631.287 or 631.3453, giving a public demonstration of methods of practice any place other than the office where the licensee is known to be regularly engaged in this practice;

3. Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry, but a patient shall not be deemed to be an accomplice, employer, procurer, inducer, aider or abettor;

4. For a dental hygienist or dental therapist, practicing in any place not authorized pursuant to this chapter; or

5. Practicing while a license is suspended or without a renewal certificate.

Sec. 30. NRS 631.3465 is hereby amended to read as follows:

631.3465 The following acts, among others, constitute unprofessional conduct:

1. Dividing fees or agreeing to divide fees received for services with any person for bringing or referring a patient, without the knowledge of the patient or his or her legal representative, but licensed dentists are not prohibited from:

(a) Practicing in a partnership and sharing professional fees;

(b) Employing another licensed dentist, dental hygienist **,** ~~[or]~~ dental therapist ~~[;]~~ ***or expanded function dental assistant;*** or

(c) Rendering services as a member of a nonprofit professional service corporation.

2. Associating with or lending his or her name to any person engaged in the illegal practice of dentistry or associating with any person, firm or corporation holding himself, herself or itself out in any manner contrary to the provisions of this chapter.

3. Associating with or being employed by a person not licensed pursuant to this chapter if that person exercises control over the services offered by the dentist, owns all or part of the dentist's practice or receives or shares the fees received by the dentist. The provisions of this subsection do not apply to a dentist who associates with or is employed by a person who owns or controls a dental practice pursuant to NRS 631.385.

4. Using the name "clinic," "institute," "referral services" or other title or designation that may suggest a public or semipublic activity.

5. Practicing under the name of a dentist who has not been in active practice for more than 1 year.

Sec. 31. NRS 631.3475 is hereby amended to read as follows:

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

1. Malpractice;

2. Professional incompetence;

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

4. More than one act by the dentist, dental hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** constituting substandard care in the practice of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ~~[,]~~ ***or expanded function dental assistance, as applicable;***

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

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

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

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

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

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

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

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

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

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

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

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

14. The performance or supervision of the performance of a pelvic examination in violation of NRS 629.085; or

15. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

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

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

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

Sec. 32. NRS 631.3485 is hereby amended to read as follows:

631.3485 1. The following acts, among others, constitute unprofessional conduct:

(a) Willful or repeated violations of the provisions of this chapter;

(b) Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the Board of Dental Examiners of Nevada;

(c) Failure to pay the fees for a license; or

(d) Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061, if the dentist, dental hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** is the custodian of health care records with respect to those records.

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in NRS 629.016.

Sec. 33. NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ~~[,]~~ ***or expanded function dental assistance*** the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license.

Sec. 34. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the Board may:

(a) Refuse to issue a license to any person;

(b) Revoke or suspend the license or renewal certificate issued by it to any person;

(c) Fine a person it has licensed;

(d) Place a person on probation for a specified period on any conditions the Board may order;

(e) Issue a public reprimand to a person;

(f) Limit a person's practice to certain branches of dentistry;

(g) Require a person to participate in a program relating to an alcohol or other substance use disorder or any other impairment;

(h) Require that a person's practice be supervised;

(i) Require a person to perform community service without compensation;

(j) Require a person to take a physical or mental examination or an examination of his or her competence;

(k) Require a person to fulfill certain training or educational requirements;

(l) Require a person to reimburse a patient; or

(m) Any combination thereof,

➥ if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

(a) Engaging in the illegal practice of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ~~[,]~~ ***or expanded function dental assistance;***

(b) Engaging in unprofessional conduct; or

(c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

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

Sec. 35. NRS 631.360 is hereby amended to read as follows:

631.360 1. Except as otherwise provided in NRS 631.364, the Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who practices dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may

refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. The Board shall, before initiating disciplinary action, at least 10 days before the date set for the hearing, notify the accused person in writing of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. 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 Executive Director 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.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 36. NRS 631.395 is hereby amended to read as follows:

631.395 A person is guilty of the illegal practice of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** who:

1. Sells or barters, or offers to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dentists, dental hygienists ***,*** ~~[or]~~ dental therapists ~~[;]~~ ***or expanded function dental assistants;***

2. Purchases or procures by barter any such diploma, certificate or transcript, with the intent that it be used as evidence of the holder's qualifications to practice dentistry, or in fraud of the laws regulating that practice;

3. With fraudulent intent, alters in a material regard any such diploma, certificate or transcript;

4. Uses or attempts to use any diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist, dental hygienist ***,*** ~~[or]~~ dental therapist ~~[;]~~ ***or expanded function dental assistant;***

5. Practices dentistry under a false or assumed name;

6. Assumes the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine" or appends the letters "D.D.S." or "D.M.D." or "R.D.H." to his or her name, not having conferred upon him or her, by diploma from an accredited dental or dental hygiene college or school legally empowered to confer the title, the right to assume the title, or assumes any title or appends any letters to his or her name with the intent to represent falsely that he or she has received a dental degree or license;

7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;

8. Within 10 days after a demand is made by the Secretary-Treasurer, fails to furnish to the Board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office of the person at any time within 60 days before the notice, together with a sworn statement showing under and by what license or authority the person and his or her employee are and have been practicing dentistry, but the affidavit must not be used as evidence against the person in any proceeding under this chapter;

9. Except as otherwise provided in NRS 629.091, practices dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State without a license;

10. Except as otherwise provided in NRS 631.385, owns or controls a dental practice, shares in the fees received by a dentist or controls or attempts to control the services offered by a dentist if the person is not himself or herself licensed pursuant to this chapter; or

11. Aids or abets another in violating any of the provisions of this chapter.

Sec. 37. NRS 631.396 is hereby amended to read as follows:

631.396 Any member or agent of the Board may enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 38. NRS 631.397 is hereby amended to read as follows:

631.397 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 dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 39. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D 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.

2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who practices or offers to practice dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State without a license, or who, having a license, practices dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, 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 certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, ***expanded function dental assistant,*** 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. 40.5. **Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, a dental hygienist licensed pursuant to chapter 631 of NRS may, if authorized by the Board, possess, prescribe or dispense dangerous drugs and devices only to the extent and subject to the limitations specified in section 9 of this act and the certificate issued to the dental hygienist by the Board pursuant to this section.

2. If a dental hygienist wishes to possess, prescribe or dispense dangerous drugs and devices and is authorized to do so by section 9 of this act and the regulations adopted pursuant thereto, the dental hygienist must apply to the Board for a certificate to possess, prescribe or dispense dangerous drugs and devices and pay the applicable fee for authorization of a practitioner to dispense dangerous drugs pursuant to NRS 639.170.

3. The Board shall consider each application separately and, except as otherwise provided in subsection 5, may, even though the dental hygienist is otherwise authorized by section 9 of this act to possess, prescribe or dispense dangerous drugs and devices:

(a) Refuse to issue a certificate;

(b) Issue a certificate limiting the authority of the dental hygienist to possess, prescribe or dispense dangerous drugs and devices, the area in which the dental hygienist may possess dangerous drugs and devices or the kind and amount of dangerous drugs or devices; or

(c) Issue a certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. The Board may adopt regulations controlling the maximum amount to be possessed, prescribed or dispensed and the storage, security, recordkeeping and transportation of dangerous drugs or devices by a dental hygienist licensed pursuant to chapter 631 of NRS.

5. The provisions of this section do not limit or authorize the Board to limit the authority of a dental hygienist to possess dangerous drugs under the circumstances authorized by paragraph (b) of subsection 1 of NRS 454.213, regardless of whether the dental hygienist holds a certificate issued pursuant to this section.

Sec. 41. 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 ~~[.]~~ ***; or***

7. A dental hygienist who:

(a) Holds a valid license to practice dental hygiene in this State; ~~***[and]***~~

(b) Is authorized to prescribe and dispense ~~***[certain]***~~ ***the dangerous drugs*** ~~***[pursuant to]***~~ ***and devices listed in section 9 of this act*** ~~***[.]***~~ ***in accordance with the provisions of that section and the regulations adopted pursuant thereto; and***

(c) Holds a certificate issued pursuant to section 40.5 of this act by the State Board of Pharmacy authorizing him or her to so prescribe.

Sec. 42. NRS 653.430 is hereby amended to read as follows:

653.430 The provisions of this chapter do not apply to:

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

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

(a) A dentist ~~[.]~~ ***; or***

(b) Where authorized by NRS 631.287, a dental hygienist who holds a special endorsement to practice public health dental hygiene.

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

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

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

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

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

Sec. 43. 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 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, ***an expanded function dental assistant, an expanded function dental assistant 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. 44. 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, ***expanded function dental assistant,*** chiropractic physician, 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. 45. NRS 439.2713 is hereby amended to read as follows:

439.2713 "Provider of oral health care" means a dentist ***,*** ~~**[or]**~~ dental hygienist ***or expanded function dental assistant*** licensed pursuant to the provisions of chapter 631 of NRS.

Sec. 46. 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 dental hygienist who holds a valid license to practice dental hygiene in this State and ~~***[is]***~~ ***:***

(a) Is authorized to prescribe and dispense ~~***[certain]***~~ ***the dangerous drugs*** ~~***[pursuant to]***~~ ***listed in section 9 of this act*** ~~***[,]***~~ ***in accordance with the provisions of that section and the regulations adopted pursuant thereto; and***

(b) Holds a certificate issued by the State Board of Pharmacy pursuant to section 40.5 of this act authorizing him or her to so prescribe.

Sec. 47. 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 ***or expanded function dental assistant*** 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.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 48. NRS 695D.040 is hereby amended to read as follows:

695D.040 "Dentist" includes a dental hygienist ~~[.]~~ ***and an expanded function dental assistant.***

Sec. 49. 1. Not later than January 1, 2025, the Board of Dental Examiners of Nevada shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature that includes, without limitation:

(a) The number of persons that applied for licensure as an expanded function dental assistant pursuant to sections 5 and 6 of this act during the 2024 calendar year and the number of such licenses issued during the 2024 calendar year;

(b) The number of persons that applied for a special endorsement to practice restorative dental hygiene pursuant to section 6.5 of this act during the 2024 calendar year and the number of such special endorsements issued during the 2024 calendar year;

(c) The number of dental hygienists currently authorized to prescribe and dispense drugs **or devices** pursuant to section 9 of this act; and

(d) A description of the impact of authorizing the practice of expanded function dental assistance and restorative dental hygiene and the prescription

and dispensing of drugs by dental hygienists on the quality and availability of dental services in this State.

2. As used in this section:

(a) "Dental hygienist" has the meaning ascribed to it in NRS 631.040.

(b) "Expanded function dental assistance" has the meaning ascribed to it in section 2 of this act.

(c) "Expanded function dental assistant" has the meaning ascribed to it in section 3 of this act.

(d) "Restorative dental hygiene" has the meaning ascribed to it in section 3.5 of this act.

Sec. 50. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 49, inclusive, of this act become effective:

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

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

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 328.

Bill read second time.

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

Amendment No. 698.

SUMMARY— ~~[Eliminating the exemption of]~~ **Makes various changes relating to** the Cannabis Compliance Board **.** ~~[from the provisions of the Nevada Administrative Procedure Act.]~~ (BDR 56-519)

AN ACT relating to cannabis; **revising provisions relating to the appointment of members of the Cannabis Compliance Board; revising the qualifications and terms of office of members of the Board; authorizing the Governor to appoint and remove the Executive Director of the Board; revising the powers of the Board; authorizing the Board to adopt certain regulations; requiring the Board to adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities;** eliminating the exemption of the ~~[Cannabis Compliance]~~ Board from the provisions of the Nevada Administrative Procedure Act; revising procedures governing disciplinary proceedings conducted by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain legislative findings and declarations concerning the public policy of this State with respect to the cannabis industry. (NRS 678A.005) Section 1 of this bill revises those findings and

declarations and adds certain findings and declarations relating to illegal and unregulated activities involving cannabis.

Existing law sets forth the general powers of the Cannabis Compliance Board. (NRS 678A.440) Section 1.6 of this bill authorizes the Board to: (1) seize and destroy cannabis and cannabis products involved in unlicensed cannabis activities in accordance with the procedures applicable to other property subject to forfeiture; and (2) commit resources and take certain actions relating to unlicensed cannabis activities.

Existing law sets forth the composition of the Board. (NRS 678A.360) Existing law requires the Governor to appoint the members of the Board and designate one member to serve as Chair. (NRS 678A.370) Section 1.3 of this bill revises certain requirements and qualifications of the members of the Board. Sections 1.3, 4.3 and 4.6 of this bill exempt one member of the Board who is required to be selected based on his or her knowledge, skill and experience in the cannabis industry from certain restrictions imposed on former public officers or employees. Section 1.4 of this bill revises provisions concerning the appointment of members of the Board. Section 1.4 requires the Governor to designate one member of the Board to serve as Vice Chair and requires each member, before entering upon the duties of office, to receive training that is the same or substantially similar to that which is required of a cannabis establishment agent.

Section 5.4 of this bill provides for staggered terms of the five members of the Board by: (1) providing that the terms of office of three members of the Board serving on June 30, 2024, expire on that date and requiring new members be appointed for a term of 4 years commencing July 1, 2024; and (2) providing that the terms of office of the remaining two members of the Board serving as of June 30, 2025, expire on that date and requiring new members be appointed for a term of 4 years commencing July 1, 2025.

Existing law requires the Board to appoint, and authorizes the Board to remove, the Executive Director of the Board. (NRS 678A.420) Section 1.5 of this bill transfers that authority to the Governor and requires the Governor to consider the skill and experience of a potential Executive Director in regulated industries when making the appointment.

Existing law authorizes the Board to adopt regulations necessary and convenient to carry out certain provisions of law relating to the regulation of cannabis. (NRS 678A.450) Section 1.7 of this bill provides that if the Board adopts regulations establishing certain mechanisms to ensure compliance with those provisions of law, the mechanisms must: (1) include certain education and training for employees of the Board and certain information to aid licensees and registrants in compliance; and (2) establish certain grounds for disciplinary action against a licensee or registrant. Section 1.7 also authorizes the Board to adopt certain regulations governing cannabis establishments which are publicly traded companies. Finally, section 1.7 requires the Board to adopt regulations

providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Section 5.3 of this bill makes a conforming change to account for the placement of new language in section 1.7.

Existing law sets forth the Nevada Administrative Procedure Act, which establishes the procedures for state agencies to adopt, amend or repeal administrative regulations and adjudicate contested cases. (Chapter 233B of NRS) Existing law exempts the ~~[Cannabis Compliance]~~ Board from the provisions of the Act. (NRS 233B.039) Existing law instead sets forth specific procedures for the Board to: (1) adopt, amend or repeal regulations; and (2) take disciplinary action against a person who holds a license or registration card issued by the Board. (NRS 678A.460, 678A.500-678A.640) **Section 5** of this bill eliminates the exemption of the Board from the provisions of the Act, thereby requiring the Board to adopt, amend and repeal regulations and adjudicate contested cases in the same manner as other state agencies subject to the provisions of the Act. **Section 6** of this bill repeals the specific procedures for the Board to adopt, amend or repeal regulations set forth under existing law. **Sections ~~[1-3]~~ 1.9-3** of this bill revise the procedures for the Board to take disciplinary action to conform with the procedures for the adjudication of contested cases set forth in the Act.

Existing law sets forth procedures by which a person aggrieved by a final decision of the Board in a disciplinary proceeding may obtain judicial review of the decision. (NRS 678A.610-678A.640) **Section 6** eliminates those procedures. **Section 4** of this bill instead authorizes a person aggrieved by a final decision of the Board in a disciplinary proceeding to obtain judicial review of the decision in the manner provided in the Act.

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

Section 1. **NRS 678A.005 is hereby amended to read as follows:**

678A.005 The Legislature hereby finds, and declares to be the public policy of this State, that:

1. The cannabis industry is ~~[beneficial]~~ ***significant*** to the economy of the State ~~[and the general welfare of its residents.]~~ ***of Nevada.***

2. ***A regulated cannabis industry provides access to legal cannabis and cannabis products in a safe manner. Cannabis and cannabis products obtained from illegal sources are not tested, may be associated with violent crime and are often targeted at minors.***

3. The continued growth and success of the cannabis industry is dependent upon public confidence and trust ***and an understanding*** that:

(a) Residents who suffer from chronic or debilitating medical conditions will be able to obtain medical cannabis safely and conveniently;

(b) Residents who choose to engage in the adult use of cannabis may also obtain adult-use cannabis in a safe and efficient manner;

(c) Cannabis establishments do not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods;

(d) Cannabis licenses and registration cards are issued in a fair and equitable manner ~~[;]~~ ***with a commitment to the consideration of social equity;***

(e) The holders of cannabis licenses and registration cards are representative of their communities; ~~[and]~~

(f) ~~[The]~~ ***Nevada seeks to emulate other privileged industries that are licensed and strictly regulated insofar as those industries are similar to or the approaches used in those industries are compatible with the cannabis industry in this State; and***

(g) A well regulated cannabis industry ~~[is free from]~~ ***provides significant tax revenues to the State and runs contrary to the*** criminal and corruptive elements ~~[.]~~ ***that exist in an unregulated and illegal market.***

~~[3.]~~ ***4.*** Public confidence and trust can only be maintained by strict ***but fair and equitable*** regulation of all persons, locations, practices, associations and activities related to the operation of cannabis establishments.

~~[4.]~~ ***5.*** All cannabis establishments and cannabis establishment agents must ~~[therefore]~~ be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State, to foster the stability and success of the cannabis industry and to preserve the competitive economy and policies of free competition of the State of Nevada.

Sec. 1.3. **NRS 678A.360 is hereby amended to read as follows:**

678A.360 1. Each member of the Board must be a resident of the State of Nevada.

2. No member of the Legislature, no person holding any elective office in the State Government, nor any officer or official of any political party is eligible for appointment to the Board.

3. Not more than three of the five members of the Board may be of the same political party.

4. It is the intention of the Legislature that the Board be composed of the most qualified persons available.

5. One member of the Board must ~~[:~~

~~(a) Be a certified public accountant certified or licensed by this State or another state of the United States or a public accountant qualified to practice public accounting under the provisions of chapter 628 of NRS, have 5 years of progressively responsible experience in general accounting and have a comprehensive knowledge of the principles and practices of corporate finance; or~~

~~(b) Possess]~~ ***possess*** the qualifications of an expert in the fields of corporate finance and auditing, ***inventory,*** general finance or economics ~~[.]~~ ***and be selected with special reference to his or her knowledge, skill and experience in representing businesses engaging in manufacturing, distribution, retail or agriculture.***

6. One member of the Board must be selected with special reference to his or her training and experience in the fields of investigation or law enforcement ~~[.]~~ ***, including, without limitation, in the area of illegal or unlicensed cannabis activities.***

7. One member of the Board must be an attorney licensed to practice in this State and selected with special reference to his or her knowledge, skill and experience in ***representing businesses in licensing matters or*** regulatory compliance.

8. One member of the Board must be selected with special reference to his or her knowledge, skill and experience in the cannabis industry. ***The person selected pursuant to this subsection is not subject to paragraph (b) of subsection 1 of NRS 281A.410 or subsection 3 of NRS 281A.550.***

9. One member of the Board must be a physician licensed pursuant to chapter 630 or 633 of NRS and have knowledge, skill and experience in the area of public health or be a psychologist, clinical professional counselor, alcohol and drug counselor ***,*** ~~[or]~~ social worker ***or a person with expertise in laboratory sciences and must be selected*** with ***special reference to his or her*** knowledge, skill and experience in the area of ~~[education and prevention of abuse relating to]~~ cannabis.

10. In addition to any other requirements imposed by this section, the member who is designated as Chair of the Board must have at least 5 years of leadership experience in his or her field.

Sec. 1.4. **NRS 678A.370 is hereby amended to read as follows:**

678A.370 1. ~~[The term of office of each member of the Board is 4 years, commencing on the last Monday in January.~~

~~2.]~~ The Governor shall appoint the members of the Board and designate one member to serve as Chair, who shall preside over all official activities of the Board ~~[.]~~ ***, and one member as Vice Chair, who shall perform duties established by the Board.***

2. The term of the Chair is 2 years. Upon expiration of the term of the Chair, if the Governor has not designated the member to serve as Chair for another term or designated another member to serve as Chair, the Vice Chair becomes the Chair.

3. In appointing members to the Board, the Governor shall consider whether the members appointed to the Board reflect the ethnic and geographical diversity of this State.

4. Each member of the Board serves a term of 4 years.

~~[3.]~~ ***5.*** The Governor may remove any member for ***neglect of duty,*** misfeasance, malfeasance or nonfeasance in office. Removal may be made after:

(a) The member has been served with a copy of the charges against the member; and

(b) A public hearing before the Governor is held upon the charges, if requested by the member charged.

➥ The request for a public hearing must be made within 10 days after service upon such member of the charges. If a hearing is not requested, a member is removed effective 10 days after service of charges upon the member. A record of the proceedings at the public hearing must be filed with the Secretary of State.

6. Before entering upon the duties of office, each person appointed to the Board must receive training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment.

Sec. 1.5. **NRS 678A.420 is hereby amended to read as follows:**

678A.420 1. The position of Executive Director of the Cannabis Compliance Board is hereby created.

2. The Executive Director:

(a) Is appointed by the ~~[Board]~~ ***Governor, with consideration given to the skill or experience of the appointee in regulated industries,*** and may be removed by the ~~[Board,]~~ ***Governor;***

(b) Is responsible for the conduct of the administrative matters of the Board; and

(c) Shall, except as otherwise provided in NRS 284.143, devote his or her entire time and attention to the business of the office of Executive Director and shall not pursue any other business or occupation or hold any other office for profit.

3. The Executive Director is entitled to an annual salary in the amount specified by the Board within the limits of legislative appropriations or authorizations.

Sec. 1.6. **NRS 678A.440 is hereby amended to read as follows:**

678A.440 In addition to any other powers granted by this title, the Board has the power to:

1. Enter into interlocal agreements pursuant to NRS 277.080 to 277.180, inclusive.

2. Establish and amend a plan of organization for the Board, including, without limitation, organizations of divisions or sections with leaders for such divisions or sections.

3. Appear on its own behalf before governmental agencies of the State or any of its political subdivisions.

4. Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this title.

5. Execute all instruments necessary or convenient for carrying out the provisions of this title.

6. Prepare, publish and distribute such studies, reports, bulletins and other materials as the Board deems appropriate.

7. Refer cases to the Attorney General for criminal prosecution.

8. Maintain an official Internet website for the Board.

9. Monitor federal activity regarding cannabis and report its findings to the Legislature.

10. Employ the services of such persons the Board considers necessary for the purposes of hearing disciplinary proceedings.

11. In accordance with NRS 179.1156 to 179.121, inclusive, seize and destroy cannabis and cannabis products involved in unlicensed cannabis activities.

12. Commit resources and take action to address unlicensed cannabis activities, including, without limitation:

(a) Investigating and referring matters involving unlicensed cannabis activities to the appropriate state or local law enforcement agency, including, without limitation, the Investigation Division of the Department of Public Safety and the Attorney General, for further investigation and possible criminal prosecution;

(b) Educating the public through various types of media and communication and other forms of public outreach on the dangers and illegality of unlicensed cannabis activities and the importance of having cannabis establishments which are licensed and regulated;

(c) Creating a system through which the public, licensees and registrants may file confidential reports of unlicensed cannabis activities; and

(d) Imposing penalties against persons who engage in unlicensed cannabis activities in accordance with the regulations adopted by the Board pursuant to NRS 678A.450.

Sec. 1.7. **NRS 678A.450 is hereby amended to read as follows:**

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such ***education, outreach,*** investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title. ***Such mechanisms must include, without limitation:***

(1) A system to educate, train and certify employees of the Board which:

(I) Each member must complete before he or she may engage in inspections, investigations or audits; and

(II) At a minimum, includes training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment;

(2) A system to educate and advise licensees and registrants on compliance with the provisions of this title which may serve as an alternative to disciplinary action; and

(3) Establishing specific grounds for disciplinary action against a licensee or registrant who knowingly violates the law or engages in grossly

negligent, unlawful or criminal conduct or an act or omission that poses an imminent threat to the health or safety of the public.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.

(f) ***Policies and procedures relating to the disclosure of the identities of the shareholders and the annual report of a cannabis establishment that is a publicly traded company.***

(g) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

~~[(g)]~~ ***(h)*** Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

~~[(h)]~~ ***(i)*** Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. ***The Board shall adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Such regulations must, without limitation:***

(a) Establish penalties to be imposed for unlicensed cannabis activities, which may include, without limitation, the issuance of a cease and desist order or citation, the imposition of an administrative fine or civil penalty and other similar penalties.

(b) Set forth the procedures by which the Board may impose a penalty against a person for engaging in unlicensed cannabis activities.

(c) Set forth the circumstances under which the Board is required to refer matters concerning unlicensed cannabis activities to an appropriate state or local law enforcement agency.

4. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

~~[4.]~~ ***5.*** The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

~~[Section 1.]~~ ***Sec. 1.9.*** NRS 678A.510 is hereby amended to read as follows:

678A.510 1. If the Executive Director transmits the details of a suspected violation to the Attorney General pursuant to NRS 678A.500, the Attorney General shall conduct an investigation of the suspected violation to determine whether it warrants proceedings for disciplinary action of the licensee or registrant. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Executive Director in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint. The Executive Director shall transmit the recommendation and other information received from the Attorney General to the Board.

2. The Board shall promptly make a determination with respect to each complaint resulting in an investigation by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action in accordance with NRS 678A.520 to 678A.600, inclusive, ***chapter 233B of NRS*** and the regulations adopted by the Board.

Sec. 2. NRS 678A.540 is hereby amended to read as follows:

678A.540 1. At all hearings before the Board:

(a) Oral evidence may be taken only upon oath or affirmation administered by the Board.

(b) Every party has the right to:

(1) Call and examine witnesses;

(2) Introduce exhibits relevant to the issues of the case;

(3) Cross-examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered in a direct examination;

(4) Impeach any witness regardless of which party first called the witness to testify; and

(5) Offer rebuttal evidence.

(c) If the respondent does not testify in his or her own behalf, the respondent may be called and examined as if under cross-examination.

(d) The hearing need not be conducted according to technical rules relating to evidence and witnesses ~~[.]~~ ***, except that those prescribed in NRS 233B.123 apply.*** Any relevant evidence ***that is not immaterial or unduly repetitious*** may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.

(e) The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.

2. The Board may take official notice of any generally accepted information or technical or scientific matter within the field of cannabis, and of any other fact which may be judicially noticed by the courts of this State. The parties must be informed of any information, matters or facts so noticed, and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities, the manner of such refutation to be determined by the Board.

3. Affidavits may be received in evidence at any hearing of the Board in accordance with the following:

(a) The party wishing to use an affidavit must, not less than 10 days before the day set for hearing, serve upon the opposing party or counsel, either personally or by registered or certified mail, a copy of the affidavit which the party proposes to introduce in evidence together with a notice as provided in paragraph (c).

(b) Unless the opposing party, within 7 days after such service, mails or delivers to the proponent a request to cross-examine the affiant, the opposing party's right to cross-examine the affiant is waived and the affidavit, if introduced in evidence, must be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made in accordance with this paragraph, the affidavit may be introduced in evidence, but must be given only the same effect as other hearsay evidence.

(c) The notice referred to in paragraph (a) must be substantially in the following form:

> The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing set for the ..... day of the month of ……. of the year …… (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question (here insert name

of affiant) unless you notify the undersigned that you wish to cross-examine (here insert name of affiant). To be effective your request must be mailed or delivered to the undersigned on or before 7 days from the date this notice and the enclosed affidavit are served upon you.

.....
(Party or Counsel)

.....
(Address)

Sec. 3. NRS 678A.590 is hereby amended to read as follows:

678A.590 1. Within 60 days after the hearing of a contested matter, the Board shall render a written decision on the merits **. [**~~which~~**]** ***Except as otherwise provided in subsection 5 of NRS 233B.121, the written decision*** must contain findings of fact **[**~~,~~**]** ***and conclusions of law which are separately stated,*** a determination of the issues presented and the penalty to be imposed, if any. The Board shall thereafter make and enter its written order in conformity to its decision. No member of the Board who did not hear the evidence may vote on the decision. The affirmative votes of a majority of the whole Board are required to impose any penalty. Copies of the decision and order must be served on the parties personally or sent to them by registered or certified mail. The decision is effective upon such service, unless the Board orders otherwise.

2. The Board may, upon motion made within **[**~~10~~**]** ***15*** days after service of a decision and order, order a rehearing before the Board upon such terms and conditions as it may deem just and proper if a petition for judicial review of the decision and order has not been filed. The motion must not be granted except upon a showing that there is additional evidence which is material and necessary and reasonably calculated to change the decision of the Board, and that sufficient reason existed for failure to present the evidence at the hearing of the Board. The motion must be supported by an affidavit of the moving party or his or her counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced at the hearing. Upon rehearing, rebuttal evidence to the additional evidence must be permitted. After rehearing, the Board may modify its decision and order as the additional evidence may warrant.

Sec. 4. NRS 678A.610 is hereby amended to read as follows:

678A.610 **[**~~1.~~**]** Any person aggrieved by a final decision or order of the Board made after hearing or rehearing by the Board pursuant to NRS 678A.520 to 678A.600, inclusive, and whether or not a motion for rehearing was filed, **[**~~may obtain a~~**]** ***is entitled to*** judicial review **[**~~thereof in the district court of the county in which the petitioner resides or has his, her or its principal place of business.~~

~~2. The judicial review must be instituted by filing a petition within 20 days after the effective date of the final decision or order. A petition may not be filed while a motion for rehearing or a rehearing is pending before the Board.~~

~~The petition must set forth the order or decision appealed from and the grounds or reasons why petitioner contends a reversal or modification should be ordered.~~

~~3. Copies of the petition must be served upon the Board and all other parties of record, or their counsel of record, either personally or by certified mail.~~

~~4. The court, upon a proper showing, may permit other interested persons to intervene as parties to the appeal or as friends of the court.~~

~~5. The filing of the petition does not stay enforcement of the decision or order of the Board, but the Board itself may grant a stay upon such terms and conditions as it deems proper.~~**]** ***of the decision or order in the manner provided by chapter 233B of NRS.***

Sec. 4.3. **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]~~ ***Except as otherwise provided in NRS 678A.360,*** 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 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. 4.6. **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 ~~,~~ ***and NRS 678A.360,*** a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former 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 former public officer who was a member of a board, commission or similar body of the State if:

(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;

(b) The former public officer 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 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 by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded $25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

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 determine whether relief from the strict application of those provisions is proper. 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 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 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 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 by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.

Sec. 5. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

~~[(n) The Cannabis Compliance Board.]~~

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;

(i) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(j) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(k) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 5.3. **NRS 453.096 is hereby amended to read as follows:**

453.096 1. "Marijuana" means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) The seeds thereof;

(c) The resin extracted from any part of the plant, including concentrated cannabis;

(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin;

(e) Any commodity or product made using hemp which exceeds the maximum THC concentration established by the State Department of Agriculture for hemp; and

(f) Any product or commodity made from hemp which is manufactured or sold by a cannabis establishment which violates any regulation adopted by the Cannabis Compliance Board pursuant to paragraph ~~[(g)]~~ ***(h)*** of subsection 1 of NRS 678A.450 relating to THC concentration.

2. "Marijuana" does not include:

(a) Hemp, as defined in NRS 557.160, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS;

(b) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination; or

(c) Any commodity or product made using hemp, as defined in NRS 557.160, which does not exceed the maximum THC concentration established by the State Department of Agriculture for hemp.

Sec. 5.4. **1. The terms of the members of the Board described in subsections 5, 6 and 7 of NRS 678A.360, as amended by section 1.3 of this act, who are incumbent on June 30, 2024, expire on that date. On or before July 1, 2024, the Governor shall appoint to the Board the members described in subsections 5, 6 and 7 of NRS 678A.360, as amended by section 1.3 of this act, to terms that commence on July 1, 2024, and expire on June 30, 2028.**

2. The terms of the members of the Board described in subsections 8 and 9 of NRS 678A.360, as amended by section 1.3 of this act, who are incumbent on June 30, 2025, expire on that date. On or before July 1,

2025, the Governor shall appoint to the Board the members described in subsections 8 and 9 of NRS 678A.360, as amended by section 1.3 of this act, to terms that commence on July 1, 2025, and expire on June 30, 2029.

3. Notwithstanding the amendatory provisions of section 1.3 of this act, any appointment of a member to the Board that is made:

(a) For a member described in subsection 5, 6 or 7 of NRS 678A.360, as amended by section 1.3 of this act, before the appointment of the members required to be appointed pursuant to subsection 1 must be made in accordance with NRS 678A.360 and 678A.370, as those sections existed before the effective date of this act.

(b) For a member described in subsection 8 or 9 of NRS 678A.360, as amended by section 1.3 of this act, before the appointment of the members required to be appointed pursuant to subsection 2 must be made in accordance with NRS 678A.360 and 678A.370, as those sections existed before the effective date of this act.

Sec. 5.5. **The amendatory provisions of sections 2, 3, 4 and 6 of this act apply to any judicial or administrative proceedings commenced on or after the effective date of this act.**

Sec. 5.7. **The amendatory provisions of sections 5 and 6 of this act apply to regulations which are proposed by the Cannabis Compliance Board on or after the effective date of this act.**

Sec. 6. NRS 678A.460, 678A.560, 678A.620, 678A.630 and 678A.640 are hereby repealed.

Sec. 7. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

678A.460 Regulations: Procedure for adoption, amendment and repeal.

678A.560 Hearings: Limitations on communications.

678A.620 Judicial review: Record on review.

678A.630 Judicial review: Additional evidence taken by Board; review confined to record; court may affirm, remand or reverse.

678A.640 Judicial review: Appeal to appellate court; exclusive method of review for disciplinary hearings; certain actions not subject to judicial review.

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 330.

Bill read second time.

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

Amendment No. 580.

AN ACT relating to health care; revising requirements for certain health insurance plans to provide certain benefits for preventative health care relating to breast cancer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires most health insurance plans, including individual, group and blanket health insurance policies, small employer plans, benefit contracts provided by fraternal benefit societies, contracts for hospital or medical service, health care plans of health maintenance organizations and plans issued by managed care organizations to include coverage for mammograms. (NRS 689A.0405, 689B.0374, 689C.1674, 695A.1855, 695B.1912, 695C.1735, 695G.1713) **Sections 1-5, 6 and 7** of this bill revise existing provisions requiring coverage for mammograms to require such policies, plans and contracts of health care to additionally provide coverage for imaging tests to screen for breast cancer and diagnostic imaging tests for breast cancer for certain covered persons without requiring any deductible, copayment, coinsurance or any other form of cost-sharing ~~[.]~~ **, except under certain circumstances relating to the eligibility of health savings accounts associated with policies, plans and contracts of health care that have high deductibles.** **Sections 5.5, 6.5, 7.5 and 8** of this bill make various changes to exclude the Public Employees' Benefits Program and plans of self-insurance for employees of local governments from the requirements of this bill and, thus, the Program and such plans may, but are not required to, provide the coverage set forth in this bill. **Sections 7.2 and 7.3** of this bill make changes necessary so that requirements concerning mammograms that currently apply to the Program and plans of self-insurance for employees of local governments continue to apply to the Program and such plans. **Sections 7.7 and 7.9** of this bill make conforming changes to indicate the proper placement of **sections 7.2 and 7.3**, respectively, in the Nevada Revised Statutes.

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

Section 1. NRS 689A.0405 is hereby amended to read as follows:

689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for ~~[a]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. 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. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance 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 to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ ***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.

5. 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.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified policy of health insurance with respect to the deductible of such a policy of health insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. 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) "Qualified policy of health insurance" means a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 2. NRS 689B.0374 is hereby amended to read as follows:

689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for ~~[a]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. 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. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance 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 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 to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[~~2018,~~]~~ ***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.

5. 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.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified policy of group health insurance with respect to the deductible of such a policy of group health insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. 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) "Qualified policy of group health insurance" means a policy of group health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 3. NRS 689C.1674 is hereby amended to read as follows:

689C.1674 1. A health benefit plan must provide coverage for benefits payable for expenses incurred for ~~[a]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. 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. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided 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 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 to any such benefit.

4. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ ***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.

5. 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.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified health benefit plan with respect to the deductible of such a health benefit plan after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. 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) "Qualified health benefit plan" means a health benefit plan that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 4. NRS 695A.1855 is hereby amended to read as follows:

695A.1855 1. A benefit contract must provide coverage for benefits payable for expenses incurred for ~~[a]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. 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. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition for coverage to obtain any benefit provided in a 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 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 to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. 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.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified benefit contract with respect to the deductible of such a benefit contract after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. 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) "Qualified benefit contract" means a benefit contract that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 5. NRS 695B.1912 is hereby amended to read as follows:

695B.1912 1. An insurer that offers or issues a contract for hospital or medical service must provide coverage for benefits payable for expenses incurred for ~~[a]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. 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. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided in a 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 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 to any such benefit.

4. A contract for hospital or medical service subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[~~2018,~~]~~ ***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.

5. 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.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified contract for hospital or medical service with respect to the deductible of such a contract for hospital or medical service after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. 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) "Qualified contract for hospital or medical service" means a contract for hospital or medical service that has a high deductible and is in

compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 5.5. 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 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to ~~[members]~~ :

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 6. NRS 695C.1735 is hereby amended to read as follows:

695C.1735 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for ~~[a]~~ *:*

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***enrollees who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the enrollee's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the enrollee.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the enrollee's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an enrollee to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(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 benefit provided in the health care plan pursuant to subsection 1;

(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.

4. A health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ ***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.

5. 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.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an enrollee pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified health care plan with respect to the deductible of such a health care plan after the enrollee has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. 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) "Qualified health care plan" means a health care plan of a health maintenance organization that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 6.5. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.127, 695G.164, 695G.1645, 695G.167 and 695G.200 to 695G.230, inclusive, do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. ~~[This subsection does]~~

4. The provisions of NRS 695C.1735 do not apply to a managed care organization that provides health care services to members of the Public Employees' Benefits Program.

5. Subsections 3 and 4 do not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 7. NRS 695G.1713 is hereby amended to read as follows:

695G.1713 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for ~~[a]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. A managed care organization 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 managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(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 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 to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2018,~~]~~ ***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.

5. 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.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified health care plan with respect to the deductible of such a health care plan after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. 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) "Qualified health care plan" means a health care plan issued by a managed care organization that has a high deductible and is in compliance

with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 7.1. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.2 and 7.3 of this act.

Sec. 7.2. ***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 that provides health insurance through a plan of self-insurance shall provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.***

2. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance 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 governing body.

3. Except as otherwise provided in subsection 5, the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not:

(a) ~~[Require]~~ Except as otherwise provided in subsection 6, 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 provided in the plan of self-insurance pursuant to subsection 1;

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-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 to any such benefit.

4. A plan of self-insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance 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.

6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified plan of self-insurance with respect to the deductible of such a plan of self-insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.

7. 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 plan of self-insurance provided by the governing body of a local governmental agency 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 governing body. 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) "Qualified plan of self-insurance" means a plan of self-insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 7.3. *1. If the Board provides health insurance through a plan of self-insurance, it shall provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.*

2. If the Board provides health insurance through a plan of self-insurance, it 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 Board.

3. Except as otherwise provided in subsection 5, if the Board provides health insurance through a plan of self-insurance, it shall not:

(a) ~~[Require]~~ Except as otherwise provided in subsection 6, 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 provided in the plan of self-insurance pursuant to subsection 1;

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance 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 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 to any such benefit.

4. A plan of self-insurance described in subsection 1 which is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, if the Board provides health insurance through a plan of self-insurance, the Board 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.

6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified plan of self-insurance with respect to the deductible of such a plan of self-insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.

7. 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 plan of self-insurance provided by the Board 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 Board. 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) "Qualified plan of self-insurance" means a plan of self-insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 7.5. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to ***689B.0369, inclusive, 689B.0375 to*** 689B.050, inclusive, 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. 7.7. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, ***and section 7.2 of this act*** do not make it compulsory upon any governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, except as otherwise provided in NRS 287.021 or subsection 4 of NRS 287.023 or in an agreement entered into pursuant to subsection 3 of NRS 287.015, to pay any premiums, contributions or other costs for group insurance, a plan of

benefits or medical or hospital services established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, for coverage under the Public Employees' Benefits Program, or to make any contributions to a trust fund established pursuant to NRS 287.017, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State to accept any such coverage or to assign his or her wages or salary in payment of premiums or contributions therefor.

Sec. 7.9. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***and section 7.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. 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.1712, inclusive, 695G.1714 to*** 695G.174, inclusive, 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. 9. This act becomes effective on January 1, 2024.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 660.

AN ACT relating to property; authorizing tenants subject to certain **actions for summary** eviction ~~[~~proceedings~~]~~ to ~~[~~assert certain affirmative defenses relating to~~]~~ **request that the court stay the action until a decision concerning an application for** rental assistance **is made** and establishing procedures relating thereto; **requiring a landlord to accept payment of rent from a tenant and rental assistance on behalf of a tenant under certain circumstances;** authorizing a justice court to establish a diversion program for certain tenants subject to an action for summary eviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises defaults in the payment of rent. (NRS 40.253) Section 9 of this bill~~

~~defines the term "designated eviction proceeding" to include certain proceedings relating to the eviction of certain tenants who have defaulted in the payment of rent. Section 9 authorizes a tenant to claim as an affirmative defense to a designated eviction proceeding that: (1) the tenant has a pending application for rental assistance; or (2) the landlord of the tenant refused to participate in the application process for rental assistance or accept rental assistance provided on behalf of the tenant. Section 9 requires the court to stay the proceedings upon the assertion of such an affirmative defense for a period not to exceed 60 days unless the landlord receives an exemption. Section 9 also authorizes the landlord to file a motion to rebut the affirmative defense. If such a motion is filed by a landlord, section 9 authorizes the court to: (1) hold a hearing; or (2) maintain the stay of the proceedings for a period not to exceed 60 days. Section 9 also requires the court to: (1) dismiss the proceedings for eviction upon the granting of the application for rental assistance and receipt of the rental assistance by the landlord under certain circumstances; or (2) deny the eviction if the tenant proves the claim that the landlord refused to participate in the application for rental assistance or accept rental assistance on behalf of the tenant. The court is authorized to award damages if an eviction is denied for such refusal. In determining the amount of damages, if any, to award to the tenant, section 9 requires the court to consider the degree of harm caused to the tenant by the refusal of the landlord to participate in the application process for rental assistance or accept the rental assistance on behalf of the tenant.]~~ **In general, existing law provides for a summary eviction procedure when a tenant defaults in the payment of rent. (NRS 40.253) Section 9 of this bill authorizes a tenant who has been served with a notice to pay rent or surrender the premises to request that the court stay an action for summary eviction based on a default in the payment of rent until a decision concerning an application for rental assistance is made. Section 9 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. If the court issues such a stay, section 9 authorizes a landlord to file a motion to lift the stay under certain circumstances. If an application for rental assistance is granted in an amount that will allow the tenant in an action that has been stayed to cure the default, section 9 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. If the application for rental assistance is denied or granted in an amount that will not allow the tenant in an action that has been stayed to cure the default, section 9 requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. Section 21.2 of this bill makes a conforming change relating to the submission of an affidavit pursuant to section 9.**

In general, existing law provides for a summary eviction procedure when a tenant neglects or fails to perform a condition or covenant of a lease or agreement. (NRS 40.254) Section 9.2 of this bill authorizes a tenant who has been served with a notice to surrender the premises to

request that the court stay an action for summary eviction based on neglect or failure to perform a condition or covenant of the lease or agreement until a decision concerning an application for rental assistance is made. Section 9.2 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. Among other requirements, section 9.2 requires the tenant to submit proof that: (1) the tenant was in default on the payment when the landlord initiated the action for summary eviction; and (2) the condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. If the court issues such a stay, section 9.2 authorizes a landlord to file a motion to lift the stay under certain circumstances. When any stay issued by the court is lifted, section 9.2 requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. If an application for rental assistance is granted in an amount that will allow the tenant to cure the default, section 9.2 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. Section 21.4 makes a conforming change relating to the submission of an affidavit pursuant to section 9.2.

Sections 9.1 and 9.3 of this bill create a similar process that becomes effective if and only if Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.

Section 9.5 of this bill authorizes a justice court to establish a diversion program to which it may assign an eligible tenant subject to an action for summary eviction. **Section 9.5** sets forth factors the court may consider in determining whether a tenant is eligible for assignment to such a diversion program. If the court assigns a tenant to such a diversion program, **section 9.5** requires the court to: (1) stay the pending action for summary eviction for not more than 60 days; and (2) if the tenant pays the landlord the rent that is in default or surrenders the premises before the expiration of the stay, dismiss the action.

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 9.5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. *1. [In any designated eviction proceeding, the] A tenant who has been served with a notice pursuant to subsection 1 of NRS 40.253 may [claim as an affirmative defense] request that [:*

[(a) The tenant has a pending] the court stay any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until a decision concerning an application for rental assistance [; or

[(b) The landlord has refused to:

[(1) Participate in the application process for rental assistance; or

[(2) Accept rental assistance on behalf of the tenant,] is made.

2. To [assert the affirmative defense described in] request a stay pursuant to subsection 1, a tenant must:

(a) [Have submitted] File, within the time specified in subsection 1 of NRS 40.253 for the payment of rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has a pending application for rental assistance ; [before the date on which the landlord filed the complaint on which the designated eviction proceeding is based;] and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If [an affirmative defense described in subsection 1 is asserted by the tenant:

[(a) Except as otherwise provided in subsection 8,] the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court shall stay [the designated] any action for summary eviction [proceeding] initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until the applicable time described in subsection [5 or 6; and

[(b) The landlord may file a motion to rebut the affirmative defense by the tenant.] 4.

4. If [a landlord files the motion described in subsection 3, the court may:

[(a) Hold a hearing on the motion; or

[(b) Maintain the stay until the applicable time described in subsection 5 or 6.

[5. Except as otherwise provided in subsection 6, if the affirmative defense asserted was that described in:

[(a) Paragraph (a) of subsection 1,] the court grants a stay pursuant to subsection 3, the stay [of the designated eviction proceeding] must be maintained by the court until such time as [the] :

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance [, and, except as otherwise provided in subsection 11, if the application for rental assistance is granted, the court must dismiss the designated eviction

~~*proceeding at the time that the rental assistance is received by the landlord.]*~~ ***; or***

(b) ~~[Paragraph (b) of subsection 1, the stay of the designated eviction proceeding must be maintained by the court until such time as the tenant proves the validity of the claim, in which case the court:~~

~~***(1) Must deny the eviction; and***~~

~~***(2) May award damages to the tenant.***~~

~~***6.]***~~ ***The court grants a motion filed pursuant to subsection 5.***

5. A landlord may file a motion to lift a stay ~~[of a designated eviction proceeding must not exceed 60 days.~~

~~***7. In determining the amount of damages to award a tenant]***~~ ***issued pursuant to subsection ~~[5, the court shall consider the degree of harm caused to the tenant by the refusal of the landlord to:~~***

~~***(a) Participate in the application process for rental assistance; or***~~

~~***(b) Accept rental assistance on behalf of the tenant.***~~

~~***8.]***~~ ***3.***

6. The court may grant a ~~[landlord an exemption from the requirement to stay a designated eviction proceeding]~~ motion filed pursuant to ~~[this section]~~ subsection 5 if ~~[:]~~ , at a hearing conducted on the motion, the court finds that:

(a) ~~[The landlord:~~

~~***(1) Provides written notice to the tenant of the exemption sought at the same time that notice relating to the designated eviction proceeding is served upon the tenant; and***~~

~~***(2) Files a motion with the court for an exemption from the requirement to stay the designated eviction proceeding; and***~~

~~***(b) The court finds:***~~

~~***(1) That there is a pending designated eviction proceeding; and***~~

~~***(2)]***~~ ***Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant ~~[.~~***

~~***9.]***~~ ***, including, without limitation, evidence that:***

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

7. If a tenant in bad faith submits an application for rental assistance , ~~[or asserts the affirmative defense described in paragraph (a) of subsection 1 in bad faith,]~~ the landlord may, in a separate cause of action, recover damages from the tenant.

~~[10.]~~ 8. If a landlord in bad faith files a motion ~~[for an exemption]~~ pursuant to subsection ~~[9,]~~ 5, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

~~[11. The provisions of paragraph (a) of subsection 5 which require the]~~

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court ~~[to]~~ must dismiss ~~[the designated]~~ any action for summary eviction ~~[proceeding do not apply if the rental assistance received]~~ initiated by the landlord ~~[does not cure the default of the tenant.~~

~~12. This section does not apply to any proceeding for eviction relating to:~~

~~(a) A commercial premises; or~~

~~(b) An unlawful detainer pursuant to subsection 4 of NRS 40.2514 or 40.255.~~

~~13.]~~ against the tenant pursuant to subsection 5 of NRS 40.253.

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 6 of NRS 40.253.

10. For purposes of subsection ~~[5,]~~ 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

~~[14. Any person or entity to whom a tenant submits a rental assistance application shall use its best efforts to notify the tenant, landlord and court of any determination made on a pending application for rental assistance as soon as reasonably practicable after making the determination.~~

~~15.]~~ 11. As used in this section:

(a) ~~[~~"Designated eviction proceeding" means

~~(1) A proceeding for summary eviction where the tenant has defaulted in the payment of rent;~~

~~(2) A proceeding for eviction for unlawful detainer pursuant to NRS 40.2512; or~~

~~(3) A proceeding for eviction relating to paragraph (a) of subsection 1 of NRS 118B.200.~~

~~(b)]~~ "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical

difficulty on the part of the tenant in the filing of the application for rental assistance ~~*[.]*~~ *that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.*

~~*[(c)]*~~ *(b) "Rental assistance" includes, without limitation, federal, state or local funds* ~~*[.*~~

~~*(1) Provided]*~~ *provided by a governmental entity* ~~*[;]*~~ *and*

~~*[(2) Administered]*~~ *administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.*

Sec. 9.1. 1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 2 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File the written answer required by subsection 6 of section 2 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 2 of Assembly Bill No. 340 of this session and include in the answer:

(1) A statement that the tenant has a pending application for rental assistance; and

(2) A request that the court stay the pending action for summary eviction; and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If the court determines that a written answer filed pursuant to subsection 6 of section 2 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court shall stay the pending action for summary eviction until the applicable time described in subsection 4.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or

(b) The court grants a motion filed pursuant to subsection 5.

5. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

6. The court may grant a motion filed pursuant to subsection 5 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

7. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

8. If a landlord in bad faith files a motion pursuant to subsection 5, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court must dismiss the pending action for summary eviction.

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 7 of Assembly Bill No. 340 of this session.

10. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

11. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.2. 1. A tenant who has been served with a notice pursuant to NRS 40.2516 may request that the court stay any action for summary

eviction initiated by the landlord against the tenant pursuant to NRS 40.254 until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File, within the time specified in NRS 40.2516, an affidavit with the court that has jurisdiction over the matter stating that the tenant has a pending application for rental assistance that was submitted before the date on which the tenant was served with the notice described in subsection 1;

(b) Provide proof to the court that:

(1) The tenant:

(I) Was in default on the payment of rent when the notice described in subsection 1 was served; and

(II) Submitted the application for rental assistance before the notice described in subsection 1 was served; and

(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.

3. If the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to NRS 40.254.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or

(b) The court grants a motion filed pursuant to subsection 6.

5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements prescribed by NRS 40.254.

6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.

11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

12. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.3. 1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 6.5 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File the written answer required by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session and include in the answer:

(1) A statement that the tenant has a pending application for rental assistance; and

(2) A request that the court stay the pending action for summary eviction; and

(b) Provide proof to the court that:

(1) The tenant:

(I) Was in default on the payment of rent when the landlord filed the affidavit of complaint for summary eviction; and

(II) Submitted the application for rental assistance before the landlord filed the affidavit of complaint for summary eviction; and

(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.

3. If the court determines that a written answer filed pursuant to subsection 6 of section 6.5 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to section 6.5 of Assembly Bill No. 340 of this session.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or

(b) The court grants a motion filed pursuant to subsection 6.

5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements prescribed by section 6.5 of Assembly Bill No. 340 of this session.

6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.

11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

12. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.5. ***1. A justice court may establish a diversion program to which it may assign an eligible tenant whose landlord applies by affidavit of complaint for eviction of the tenant pursuant to NRS 40.253.***

2. To determine whether a tenant is eligible for a diversion program established pursuant to subsection 1, the court may consider, without limitation, whether the tenant is eligible for any programs that are designed to provide:

(a) Social services which assist tenants in paying delinquent rent; and

(b) Wrap-around services.

3. If the court assigns a tenant to a diversion program established pursuant to subsection 1, the court shall:

(a) Stay the pending action for summary eviction for not more than 60 days after the date on which the tenant files an affidavit permitted in subsection 3 of NRS 40.253; and

(b) If the tenant pays to the landlord the amount of rent that is in default or surrenders the premises before the expiration of the stay, dismiss the pending action for summary eviction.

4. As used in this section, "wrap-around services" means services provided to a tenant that assist the tenant in avoiding future summary eviction actions.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)
Sec. 21. (Deleted by amendment.)
Sec. 21.2. **NRS 40.253 is hereby amended to read as follows:**

40.253 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]~~ ***:***

(I) 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; ***or***

(II) Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9 of this act;

(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.

Sec. 21.4. **NRS 40.254 is hereby amended to read as follows:**

40.254 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 any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9.2 of this act; or***

(3) 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.

Sec. 22. The amendatory provisions of this act apply to an action for summary eviction which accrues on or after ~~**[October 1, 2023.]**~~ **the effective date of this act.**

Sec. 23. (Deleted by amendment.)

Sec. 24. **1. This section and sections 1 to 8, inclusive, 9.5 to 21, inclusive, 22 and 23 of this act become effective upon passage and approval.**

2. Sections 9, 9.2, 21.2 and 21.4 of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is not enacted by the Legislature and approved by the Governor.

3. Sections 9.1 and 9.3 of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 370.

Bill read second time.

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

Amendment No. 679.

AN ACT relating to data privacy; requiring certain entities to develop, maintain and make available on the Internet a policy concerning the privacy of consumer health data; prohibiting such an entity from collecting or sharing consumer health data without the affirmative, voluntary consent of a consumer in certain circumstances; requiring such an entity to perform certain actions upon the request of a consumer; requiring such an entity to establish a process to appeal the denial of such a request; requiring such an entity to take certain actions to protect the security of consumer health data; limiting the circumstances under which a processor is authorized to process consumer health data; requiring a processor to assist certain entities in complying with certain requirements; prohibiting a person from selling or offering to sell consumer health data under certain circumstances; prohibiting the implementation of a geofence under certain circumstances; prohibiting discrimination against a consumer for certain reasons; authorizing certain civil enforcement; requiring certain persons to develop, maintain and make publicly available a policy concerning the storage and retention of biometric identifiers; establishing requirements governing storing, transmitting, protecting, collecting and sharing biometric identifiers; prohibiting the sale of a biometric identifier; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations contain various protections for health information maintained or used: (1) by a person or entity that provides health care, an insurer or a business associate of a person or entity that provides health care or an insurer; or (2) for scientific research. (42 U.S.C. §§ 11101 et seq.; Pub. L. No. 104-191, 100 Stat. 2548; 21 C.F.R. Parts 46, 50 and 56, 42 C.F.R. Parts 2 and 3, 45 C.F.R. Parts 160 and 164) **Sections 2-34** of this bill prescribe

various protections for consumer health data that is maintained and used by other persons and nongovernmental entities and for other purposes. **Section 7** of this bill defines the term "consumer" to mean a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State, except for a natural person acting in an employment context or as an agent of a governmental entity. **Section 8** of this bill defines the term "consumer health data" to mean personally identifiable information that is linked or reasonably capable of being linked to a consumer and is used by a regulated entity to identify the health status of the consumer. **Section 15** of this bill defines the term "regulated entity" to refer to a person who: (1) conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and (2) determines the purpose and means of processing, sharing or selling consumer health data. **Sections 3-6, 9-11, ~~[13,]~~ 12.5-14 and 16-19** of this bill define certain other terms. **Section 20** of this bill provides that the provisions of **sections 2-34** do not apply to certain **persons, entities and data, including: (1) certain** persons and entities whose collection and disclosure of data is specifically regulated by federal law **;** and **(2)** certain data that is collected or disclosed under certain provisions of federal law or regulations or state law.

Section 21 of this bill requires a regulated entity to develop, maintain and make available a policy concerning the privacy of consumer health data. **Section 21** also prohibits a regulated entity from: (1) taking certain actions with regard to consumer health data that are inconsistent with the policy without the affirmative, voluntary consent of the consumer; or (2) entering into a contract for the processing of consumer health data that is inconsistent with the policy. **Section 22** of this bill generally prohibits a regulated entity from collecting or sharing consumer health data without the affirmative, voluntary consent of the consumer to whom the data relates, except to the extent necessary to provide a product or service that the consumer has requested from the regulated entity. **Section 22** of this bill prescribes certain requirements governing such consent.

Section 24 of this bill requires a regulated entity, upon the request of a consumer, to: (1) confirm whether the regulated entity is collecting, sharing or selling consumer health data concerning the consumer; (2) provide the consumer with a list of all third parties with whom the regulated entity has shared or to whom the regulated entity has sold consumer health data relating to the consumer; (3) cease collecting or sharing consumer health data relating to the consumer; or (4) delete consumer health data concerning the consumer. **Section 24** also requires a regulated entity to establish a secure and reliable means of making such a request. **Section 25** of this bill prescribes requirements governing the response to such a request, including a requirement that a regulated entity provide information in response to such a request free of charge in most circumstances. However, if a consumer submits more than two requests in a year and those requests are manifestly unfounded, excessive or

repetitive, **section 25** authorizes the regulated entity to charge a reasonable fee to provide such information. **Section 26** of this bill prescribes requirements governing the time within which a regulated entity or an affiliate, processor or other third party with which a regulated entity has shared data must delete consumer health data in response to a request for such deletion. **Section 27** of this bill requires a regulated entity to establish a process to appeal the refusal of the regulated entity to act on a request made pursuant to **section 24**.

Section 28 of this bill requires a regulated entity to limit access to and establish, implement and maintain policies and procedures to protect the security of consumer health data. **Section 29** of this bill requires a processor who processes consumer health data on behalf of a regulated entity to only process such data in accordance with a written contract between the processor and the regulated entity. **Section 29** also requires such a processor to assist the regulated entity in complying with the provisions of **sections 2-34**.

Section 30 of this bill prohibits a person from selling or offering to sell consumer health data without the written authorization of the consumer to whom the data pertains or beyond the scope of such authorization, with certain exceptions. **Section 30** also prohibits a person from conditioning the provision of goods or services on a consumer providing such authorization. **Section 30** requires a person who sells consumer health data to: (1) establish a means by which a consumer may revoke such written authorization; and (2) provide a copy of such written authorization to the consumer and purchaser. **Section 30** also requires both a seller and a purchaser of consumer health data to maintain such written authorization for at least 6 years after the expiration of the written authorization. **Section 17** of this bill exempts certain activity from the definition of the term "sell," thereby exempting such activity from the requirements of **section 30**.

Section 31 of this bill prohibits a person from implementing a geofence within 1,750 feet of any person or entity that provides in-person health care services or products for certain purposes. **Section 33** of this bill prohibits a regulated entity from discriminating against a consumer for taking any action authorized by **sections 2-34** or to enforce those provisions.

Sections 34.1-34.9 of this bill establish provisions for the protection of biometric identifiers. **Section 34.1** of this bill sets forth certain legislative findings concerning biometric identifiers. **Section 34.3** of this bill defines "biometric identifier" to mean biometric data relating to the ~~[face,]~~ **faceprint,** fingerprint or iris of a **specific natural** person ~~[.]~~ **that uniquely identifies that specific natural person. Sections 34.35-34.45** of this bill define certain other terms. **Section 34.5** of this bill provides that the provisions of **sections 34.1-34.9** do not apply to: (1) certain entities whose collection and sharing of data is specifically regulated by federal law; (2) photographs collected, possessed or shared for purposes other than verifying the identity of a person; (3) information collected, possessed or shared for certain medical or scientific purposes; (4) governmental or tribal entities; ~~[or]~~ (5) a person who is in the business of manufacturing or selling automobiles ~~[.]~~ **; (6) certain persons in**

the gaming industry; (7) law enforcement; or (8) with certain exceptions, biometric identifiers collected for certain purposes relating to security. **Section 34.6** of this bill authorizes the provision of information or consent under **sections 34.1-34.9** electronically. **Section 34.7** of this bill requires a person who possesses a biometric identifier of another to develop, maintain and comply with a publicly available written policy setting forth a schedule for the retention and destruction of biometric identifiers. **Section 34.7** also establishes requirements governing the storage, transmittal and protection of biometric identifiers. **Section 34.8** of this bill prescribes requirements governing collecting and sharing biometric identifiers. **Section 34.8** also prohibits the sale of biometric identifiers.

Existing law provides that a variety of actions constitute deceptive trade practices. (NRS 118A.275, 205.377, 228.620, 370.695, 597.997, 603.170, 604B.910, 676A.770; chapter 598 of NRS) Existing law authorizes a court to impose a civil penalty of not more than $12,500 for each violation upon a person whom the court finds has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973) Additionally, existing law authorizes a court to make such additional orders or judgments as may be necessary to restore to any person in interest any money or property which may have been acquired by means of any deceptive trade practice. (NRS 598.0993) In addition to these enforcement mechanisms, existing law provides that when the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry has cause to believe that a person has engaged or is engaging in any deceptive trade practice, the Commissioner or Director may request that the Attorney General represent him or her in instituting an appropriate legal proceeding, including an application for an injunction or temporary restraining order. (NRS 598.0979) Existing law provides that if a person violates a court order or injunction resulting from a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General, the person is required to pay a civil penalty of not more than $10,000 for each violation. Furthermore, if a court finds that a person has willfully engaged in a deceptive trade practice, the person who committed the violation: (1) may be required to pay an additional civil penalty not more than $5,000 for each violation; and (2) is guilty of a felony or misdemeanor, depending on the value of the property or services lost as a result of the deceptive trade practice. (NRS 598.0999) With certain exceptions, **sections 34 and 34.9** of this bill provide that a person who violates any provision of **sections 2-34.9** of this bill is guilty of a deceptive trade practice. **Sections 1, 34 and 34.9** of this bill provide that a person injured by such a violation does not have a private right of action. **Sections 34 and 34.9** additionally provide that the provisions of **sections 2-34.9** must not be construed to affect any other provision of law.

Section 35 of this bill exempts consumer health data and biometric identifiers from provisions of existing law governing information collected on

the Internet from consumers because those provisions are less stringent than the provisions of **sections 2-34.9**.

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

Section 1. NRS 598.0977 is hereby amended to read as follows:

598.0977 ~~[If]~~ ***Except as otherwise provided in sections 34 and 34.9 of this act,*** an elderly person or a person with a disability suffers damage or injury as a result of a deceptive trade practice, he or she or his or her legal representative, if any, may commence a civil action against any person who engaged in the practice to recover the actual damages suffered by the elderly person or person with a disability, punitive damages, if appropriate, and reasonable attorney's fees. The collection of any restitution awarded pursuant to this section has a priority over the collection of any civil penalty imposed pursuant to NRS 598.0973.

Sec. 1.5. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 34.9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Affiliate" means an entity that shares common branding with another entity and controls, is controlled by or is under common control with the other entity. For the purposes of this section, an entity shall be deemed to control another entity if the entity:***

1. Owns or has the power to vote at least half of the outstanding shares of any class of voting security in the other entity;

2. Controls in any manner the election of a majority of the directors or persons exercising similar functions to directors of the other entity; or

3. Has the power to exercise controlling influence over the management of the other entity.

Sec. 4. ***"Authenticate" means to ascertain the identity of the originator of an electronic or physical document and establish a link between the document and the originator.***

Sec. 5. ***"Biometric data" means data which is generated from the measurement or technical processing of the physiological, biological or behavioral characteristics of a person and, alone or in combination with other data, is capable of being used to identify the person. The term includes, without limitation:***

1. Imagery of the fingerprint, palm print, hand print, scar, bodily mark, tattoo, voiceprint, face, retina, iris or vein pattern of a person; and

2. Keystroke patterns or rhythms and gait patterns or rhythms that contain identifying information.

Sec. 6. ***"Collect" means to buy, rent, access, retain, receive, acquire, infer, derive or otherwise process consumer health data in any manner.***

Sec. 7. *"Consumer" means a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State. The term does not include a natural person acting in an employment context or as an agent of a governmental entity.*

Sec. 8. *"Consumer health data" means personally identifiable information that is linked or reasonably capable of being linked to a consumer and that a regulated entity uses to identify the past, present or future health status of the consumer. The term:*

1. Includes, without limitation:

(a) Information relating to:

(1) Any health condition or status, disease or diagnosis;

(2) Social, psychological, behavioral or medical interventions;

(3) Surgeries or other health-related procedures;

(4) The use or acquisition of medication;

(5) Bodily functions, vital signs or symptoms;

(6) Reproductive or sexual health care; and

(7) Gender-affirming care;

(b) Biometric data or genetic data related to information described in paragraph (a);

(c) Information related to the precise ~~[location]~~ geolocation information of a consumer ~~[within a radius of 1,750 feet]~~ that a regulated entity uses to indicate an attempt by a consumer to receive health care services or products; and

(d) Any information described in paragraph (a), (b) or (c) that is derived or extrapolated from information that is not consumer health data, including, without limitation, proxy, derivative, inferred or emergent data derived through an algorithm, machine learning or any other means.

2. Does not include information that is used to provide access to or enable gameplay by a person on a video game platform.

Sec. 9. *"Gender-affirming care" means health services or products that support and affirm the gender identity of a person, including, without limitation:*

1. Treatments for gender dysphoria;

2. Gender-affirming hormone therapy; and

3. Gender-affirming surgery.

Sec. 10. *"Genetic data" means any data that concerns the genetic characteristics of a person. The term includes, without limitation:*

1. Data directly resulting from the sequencing of all or a portion of the deoxyribonucleic acid of a person;

2. Genotypic and phenotypic information that results from analyzing the information described in subsection 1; and

3. Data concerning the health of a person that is analyzed in connection with the information described in subsection 1.

Sec. 11. ***"Health care services or products" means any service or product provided to a person to assess, measure, improve or learn about the health of a person. The term includes, without limitation:***

1. Services relating to any health condition or status, disease or diagnosis;

2. Social, psychological, behavioral or medical interventions;

3. Surgeries or other health-related procedures;

4. Medication or services related to the use or acquisition of medication; or

5. Monitoring or measurement related to bodily functions, vital signs or symptoms.

Sec. 12. (Deleted by amendment.)

Sec. 12.5. ***"Precise geolocation information" means information derived from technology, including, without limitation, latitude and longitude coordinates at the level of detail typically provided by a global positioning system, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. The term does not include:***

1. The content of any communication; or

2. Any data generated by or connected to advanced metering infrastructure for utilities or other equipment used by a utility.

Sec. 13. ***"Process" means any operation or set of operations performed on consumer health data.***

Sec. 14. ***"Processor" means a person who processes consumer health data on behalf of a regulated entity.***

Sec. 15. ***"Regulated entity" means any person who:***

1. Conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and

2. Alone or with other persons, determines the purpose and means of processing, sharing or selling consumer health data.

Sec. 16. ***"Reproductive or sexual health care" means health care services or products that support or relate to the reproductive system or sexual well-being of a person. The term includes, without limitation, abortion, the provision of medication to induce an abortion and any medical or nonmedical services associated with an abortion.***

Sec. 17. ***"Sell" means to exchange consumer health data for money or other valuable consideration. The term does not include the exchange of consumer health data for money or other valuable consideration:***

1. With a processor in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data pertains pursuant to section 22 of this act.

2. With a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity.

3. With a third party for the purpose of providing a product or service requested by the consumer to whom the consumer health data pertains.

4. With an affiliate of the person who is providing or disclosing the consumer health data.

5. As directed by the consumer to whom the consumer health data pertains or where the consumer to whom the consumer health data pertains intentionally uses the person who is providing or disclosing the consumer health data to interact with the third party to whom the consumer health data is provided or disclosed.

6. Where the consumer has intentionally made the consumer health data available to the general public through mass media that was not restricted to a specific audience.

Sec. 18. *"Share" means to release, disclose, disseminate, divulge, make available, provide access to, license or otherwise communicate consumer health data orally, in writing or by electronic or other means.*

Sec. 19. *"Third party" means a person who is not a consumer, regulated entity, processor or affiliate of a regulated entity.*

Sec. 20. *1. The provisions of sections 2 to 34, inclusive, of this act do not apply to:*

(a) Any person or entity that is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

(c) Patient identifying information, as defined in 42 C.F.R. § 2.11, that is collected, used or disclosed in accordance with 42 C.F.R. Part 2.

(d) Patient safety work product, as defined in 42 C.F.R. § 3.20, that is collected, used or disclosed in accordance with 42 C.F.R. Part 3.

(e) Identifiable private information, as defined in 45 C.F.R. § 46.102, that is collected, used or disclosed in accordance with 45 C.F.R. Part 46.

(f) Information used or shared as part of research conducted pursuant to 45 C.F.R. Part 46 or 21 C.F.R. Parts 50 and 56.

(g) Information used only for public health activities and purposes, as described in 45 C.F.R. § 164.512(b), regardless of whether such information is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(h) Personally identifiable information that is governed by and collected, used or disclosed pursuant to:

(1) Part C of Title XI of the Social Security Act, 42 U.S.C. §§ 1320d et seq.;

(2) The Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.; or

(3) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and the regulations adopted pursuant thereto.

(i) Information and documents created for the purposes of compliance with the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. §§ 11101 et seq., and any regulations adopted pursuant thereto.

(j) The collection or sharing of consumer health data where expressly authorized by any provision of federal or state law.

(k) ~~[Any]~~ Information processed by or for any governmental or tribal entity ~~[or any person processing consumer health data on behalf of a governmental or tribal entity.]~~ for civic or governmental purposes and operations or related services and operations.

(l) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

(m) Law enforcement agencies and law enforcement activities.

2. A third party that obtains consumer health data from a regulated entity through a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity is deemed to assume all obligations of the regulated entity to comply with the provisions of sections 2 to 34, inclusive, of this act.

Sec. 21. *1. A regulated entity shall develop and maintain a policy concerning the privacy of consumer health data that clearly and conspicuously establishes:*

(a) The categories of consumer health data being collected by the regulated entity and the manner in which the consumer health data will be used;

(b) The categories of sources from which consumer health data is collected;

(c) The categories of consumer health data that are shared by the regulated entity;

(d) The categories of third parties and affiliates with whom the regulated entity shares consumer health data;

(e) The purposes of collecting, using and sharing consumer health data;

(f) The manner in which consumer health data will be processed;

(g) The procedure for submitting a request pursuant to section 24 of this act;

(h) The process, if any such process exists, for a consumer to review and request changes to any of his or her consumer health data that is collected by the regulated entity;

(i) The process by which the regulated entity notifies consumers whose consumer health data is collected by the regulated entity of material changes to the privacy policy;

(j) Whether a third party may collect consumer health data over time and across different Internet websites or online services when the consumer uses any Internet website or online service of the regulated entity; and

(k) The effective date of the privacy policy.

2. A regulated entity shall post conspicuously on the main Internet website maintained by the regulated entity a hyperlink to the policy

developed pursuant to subsection 1 or otherwise provide that policy to consumers in a manner that is clear and conspicuous.

3. A regulated entity shall not:

(a) Collect, use or share categories of consumer health data, other than those included in the privacy policy pursuant to paragraph (c) of subsection 1, without disclosing those additional categories to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer;

(b) Share consumer health data with a third party or affiliate, other than those included in the privacy policy pursuant to paragraph (d) of subsection 1, without disclosing those additional third parties or affiliates to each consumer whose data will be shared and obtaining the affirmative, voluntary consent of the consumer;

(c) Collect, use or share consumer health data for purposes other than those included in the privacy policy pursuant to paragraph (e) of subsection 1 without disclosing those additional purposes to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer; or

(d) Enter into a contract pursuant to section 29 of this act with a processer to process consumer health data that is inconsistent with the privacy policy.

Sec. 22. *1. A regulated entity shall not collect consumer health data except:*

(a) With the affirmative, voluntary consent of the consumer; or

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall not share consumer health data except:

(a) With the affirmative, voluntary consent of the consumer to whom the consumer health data relates, which must be separate and distinct from the consent provided pursuant to subsection 1 for the collection of the data;

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity; or

(c) Where required or authorized by another provision of law.

3. Any consent required by this section must be obtained before the collection or sharing, as applicable, of consumer health data. The request for such consent must clearly and conspicuously disclose:

(a) The categories of consumer health data to be collected or shared, as applicable;

(b) The purpose for collecting or sharing, as applicable, the consumer health data including, without limitation, the manner in which the consumer health data will be used;

(c) If the consumer health data will be shared, the categories of persons and entities with whom the consumer health data will be shared; and

(d) The manner in which the consumer may withdraw consent for the collection or sharing, as applicable, of consumer health data relating to the consumer and request that the regulated entity cease such collection or sharing pursuant to section 24 of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. ***1. Except as otherwise provided in section 25 of this act, upon the request of a consumer, a regulated entity shall:***

(a) Confirm whether the regulated entity is collecting, sharing or selling consumer health data relating to the consumer.

(b) Provide the consumer with a list of all third parties with whom the regulated entity has shared consumer health data relating to the consumer or to whom the regulated entity has sold such consumer health data.

(c) Cease collecting, sharing or selling consumer health data relating to the consumer.

(d) Delete consumer health data concerning the consumer.

2. A regulated entity shall establish a secure and reliable means of making a request pursuant to this section. When establishing the means for making such a request, the regulated entity must consider:

(a) The need for the safe and reliable communication of such requests; and

(b) The ability of the regulated entity to authenticate the identity of the consumer making the request.

Sec. 25. ***1. Except as otherwise provided in this section, a regulated entity shall respond to a request made pursuant to section 24 of this act without undue delay and not later than 45 days after authenticating the request. If reasonably necessary based on the complexity and number of requests from the same consumer, the regulated entity may extend the period prescribed by this section not more than an additional 45 days. A regulated entity that grants itself such an extension must, not later than 45 days after authenticating the request, provide the consumer with notice of the extension and the reasons therefor.***

2. If a regulated entity is not able to authenticate a request made pursuant to section 24 of this act after making commercially reasonable efforts, the regulated entity:

(a) Is not required to comply with the request; and

(b) May request that the consumer provide such additional information as is reasonably necessary to authenticate the request.

3. A regulated entity:

(a) Shall provide information free of charge to a consumer in response to:

(1) Requests made pursuant to section 24 of this act at least twice each year; and

(2) Additional requests that are not manifestly unfounded, excessive or repetitive.

(b) Except as otherwise provided in paragraph (a), may charge a reasonable fee to provide information to a consumer in response to requests made pursuant to section 24 of this act that are manifestly unfounded, excessive or repetitive.

4. In any civil proceeding challenging the validity of a fee charged pursuant to paragraph (b) of subsection 3, the regulated entity has the burden of demonstrating by a preponderance of the evidence that the request to which the fee pertained was manifestly unfounded, excessive or repetitive.

Sec. 26. ***1. Not later than 30 days after authenticating a request made pursuant to paragraph (d) of subsection 1 of section 24 of this act for the deletion of consumer health data, a regulated entity shall, except as otherwise provided in subsection 3:***

(a) Delete all consumer health data described in the request from the records and network of the regulated entity; and

(b) Notify each affiliate, processor, contractor or other third party with which the regulated entity has shared consumer health data of the deletion request.

2. Not later than 30 days after receiving notification of a deletion request pursuant to paragraph (b) of subsection 1, an affiliate, processor, contractor or other third party shall, except as otherwise provided in subsection 3, delete the consumer health data described in the request from the records and network of the affiliate, processor, contractor or other third party.

3. If data described in a deletion request made pursuant to paragraph (d) of subsection 1 of section 24 of this act is stored or archived on backup systems, a regulated entity or an affiliate, processor, contractor or other third party may delay the deletion of the data for not more than ~~[6 months]~~ 2 years after the request is authenticated, as necessary to restore the archived or backup system.

Sec. 27. ***1. A regulated entity shall establish a process by which a consumer may appeal the refusal of the regulated entity to act on a request made pursuant section 24 of this act. The process must be:***

(a) Conspicuously available on the Internet website of the regulated entity; and

(b) Similar to the process for making a request pursuant to section 24 of this act.

2. Not later than 45 days after receiving an appeal pursuant to subsection 1, a regulated entity shall inform the consumer in writing of:

(a) Any action taken in response to the appeal or any decision not to take such action;

(b) The reasons for any such action or decision; and

(c) If the regulated entity decided not to take the action requested in the appeal, the contact information for the Office of the Attorney General.

Sec. 28. ***1. A regulated entity shall only authorize the employees and processors of the regulated entity to access consumer health data where reasonably necessary to:***

(a) Further the purpose for which the consumer consented to the collection or sharing of the consumer data pursuant to section 22 of this act; or

(b) Provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall establish, implement and maintain policies and practices for the administrative, technical and physical security of consumer health data. The policies must:

(a) Satisfy the standard of care in the industry in which the regulated entity operates to protect the confidentiality, integrity and accessibility of consumer health data;

(b) Comply with the provisions of NRS 603A.010 to 603A.290, inclusive, where applicable; and

(c) Be reasonable, taking into account the volume and nature of the consumer health data at issue.

Sec. 29. *1. A processor shall only process consumer health data pursuant to a contract between the processor and a regulated entity. Such a contract must set forth the applicable processing instructions and the specific actions that the processor is authorized to take with regard to the consumer health data it possesses on behalf of the regulated entity.*

2. To the extent practicable, a processor shall assist the regulated entity with which the processor has entered into a contract pursuant to subsection 1 in complying with the provisions of sections 2 to 34, inclusive, of this act.

3. If a processor processes consumer health data outside the scope of a contract described in subsection 1 or in a manner inconsistent with any provision of such a contract, the processor:

(a) Is not guilty of a deceptive trade practice pursuant to section 34 of this act solely because the processor violated the requirements of this section; and

(b) Shall be deemed a regulated entity for the purposes of sections 2 to 34, inclusive, of this act, for actions and omissions with regard to such consumer health data.

Sec. 30. *1. A person shall not sell or offer to sell consumer health data:*

(a) Without the written authorization of the consumer to whom the data pertains; or

(b) If the consumer provides such written authorization, in a manner that is outside the scope of or inconsistent with the written authorization.

2. A person shall not condition the provision of goods or services on a consumer authorizing the sale of consumer health data pursuant to subsection 1.

3. Written authorization pursuant to subsection 1 must be provided in a form written in plain language which includes, without limitation:

(a) The name and contact information of the person selling the consumer health data;

(b) A description of the specific consumer health data that the person intends to sell;

(c) The name and contact information of the person purchasing the consumer health data;

(d) A description of the purpose of the sale, including, without limitation, the manner in which the consumer health data will be gathered and the manner in which the person described in paragraph (c) intends to use the consumer health data;

(e) A statement of the provisions of subsection 2;

(f) A statement that the consumer may revoke the written authorization at any time and a description of the means established pursuant to subsection 4 for revoking the authorization;

(g) A statement that any consumer health data sold pursuant to the written authorization may be disclosed to additional persons and entities by the person described in paragraph (c) and, after such disclosure, is no longer subject to the protections of this section;

(h) The date on which the written authorization expires pursuant to subsection 5; and

(i) The signature of the consumer to which the consumer health data pertains.

4. A person who sells consumer health data shall establish a means by which a consumer may revoke a written authorization made pursuant to subsection 1.

5. Written authorization provided pursuant to subsection 1 expires 1 year after the date on which the authorization is given.

6. A written authorization provided pursuant to subsection 1 is not valid if the written authorization:

(a) Was a condition for the provision of goods or services to the consumer in violation of subsection 2;

(b) Does not comply with the requirements of subsection 3;

(c) Has been revoked pursuant to subsection 4; or

(d) Has expired pursuant to subsection 5.

7. A person who sells consumer health data shall provide a copy of the written authorization provided pursuant to subsection 1 to the consumer who signed the written authorization and the purchaser of the consumer health data.

8. A seller and purchaser of consumer health data shall each retain a copy of the written authorization provided pursuant to subsection 1 for at least 6 years after the date on which the written authorization expired pursuant to subsection 5.

9. The provisions of this section do not authorize the sale of a biometric identifier, as prohibited by subsection 3 of section 34.8 of this act.

Sec. 31. *1. A person shall not implement a geofence within 1,750 feet of any medical facility, facility for the dependent or any other person or*

entity that provides in-person health care services or products for the purpose of:

(a) Identifying or tracking consumers seeking in-person health care services or products;

(b) Collecting consumer health data; or

(c) Sending notifications, messages or advertisements to consumers related to their consumer health data or health care services or products.

2. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Geofence" means technology that uses coordinates for global positioning, connectivity to cellular towers, cellular data, radio frequency identification, wireless Internet data or any other form of detecting the physical location of a person to establish a virtual boundary with a radius of 1,750 feet or less around a specific physical location.

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

Sec. 32. (Deleted by amendment.)

Sec. 33. ***A regulated entity shall not discriminate against a consumer for taking:***

1. Any action authorized by sections 2 to 34, inclusive, of this act; or

2. Any action to enforce the provisions of sections 2 to 34, inclusive, of this act.

Sec. 34. ***1. Except as otherwise provided in this section and section 29 of this act, a violation of sections 2 to 34, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.***

2. The provisions of sections 2 to 34, inclusive, of this act:

(a) Do not create a private right of action; and

(b) Must not be construed to affect any other provision of law.

Sec. 34.1. ***The Legislature hereby finds and declares that:***

1. The use of biometric identifiers to verify the identity of persons in personal and business settings is growing and is likely to streamline online transactions and the management of digital accounts, strengthen the security of identities and reduce the risk of cybersecurity issues and fraud for governmental entities, businesses and consumers.

2. Biometric identifiers are unlike other identifiers that are used to verify the identity of a person or access a digital account because biometric identifiers are unique to a person and are not capable of being changed if stolen.

3. Without ongoing measures to protect the security of biometric identifiers, persons are at a heightened risk of identity theft.

4. The public welfare, security and safety will be served by regulating the collection, use, security, handling, storage, retention and destruction of biometric identifiers.

Sec. 34.2. *As used in sections 34.1 to 34.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 34.3 to 34.45, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 34.3. *"Biometric identifier" means biometric data relating to the ~~[face,]~~ faceprint, fingerprint or iris of a specific natural person ~~[.]~~ that uniquely identifies that specific natural person. The term includes, without limitation, data from a photo identification document that contains the image of the face of a person with sufficient resolution that artificial intelligence or a machine learning algorithm is able to match the data with other biometric data to positively identify the person.*

Sec. 34.35. *"Collect" means to access, retain, receive, acquire, infer, derive or otherwise obtain a biometric identifier in any manner.*

Sec. 34.4. *"Share" means to release, disclose, disseminate, divulge, make available or provide access to a biometric identifier.*

Sec. 34.45. *"Subject" means the natural person to whom a biometric identifier relates.*

Sec. 34.5. *1. The provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to:*

~~[1.]~~ (a) Any person or entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

~~[2.]~~ (b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

~~[3.]~~ (c) Physical or digital photographs collected, possessed or shared for purposes not related to verifying the identity of the subject.

~~[4.]~~ (d) Information collected, possessed or shared for a medical purpose or to validate scientific testing or screening.

~~[5.]~~ (e) Any governmental or tribal entity or any person who collects, possesses or shares a biometric identifier on behalf of a governmental or tribal entity.

~~[6.]~~ (f) Any person in the business of manufacturing or selling automobiles, when acting in that capacity.

(g) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

(h) Law enforcement agencies and law enforcement activities.

(i) Any communications entity or affiliate thereof that belongs to a critical infrastructure sector, as identified in Presidential Policy Directive/PPD-21, issued on February 12, 2013.

2. Except as otherwise provided in subsection 3, the provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to biometric identifiers processed for the sole purpose of:

(a) Preventing, detecting, protecting against or responding to security incidents, identity theft, fraud, harassment or other malicious, deceptive or illegal activity;

(b) Investigating, reporting or prosecuting persons responsible for activity described in paragraph (a); or

(c) Preserving the integrity or security of systems.

3. A person who collects a biometric identifier described in subsection 2 shall comply with the requirements of subsection 2 of section 34.8 of this act, unless the person or biometric identifier is also exempt from those requirements pursuant to subsection 1.

Sec. 34.6. *For the purposes of sections 34.1 to 34.9, inclusive, of this act:*

1. Any information required to be provided in writing may be provided electronically; and

2. Any consent or release may be obtained electronically.

Sec. 34.7. *A person who possesses a biometric identifier that relates to another person shall:*

1. Develop, maintain and comply with a written policy setting forth a schedule for and procedures governing the retention and destruction of biometric identifiers. Except where preservation of a biometric identifier for a longer period of time is required by law, subpoena or an order by a court of competent jurisdiction or other lawful authority, such a policy must require the destruction of a biometric identifier on or before the earlier of:

(a) The date on which the initial purpose of obtaining the biometric identifier has been satisfied; or

(b) One year after the most recent interaction between the person in possession of the biometric identifier and the subject.

2. Make the policy established pursuant to subsection 1 available to the public.

3. Store and transmit biometric identifiers and protect biometric identifiers from disclosure a manner that:

(a) Meets the standard of care in the industry in which the person operates; and

(b) Is at least as protective as the manner in which the person stores, transmits or protects from disclosure, as applicable, other personally identifiable information.

Sec. 34.8. *1. Before collecting a biometric identifier, a person shall:*

(a) Inform the subject or his or her representative in writing:

(1) That the biometric identifier is being collected;

(2) The purpose for which the biometric identifier is being collected. stored and used; and

(3) The length of time for which the biometric identifier will be retained in accordance with the policy developed pursuant to section 34.7 of this act;

(b) Obtain the informed written consent of the subject or his or her representative which may include, without limitation, a written release executed as a condition of employment; and

(c) Verify of the identity of the subject and any representative providing written consent pursuant to paragraph (b) in a manner that meets the requirements of Special Publication 800-63-3 published by the National Institute of Standards and Technology of the United States Department of Commerce.

2. At the time a person collects a biometric identifier, the person shall ensure that the subject is present.

3. A person shall not sell, lease, trade or otherwise receive compensation for sharing a biometric identifier.

4. A person shall not share a biometric identifier unless:

(a) The subject or his or her representative consents to the sharing;

(b) The sharing completes a financial transaction requested or authorized by the subject or his or her representative; or

(c) The sharing is required by law, a court order, a subpoena, a search warrant or other lawful process . [; or

(d) The sharing is performed by a person who holds a nonrestricted license, as defined in NRS 463.0177, and the biometric identifier is shared with a subsidiary or affiliate of the person for the purpose of security or surveillance.]

Sec. 34.9. ***1. Except as otherwise provided in this section, a violation of sections 34.1 to 34.9, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.***

2. The provisions of sections 34.1 to 34.9, inclusive, of this act:

(a) Do not create a private right of action; and

(b) Must not be construed to affect any other provision of law.

Sec. 35. NRS 603A.338 is hereby amended to read as follows:

603A.338 The provisions of NRS 603A.300 to 603A.360, inclusive, do not apply to:

1. A consumer reporting agency, as defined in 15 U.S.C. § 1681a(f);

2. Any personally identifiable information regulated by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and the regulations adopted pursuant thereto, which is collected, maintained or sold as provided in that Act;

3. A person who collects, maintains or makes sales of personally identifiable information for the purposes of fraud prevention;

4. Any personally identifiable information that is publicly available;

5. Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold as provided in that Act; ~~[or]~~

6. ***Any consumer health data subject to the provisions of sections 2 to 34, inclusive, of this act;***

7. Any biometric identifiers subject to the provisions of sections 34.1 to 34.9, inclusive, of this act; or

8. A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 418.

Bill read second time.

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

Amendment No. 699.

SUMMARY—Revises provisions relating to candidates ~~[to the]~~ **for judicial** office **.** ~~[of district judge.]~~ (BDR ~~[1-803)]~~ **24-803)**

(CONTAINS UNFUNDED MANDATE (§§ 2, 3)
(Not Requested by Affected Local Government)

AN ACT relating to judiciary; requiring a candidate ~~[to the]~~ **for judicial** office ~~[of district judge]~~ **who is not the incumbent** to ~~[submit an application attesting]~~ **complete and file a questionnaire containing certain information relating** to his or her qualifications for office; **authorizing a candidate for judicial office who is the incumbent to complete and file such a questionnaire; requiring the filing officer to post such a questionnaire on the internet website of the filing officer,** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain qualifications for a person seeking to be a candidate ~~[to the office of district judge, which include that the person: (1) has attained the age of 25 years; (2) is an attorney licensed and admitted to practice law in the courts of this State at the time of election or appointment; (3) has been licensed to practice law in this State, another State or the district of Columbia for a total of not less than 10 years at any time preceding the election or appointment, at least 2 of which must have been in this State; (4) is a qualified elector and has been a bona fide resident of this State for 2 years preceding the election or appointment; and (5) has not ever been removed or retired from judicial office.]~~ **for the office of justice of the Nevada Supreme Court, judge of the Court of Appeals, judge of a district court, justice of the peace or municipal judge.** (NRS **2.020, 2A.020,** 3.060 ~~[)]~~ **, 4.010, 5.020)** **With certain exceptions, existing law further requires certain persons, including candidates for these judicial offices, to file a declaration of candidacy with the appropriate filing officer and pay a filing fee before his or her name may be printed on a ballot to be used at a primary election. (NRS 293.177)** This bill requires a person seeking to be a candidate ~~[to the]~~ **for judicial** office ~~[of district judge]~~ **who is not the incumbent** to ~~[submit]~~ **complete and file** with his or her declaration of candidacy ~~[the same~~

~~application.~~] **a questionnaire** that is prescribed by the ~~[Commission on Judicial Selection for a person who applies to fill a vacancy in the office of district judge.]~~ **Nevada Supreme Court which includes, without limitation, information on: (1) the education of the candidate; and (2) the qualifications possessed by the candidate which are relevant to the judicial office for which he or she is filing a declaration of candidacy. This bill also authorizes a candidate for judicial office who is the incumbent to complete and file such a questionnaire.** This bill further requires the filing officer ~~[with whom the person files the declaration of candidacy]~~ **, upon receipt of such a questionnaire,** to publish the ~~[application]~~ **questionnaire** on the Internet website of the filing officer. ~~[Finally, this bill provides that such an application must not include any information or material that is confidential.]~~

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

Section 1. ~~[NRS 3.060 is hereby amended to read as follows:~~

~~3.060 1. A person may not be a candidate for and is not eligible to the office of district judge unless the person:~~

~~(a) Has attained the age of 25 years.~~

~~(b) Is an attorney licensed and admitted to practice law in the courts of this State at the time of the election or appointment.~~

~~(c) Has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for a total of not less than 10 years at any time preceding the election or appointment, at least 2 years of which have been in this State.~~

~~(d) Is a qualified elector and has been a bona fide resident of this State for 2 years next preceding the election or appointment.~~

~~(e) Has not ever been removed from any judicial office by the Legislature or removed or retired from any judicial office by the Commission on Judicial Discipline.~~

~~2. *Except as otherwise provided in this subsection, each person who seeks to be a candidate to the office of district court must submit to the filing officer with his or her declaration of candidacy the same application that is prescribed by the Commission on Judicial Selection for a person who applies to fill a vacancy in the office of district judge. Upon receipt, the filing officer shall post the person's application on the Internet website of the filing officer. An application that is submitted or posted pursuant to this subsection must not include any information or material that is confidential pursuant to the rules of the Commission or any provision of federal or state law.*~~

~~*3.* For the purposes of this section, a person is eligible to be a candidate for the office of district judge if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.~~

~~*4. As used in this section:*~~

~~*(a) "Declaration of candidacy" has the meaning ascribed to it in NRS 293.0455.*~~

~~*(b) "Filing officer" has the meaning ascribed to it in NRS 293.057.]*~~ **(Deleted by amendment.)**

Sec. 2. **Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A candidate for judicial office who is not the incumbent shall complete and file with the filing officer, along with the declaration of candidacy for that office, a questionnaire prescribed by the Nevada Supreme Court. The questionnaire must include, without limitation, information on:

(a) The education of the candidate; and

(b) The qualifications possessed by the candidate which are relevant to the judicial office for which he or she is filing.

2. A candidate for judicial office who is the incumbent may complete and file with the filing officer the questionnaire described in subsection 1 within the time period prescribed by NRS 293.177 for a candidate to file a declaration of candidacy.

3. Upon receipt of the questionnaire completed and filed pursuant to subsection 1 or 2, the filing officer shall post the questionnaire on the Internet website of the filing officer.

Sec. 3. **Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A candidate for the office of municipal judge who is not the incumbent shall complete and file with the city clerk, along with the declaration of candidacy for that office, a questionnaire prescribed by the Nevada Supreme Court. The questionnaire must include, without limitation, information on:

(a) The education of the candidate; and

(b) The qualifications possessed by the candidate which are relevant to the office of municipal judge.

2. A candidate for the office of municipal judge who is the incumbent may complete and file with the city clerk the questionnaire described in subsection 1 within the time period prescribed by NRS 293C.175 for a candidate for the office of municipal judge to file a declaration of candidacy.

3. Upon receipt of the questionnaire completed and filed pursuant to subsection 1 or 2, the city clerk shall post the questionnaire on the Internet website of the city clerk.

Sec. 4. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 434.

Bill read second time.

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

Amendment No. 630.

AN ACT relating to retirement; revising provisions governing eligibility for membership in the Public Employees' Retirement System; revising provisions governing the options for service retirement allowances under the System; revising provisions relating to the granting of a divorce; ~~[revising provisions governing the disposition of certain pension or retirement benefits upon dissolution of marriage;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Eligible retired public employees receive retirement allowances through membership in and contributions to the Public Employees' Retirement System. (Chapter 286 of NRS) Under existing law, certain persons are not eligible to be members of the System, including substitute teachers. (NRS 286.297) **Section 1** of this bill makes substitute teachers eligible for membership in the System.

Existing law provides several different alternative options to an unmodified retirement allowance under the Public Employees' Retirement System that members are authorized to elect upon retirement. (NRS 286.590) **Section 2** of this bill provides the additional alternative option of a reduced service retirement allowance with a benefit paid for 6 months to a designated beneficiary or an alternate beneficiary.

Existing law specifies certain powers and duties of courts in granting a divorce. ~~[One such power is modifying an adjudication of property rights or an agreement settling property rights upon written stipulation by the parties to the action.]~~ (NRS 125.150) **Section 2.5** of this bill requires a court, in granting a divorce, to provide an explanation, or ensure that an explanation has been provided, to the parties of any provision relating to the disposition of pension or retirement benefits that will be included in the decree of divorce or any related order. ~~[Section 2.5 also authorizes a court to modify the adjudication of or an agreement settling property rights as a result of the filing of a motion to amend the adjudication or agreement relating to the disposition of pension or retirement benefits by the parties to the action.~~

~~Existing law provides for the disposition of pension or retirement benefits provided by the Public Employees' Retirement System or the Judicial Retirement Plan upon dissolution of marriage. Existing law codifies the "time rule," whereby the community interest in such retirement benefits is calculated by dividing an employee's length of service during marriage by his or her total length of service. (NRS 125.155) Section 3 of this bill replaces the "time rule" with the "frozen benefit rule," whereby the community interest in such retirement benefits is "frozen" at the salary base and years of service of the party participating in the retirement system on the date on which the decree of legal separation or divorce is entered. The "frozen benefit rule" currently applies to military pensions under the Uniformed Services Former Spouses' Protection Act. (10 U.S.C. § 1408(a)(4)(B))]~~

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

Section 1. NRS 286.297 is hereby amended to read as follows:

286.297 The following persons are not eligible to become members of the System:

1. Inmates of state institutions even though they may be receiving compensation for services performed for the institution.

2. Independent contractors or persons rendering professional services on a fee, retainer or contract basis.

3. Except as otherwise provided in NRS 286.525, persons retired under the provisions of this chapter who are employed by a participating public employer.

4. Members of boards or commissions of the State of Nevada or of its political subdivisions when such boards or commissions are advisory or directive and when membership thereon is not compensated except for expenses incurred. Receipt of a fee for attendance at official sessions of a particular board or commission does not constitute compensation for the purpose of this subsection.

5. ~~[Substitute teachers and students]~~ ***Students*** who are employed by the institution which they attend.

6. District judges, judges of the Court of Appeals and justices of the Supreme Court first elected or appointed on or after July 1, 1977, who are not enrolled in the System at the time of election or appointment.

7. Members of the professional staff of the Nevada System of Higher Education who are employed on or after July 1, 1977.

8. Persons employed on or after July 1, 1979, under the Comprehensive Employment and Training Act.

9. Except as otherwise provided in NRS 286.293, persons assigned to intermittent or temporary positions unless the assignment exceeds 6 consecutive months.

10. Persons employed on or after July 1, 1981, as part-time guards at school crossings.

11. Nurses who:

(a) Are not full-time employees;

(b) Are paid an hourly wage on a daily basis;

(c) Do not receive the employee benefits received by other employees of the same employer; and

(d) Do not work a regular schedule or are requested to work for a shift at a time.

Sec. 2. NRS 286.590 is hereby amended to read as follows:

286.590 The alternatives to an unmodified service retirement allowance are as follows:

1. Option 2 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue

after the retired employee's death for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement should the beneficiary survive the retired employee.

2. Option 3 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death at one-half the rate paid to the retired employee and be
paid for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement should the beneficiary survive the retired employee.

3. Option 4 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death for the life of the retired employee's beneficiary, whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of the election, should the retired employee's beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60. If a beneficiary designated under this option dies after the date of the retired employee's death but before attaining age 60, the contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the deceased beneficiary.

4. Option 5 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death at one-half the rate paid to the retired employee and be paid for the life of the retired employee's beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of the election, should the retired employee's beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60. If a beneficiary designated under this option dies after the date of the retired employee's death but before attaining age 60, the contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the deceased beneficiary.

5. Option 6 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid after the retired employee's death to the beneficiary for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement, should the beneficiary survive the retired employee.

6. Option 7 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid after the retired employee's death to the beneficiary for the

life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of election, should the beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60 years. If a surviving beneficiary dies after the date of the retired employee's death, but before attaining age 60, all contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the beneficiary.

7. Option 8 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid for 6 months after the retired employee's death to the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement, should the beneficiary survive the retired employee. The retired employee may also designate at the time of retirement one alternate beneficiary should the initial designated beneficiary not survive the retired employee. Except as otherwise provided in this subsection, if the designated beneficiary dies less than 6 months after the date of the retired employee's death, any amount which has not been paid to the designated beneficiary pursuant to this subsection must be paid to the estate of the designated beneficiary. If the retired employee designated an alternate beneficiary, any amount which has not been paid pursuant to this subsection to the initial designated beneficiary before the initial designated beneficiary's death must be paid to the alternate designated beneficiary. If the alternate designated beneficiary also later dies less than 6 months after the date of the retired employee's death, any amount which has not been paid to the alternate designated beneficiary pursuant to this subsection must be paid to the estate of the alternate designated beneficiary. If the initial designated beneficiary and, if applicable, the alternate designated beneficiary do not survive the retired employee, any amount which is required to be paid pursuant to this subsection to a beneficiary must be paid to the estate of the retired employee.

Sec. 2.5. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to either spouse, in a specified principal sum or as specified periodic payments, as appears just and equitable; ~~[and]~~

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, including, without limitation, any community property transferred into an irrevocable trust pursuant to NRS 123.125 over which the court acquires jurisdiction pursuant to NRS 164.010, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling

reason to do so and sets forth in writing the reasons for making the unequal disposition ~~[.]~~ ***; and***

(c) Shall provide an explanation, or ensure that an explanation has been provided, to the parties of any provision relating to the disposition of pension or retirement benefits that will be included in the decree of divorce or any related order.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➥ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the separate property of either spouse for the other spouse's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court ~~***[as a result of the filing of a motion to amend the adjudication or agreement relating to the disposition of pension or retirement benefits by the parties to the action or]***~~ upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

Sec. 3. ~~[NRS 125.155 is hereby amended to read as follows:~~

~~125.155 Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS or is prohibited by specific statute:~~

~~1. In determining the value of an interest in or entitlement to a pension or retirement benefit provided by the Public Employees' Retirement System pursuant to chapter 286 of NRS or the Judicial Retirement Plan established pursuant to NRS 1A.300, the court~~ ~~[:]~~

~~(a)~~ ~~]~~ ***shall base its determination upon the amount of the pension or retirement benefits to which the participating party would have been entitled using the salary base and years of service of the participating party on the date on which a decree of legal separation or divorce is entered.***

~~[Shall base its determination upon the number of years or portion thereof that the contributing party was employed and received the interest or entitlement, beginning on the date of the marriage and ending on the date on which a decree of legal separation or divorce is entered; and~~

~~(b) Shall not base its determination upon any estimated increase in the value of the interest or entitlement resulting from a promotion, raise or any other efforts made by the party who contributed to the interest or entitlement as a result of his or her continued employment after the date of a decree of legal separation or divorce.]~~

~~2. The court may, in making a disposition of a pension or retirement benefit provided by the Public Employees' Retirement System or the Judicial Retirement Plan, order that the benefit not be paid before the date on which the participating party retires. To ensure that the party who is not a participant will receive payment for the benefits, the court may:~~

~~(a) On its own motion or pursuant to an agreement of the parties, require the participating party to furnish a performance or surety bond, executed by the participating party as principal and by a corporation qualified under the laws of this state as surety, made payable to the party who is not a participant under the plan, and conditioned upon the payment of the pension or retirement benefits. The bond must be in a principal sum equal to the amount of the determined interest of the nonparticipating party in the pension or retirement benefits and must be in a form prescribed by the court.~~

~~(b) On its own motion or pursuant to an agreement of the parties, require the participating party to purchase a policy of life insurance. The amount payable under the policy must be equal to the determined interest of the nonparticipating party in the pension or retirement benefits. The nonparticipating party must be named as a beneficiary under the policy and must remain a named beneficiary until the participating party retires.~~

~~(c) Pursuant to an agreement of the parties, increase the value of the determined interest of the nonparticipating party in the pension or retirement benefit as compensation for the delay in payment of the benefit to that party.~~

~~(d) On its own motion or pursuant to an agreement of the parties, allow the participating party to provide any other form of security which ensures the payment of the determined interest of the nonparticipating party in the pension or retirement benefit.~~

~~3. If a party receives an interest in or an entitlement to a pension or retirement benefit which the party would not otherwise have an interest in or be entitled to if not for a disposition made pursuant to this section, the interest or entitlement and any related obligation to pay that interest or entitlement terminates upon the death of either party unless pursuant to:~~

~~(a) An agreement of the parties; or~~

~~(b) An order of the court,~~

~~that a party who is a participant in the Public Employees' Retirement System or the Judicial Retirement Plan provides an alternative to an unmodified service retirement allowance pursuant to NRS 1A.450 or 286.590.~~**] (Deleted by amendment.)**

Sec. 4. This act becomes effective ~~[upon passage and approval.]~~ **on July 1, 2023.**

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-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 1:27 p.m.

ASSEMBLY IN SESSION

At 1:30 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that all rules be suspended, reading so far had considered first or second reading as appropriate, and Senate Bills

Nos. 501, 503, and 504 be declared emergency measures under the *Constitution* and placed at the top of General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 503 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

NOTICE OF EXEMPTION

May 25, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 452.

WAYNE THORLEY
Fiscal Analysis Division

GENERAL FILE AND THIRD READING

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblymen Anderson, O'Neill, Jauregui, Monroe-Moreno, and Hansen.

ASSEMBLYWOMAN ANDERSON:

Senate Bill 503 provides funding for K-12 public education for the 2023-2025 biennium. The total public support for school districts, charter schools, and university schools for profoundly gifted pupils is estimated to average $12,863 per pupil in FY [Fiscal Year] 2024 and $13,368 per pupil in FY 2025.

Section 3 appropriates $1.1 billion in FY 2024 and $1.5 billion in FY 2025 from the State General Fund to the Pupil-Centered Funding Plan Account in the State Education Fund. Section 4 authorizes other revenue of $4.4 billion in FY 2024 and $4.3 billion in FY 2025 to be received and expended for state support of K-12 public education. These other revenues include, but are not limited to, local school support tax, public schools operating property tax, governmental services tax, an annual excise tax on slot machines, transfers from the Permanent School Fund, revenue from mineral leases on federal land, room tax revenue, recreational marijuana retail excise tax, and transfers from the Cannabis Compliance Board.

Sections 5 and 6 require the Department of Education to transfer total funding of $194.8 million in both FY 2024 and FY 2025 to school districts for food services and transportation and total funding of $483.8 million in FY 2024 and $483.9 million in FY 2025 for local funding for pupils with disabilities.

The statewide base per pupil funding amount is $8,966 per pupil in FY 2024 and $9,414 per pupil in FY 2025. Enrollment is projected to slightly increase to 471,283 pupils in FY 2024 and to 471,754 pupils in FY 2025.

Sections 5 and 6 further provide additional weighted funding for each English learner, at-risk, and gifted and talented pupil estimated to be enrolled in a public school, which is expressed as a multiplier or weight to the statewide base per pupil funding amount. The multiplier for English learner pupils is 0.45 for each year of the 2023-2025 biennium, with total funding of $212.5 million in FY 2024 and $223.2 million in FY 2025. The multiplier for at-risk pupils is 0.35 for each year of the 2023-2025 biennium, with total funding of $198.7 million in FY 2024 and $208.6 million in FY 2025. The multiplier for gifted and talented pupils is 0.12 for each year of the 2023-2025 biennium, with total funding of $8 million in FY 2024 and $8.4 million in FY 2025.

Section 7 provides General Fund appropriations of $245.7 million in FY 2024 and $252.8 million in FY 2025 for the state support of pupils with disabilities. In addition, revenue of $2 million in each year of the 2023-2025 biennium are authorized for expenditure to provide additional support for extraordinary high-cost pupils with disabilities.

Section 8 provides General Fund appropriations totaling $44.3 million in each year of the 2023-2025 biennium to the Other State Education Programs budget for categorical grant programs, including but not limited to the career and technical education, Jobs for Nevada's Graduates, and the Incentivizing Pathways to Teaching grant programs.

Section 9 provides General Fund appropriations totaling $7.7 million in each year of the 2023-2025 biennium for the Professional Development Programs Account. Section 10 distributes $7.6 million of this funding in each year of the 2023-2025 biennium for the three Regional Professional Development training programs. Section 11 distributes $100,000 of this funding in each year of the 2023-2025 biennium for the Statewide Council for the Coordination of the Regional Training Programs to provide additional training opportunities for educational administrators in Nevada.

Section 12 provides General Fund appropriations of $560,886 in each year of the 2023-2025 biennium for the 1/5 Retirement Credit Purchase Program Account.

Section 13 provides General Fund appropriations of $2.4 million in each year of the 2023-2025 biennium and authorizes $3.8 million in FY 2024 and $4 million in FY 2025 to continue the Teach Nevada Scholarship program.

Section 14 appropriates $3.2 million in each year of the 2023-2025 biennium to the Interim Finance Committee that may be requested by the Department of Education to increase funding for the Teach Nevada Scholarship program.

Section 15 authorizes $851.7 million in FY 2024 and $878.9 million in FY 2025 for the Education Stabilization Account, otherwise known as the K-12 Rainy Day Account.

Section 16 revises the definition of at-risk pupils in statute, consistent with the revised identification of such pupils approved by the money committees.

Section 17 indicates July 1, 2023, as the effective date for the bill.

Today, I ask for your support of this historic funding in SB 503. It is a 29 percent increase by the end of the biennium. As many of you know, it is my honor to be a fourth-generation educator. When I was looking over notes last night and trying to figure out some things, I gave my mother a call. We started talking about what that increase would mean. Education has been underfunded in our state since my father started kindergarten in 1947 at Robert Mitchell Elementary School in Sparks, Nevada. Let me make sure that is clear—since 1947, we have not funded education. This body is finally starting to do something about it. We have been doing something about it when we can. Today is a day these three generations of teachers before me would be standing up proudly because we are doing something. We are taking the necessary and long-overdue steps to recognize the most important investment in our state. Our schools are being recognized and are being funded.

We are elected by our neighbors, by our communities, to do this job today. We are hired by them because they recognize that the pillars of government have to do with three areas. One is to propose things. The other is to check it, to have a balance in it. Let me tell you, we have a balance. We started our discussions long before this session started. As a matter of fact, the first set of discussions happened not with us but with the Nevada Commission on School Funding, a body that looked at how we are funding education based upon legislation that passed last session. They came up with recommendations, and they clearly stated, we are not funding education. We are doing something about it. As a committee, we met. The subcommittee on education, which I am not part of, met weekly. They had meetings daily, and the leadership of this body met almost on a daily basis with people about how to fund education. That resulted in us actually talking with school districts and getting what they needed.

Finally, we came forward with a bill—a bill that was voted out of a subcommittee and then two days later voted out of a joint committee. That bill is in front of you today. So for people who say we are rushing a long-overdue discussion, that is incorrect, and there is more than enough evidence to show that we have, in fact, been working hard.

I want to thank you for all the work people put in. Our staff put in so much more work. More importantly—and I would like to end with this—the last document I brought down with me today is what I call my happy folder. These are papers, cards, and notes that students have written to me over the years. That is what this budget is really about. It is not about these large books. It is about the people we are helping. I ask for your support of SB 503.

ASSEMBLYMAN O'NEILL:

I rise today in opposition to Senate Bill 503. First, let me say, I do appreciate the work that has been put in, the hearings we have had, and the time in Ways and Means to discuss the education bill. I understand the importance of the education bill—I truly do, as we all do here today.

However, at the beginning of this session, our Governor put forth an historic budget increase for education, and he set out to ensure this money went to programs and, more importantly, the people, educators, and students who need it most. The Governor's plan ensures funds and the oversight for those funds that Nevada students and parents need.

We oppose this bill because we oppose using a one-time surplus to fund ongoing expenses. We will not promise funds now that we cannot sustain in the future. The Governor's budget added $6 billion a year for both years for the next biennium. The Governor also set aside the historic $2 billion budget increase to cover those future costs. This is historic. This is what Nevada needs, and we are in full support.

Furthermore, in the Executive Budget, $291 million is supposed to go to early childhood literacy programs and the teacher pipeline for the next biennium. However, this is one-shot money that at this point we cannot guarantee in the future. We do not know we will have the same funds in the future, and this could lead to a fiscal cliff in 2025 that none of us want.

We never want to cut education. We want to always maintain it for the sake of our students, parents, and teachers. The year 2019 was the first time our students could read by fourth grade at the rate of the national average. Our goal—the goal here, I believe—is to maintain and grow that. That is why we need to specifically spend these one-shot monies as the Governor laid out on early childhood literacy and the teacher pipeline.

ASSEMBLYWOMAN JAUREGUI:

I rise in support of Senate Bill 503. During my time in the Legislature, we have never made these types of historic investments. Nearly $12 billion is going into the education budget over the next biennium. That is truly remarkable.

This education budget is a huge victory for all Nevadans, and frankly, it is long overdue. As legislators, we all campaigned to improve our schools. We met with parents, teachers, and students to discuss how to best improve our schools. Well, I truly believe I can go back to my district and let my community know I worked hard to pass an education budget our state deserves, a budget that properly invests in our schools and allows them to provide additional resources which will allow our students to thrive.

Our children, our teachers, our education support staff, and our schools will immensely benefit from this historic budget, which is why I am urging all of my colleagues to support Senate Bill 503—to show our communities we are committed to improving our schools and our education system.

ASSEMBLYWOMAN MONROE-MORENO:

I rise in support of Senate Bill 503. As a mother and a grandmother, I understand the importance of our schools in the lives of our children. As the Chairwoman of the Assembly Ways and Means Committee, I also understand the important role teachers and support staff play in developing our children as they go through our education system.

Nevada's families, students, teachers, and support staff deserve a budget that invests in them, provides for additional resources, and truly gives them an opportunity to succeed. This is why I am supporting Senate Bill 503, because I truly believe this budget will have a positive impact for our education system for years to come. With SB 503, we will see historic investments in funding, which will give a nearly 30 percent increase in per-pupil funding by the end of the next biennium. That is truly monumental.

I have to say, the Governor's recommended budget is just that—it is a recommendation to the legislative body. Once we get it, we have a constitutional responsibility to provide a balanced budget that we expect this Governor to sign. And, no, the extra funding that went into it is not a one-time increase; it is a revenue increase in this state. As legislative leaders, we looked at the numbers. We calculated the numbers. We are doing what we are supposed to do to be fiscally responsible and make sure that what happened in 1947 does not continue to happen in 2023 in this state.

With that, make no mistake about it—these investments will have a transformative effect on our educational system. That is why I urge this body to vote in favor. Vote yes on Senate Bill 503.

ASSEMBLYWOMAN HANSEN:

I rise in opposition to SB 503. I stand before you, as all of you know, a mother of 8 and a grandmother of 20 children who have attended public schools here in Washoe County. My oldest is 40. I have been involved with the schools since the mid-eighties. Education, of course, is a very important subject to me and I know to all of us as well. The discussions we have here and the discussions we have in our Education Committee show our concern. I think where we part company at times—the definition of insanity is to keep doing the same thing and expecting a different result. Now, some could argue that it is money. Yes, that is a component. But it is also reform, and if we are not willing to give the Governor's packages consideration, we have to try something different. We need to look at other states that have done this and find things that work. While I understand the importance of funding education properly, I want to make sure we are funding things that work.

We are in dire straits. I am a broken record. When you graduate from a Nevada public high school, proficiency scores in English language arts are at 43 percent. That is below even the 50 percent mark. It is even worse for math, which is 26 percent. Unfortunately, those numbers that I quoted are pre-COVID. They are even worse post-COVID.

This is what we agree on: We care about kids, and we know we need to fund education. Where we part company is, what does that look like? I stand here today and say, it looks like reform. It is needed, and we need to have the discussion. Education of all issues should not be partisan. I encourage my members to vote no on this—not to give up, but to go back to the drawing board and have discussions that involve a lot more than what we have just been dealing with.

Roll call on Senate Bill No. 503:

YEAS—28.

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

Senate Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 501.

Bill read third time.

Roll call on Senate Bill No. 501:

YEAS—42.

NAYS—None.

Senate Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 504.

Bill read third time.

Remarks by Assemblywomen Monroe-Moreno, Gorelow, Brown-May, and Backus.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 504 provides funding and authorizes the expenditure of funding other than State General Fund appropriations or State Highway Fund appropriations. The funding sources include federal funds, self-funded budgets receiving money through fees or other means, and revenue sources such as licensing fees, gifts, grants, interagency transfers, and other funds, which total $31.71 billion over the 2023-2025 biennium.

Additionally, due to the specific statutory language for these agencies, Senate Bill 504 includes authority for the Nevada Gaming Control Board and the Nevada Gaming Commission to expend $69.5 million from the General Fund over the 2023-2025 biennium. Similarly, the bill includes authority for the Department of Transportation to expend $840.5 million from the Highway Fund over the 2023-2025 biennium.

The money committees approved total funding of $1.4 million over the 2023-2025 biennium for the personnel and operating costs to add eight new positions for support of the implementation of the Statewide Council on Financial Independence and Individual Development Account Program and for the Office of the State Treasurer's Investment Division, Cash Management Division, College Savings Division, Unclaimed Property Division, and Nevada ABLE [Achieving a Better Life Experience] Savings Program.

The money committees approved reserve reductions totaling $1.5 million over the 2023-2025 biennium for eight new full-time positions for additional supervisory and information technology support for the Cannabis Compliance Board. The money committees further approved reserve reductions of $358,704 over the 2023-2025 biennium to relocate the Cannabis Compliance Board's Carson City office.

In closing the budgets of the Nevada System of Higher Education, the money committees approved revenue from all sources totaling $2.23 billion for the 2023-2025 biennium. Of the total revenues, non-General Fund revenues total $761 million, or 34.1 percent of total funding, and include student registration fees, nonresident tuition, student application fees, federal and county revenues, and a transfer from a non-state-supported budget.

In closing the Governor's Office of Economic Development budgets, the money committees authorized non-General Fund revenues of $77.2 million over the 2023-2025 biennium, which includes $62.9 million in federal State Small Business Credit Initiative Funds.

The money committees approved the Governor's recommendation to reorganize the Department of Tourism and Cultural Affairs and authorized Room Tax revenues of $30.1 million in FY 2024 and $32.7 million in FY 2025 in the new Tourism Cultural Affairs Administration budget.

For the Fund for a Resilient Nevada, administered by the Department of Health and Human Services' Director's Office, the money committees approved opioid settlement fund reserve reductions of $12.2 million over the 2023-2025 biennium to support allocations to various public and private entities to address the impact of opioid and other substance use disorders in the state in accordance with the needs assessment and statewide plan developed to address these issues.

In closing the Aging and Disability Services Division budgets, the money committees authorized cost allocation revenues of $1 million over the 2023-2025 biennium to support ten new positions and associated costs, including five positions to support information technology needs; four positions to provide human resources support; and one Administrative Services Officer to support central fiscal services, as recommended by the Governor.

In closing the budgets of the Division of Health Care Financing and Policy, the money committees approved a new private hospital provider tax and budget, including authorized private hospital provider tax revenue of $572.3 million, transfers to the Medicaid budget totaling $405.4 million to fund the non-federal share of supplemental and directed payments totaling $1.06 billion, and transfers to the Medicaid Administrative budget to fund administrative activities, including five positions and associated expenditures, totaling $886,272 over the 2023-2025 biennium.

In closing the budgets of the Division of Public and Behavioral Health, the money committees approved $30 million in Telecom Fees over the 2023-2025 biennium to support the Crisis Response programs, including the 988 Crisis Call Center and Crisis Stabilization Centers, as well as one existing position and ten new full-time positions and associated expenditures. The money committees also approved five new full-time Facility Surveyor positions and associated expenditures totaling $813,913 in Child Care and Development Block Grant funds over the 2023-2025 biennium. Finally, the money committees approved the Governor's recommendation to transfer the Child Care Licensing program to the Division of Welfare and Supportive Services to consolidate related child care facility programs under one division and provide for efficiency.

For the Division of Welfare and Supportive Services' Child Assistance and Development budget, the money committees approved a combination of Child Care and Development Fund

discretionary and mandatory/matching block grant revenues totaling $3.3 million over the 2023-2025 biennium for 14 new positions, including 7 positions to support the child care service centers and 7 positions to provide improved strategic planning and oversight. The money committees also approved additional Temporary Assistance for Needy Families Block Grant funding totaling $20 million over the 2023-2025 biennium to increase child care subsidies for the New Employees of Nevada program.

For the Department of Transportation, the money committees approved 50 new positions for the department to administer essential programs and comply with federal and state laws. The money committees also approved the Governor's recommendation for the sale of highway revenue bonds and associated interest earnings of $151.5 million in FY 2024 for construction projects.

ASSEMBLYWOMAN GORELOW:

Today, I rise in support of Senate Bill 504. COVID-19 may no longer be at its peak, but its impacts are still rippling through many communities. Senate Bill 504, or the Authorizations Act, provides desperately needed funds for relief programs in the Governor's Office that help everyday Nevadans recover and get back on their feet again. This includes affordable housing programs, which so many Nevadans need as rent and the cost of homes continue to rise. These investments will provide relief to many Nevadans in need and continue to make our state the place to live, work, and raise a family.

Please join me in supporting Senate Bill 504.

ASSEMBLYWOMAN BROWN-MAY:

I rise in support of Senate Bill 504. This is an exciting time for us to be here, considering these monumental measures in front of us today. I am honored to represent my Assembly district and the 74,400 residents who go to work each and every day and who depend on us to do our jobs.

Today, I rise in support of Senate Bill 504, the Authorizations Act, because it provides a record level of critical funding for Nevada Medicaid and it works to fund benefits programs for our public safety officers and our public employees.

All Nevadans deserve access to quality and affordable health care. This has always been true, but it is especially important now, as many Nevadans continue to deal with the lingering effects and complications from COVID-19. This measure helps to ensure the money previously allocated for those COVID-19 relief efforts gets to where it is going quickly to help our citizens be successful.

I hope you will join me in supporting Senate Bill 504 so as many Nevadans as possible will have health care access and so the departments, divisions, and programs we support can help our communities.

ASSEMBLYWOMAN BACKUS:

I rise in support of Senate Bill 504. Small businesses are the backbone of Nevada's economy. They are owned and operated by everyday Nevadans who work hard with an entrepreneurial spirit. But it is not always easy. Sometimes, small businesses and their owners need assistance. Senate Bill 504 provides significant investment into small businesses, helping to buoy businesses that may be struggling to make ends meet or help to kick-start small businesses that have not formed yet.

Please join me in supporting Senate Bill 504, and help small businesses thrive in Nevada.

Roll call on Senate Bill No. 504:

YEAS—42.

NAYS—None.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 192, 235, 280; Assembly Bills Nos. 448 and 62 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 436 and 293 be taken from the Chief Clerk's Desk and placed on the General File.

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 2:10 p.m.

ASSEMBLY IN SESSION

At 2:33 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Jauregui moved that Senate Bill No. 436 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 159.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 436.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 710.

AN ACT relating to insurance; requiring the Commissioner of Insurance to submit to the Joint Interim Standing Committee on Commerce and Labor a report concerning the service contract provider industry in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of providers of service contracts by the Commissioner of Insurance. (Chapter 690C of NRS) Existing law defines a service contract as a contract pursuant to which a provider, in exchange for

separately stated consideration, is obligated for a specified period to a holder to repair, replace or perform maintenance on, or indemnify or reimburse the holder for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract and which have an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear. Types of service contracts include contracts that: (1) pay reimbursement for towing, rental and emergency road service; and (2) provide for the repair, replacement or maintenance of goods for damages that result from power surges or accidental damage from handling. (NRS 690C.080) Existing law authorizes the Commissioner to assess a civil penalty against a provider who fails to comply with existing law or who violates an order or regulation of the Commissioner. (NRS 690C.330)

This bill requires the Commissioner of Insurance to submit to the Joint Interim Standing Committee on Commerce and Labor an annual report that provides certain information concerning the service contract industry in this State.

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

Section 1. Chapter 690C of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 2 of this act.

Sec. 1.5. (Deleted by amendment.)

Sec. 2. ***1. On or before ~~[December]~~ March 31, ~~[2023,]~~ 2024, and on or before ~~[December]~~ March 31 of each year thereafter, the Commissioner shall***

submit a report to the Joint Interim Standing Committee on Commerce and Labor concerning the service contract industry in this State.

2. The report must include, without limitation:

(a) For each report other than the initial report, the number of service contracts sold by providers, by county, during the calendar year for which the report is made;

(b) The number of providers doing business in this State;

(c) The number of providers, by the type of service contract provided;

(d) The number of complaints concerning providers received by the Division, by type of complaint ~~[;]~~ and information concerning the resolution of such complaints; and

(e) Any other matter relating to the service contract industry in this State that the Commissioner deems appropriate.

3. To the extent reasonably practicable, the information specified in paragraph (a) of subsection 2 must be disaggregated in the report.

4. As used in this section:

(a) "Provider" has the meaning ascribed to it in NRS 690C.070.

(b) "Service contract" has the meaning ascribed to it in NRS 690C.080.

Sec. 3. 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 Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 192.

Bill read third time.

Roll call on Senate Bill No. 192:

YEAS—42.

NAYS—None.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

Roll call on Senate Bill No. 235:

YEAS—42.

NAYS—None.

Senate Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 280.

Bill read third time.

Roll call on Senate Bill No. 280:

YEAS—42.

NAYS—None.

Senate Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Roll call on Assembly Bill No. 448:

YEAS—42.

NAYS—None.

Assembly Bill No. 448 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Roll call on Assembly Bill No. 62:

YEAS—42.

NAYS—None.

Assembly Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 13, 20, 53, 56, 76, 98, 100, 101, 110, 116, 118, 122, 126, 131, 144, 146, 154, 162, 164, 185, 189, 210, 214, 225, 227, 235, 251, 264, 282, 289, 298, 311, 316, 318, 333, 343, 359, 361, 366, 394, 407, 414, 424, 455, 456, 464; Assembly Joint Resolution No. 8; Senate Bills Nos. 4, 5, 8, 13, 16, 18, 19, 20, 21, 22, 23, 25, 29, 32, 39, 43, 59, 85, 87, 91, 105, 115, 117, 119, 129, 131, 133, 147, 148, 153, 164, 169, 177, 181, 182, 194, 210, 214, 223, 243, 247, 257, 258, 259, 260, 261, 264, 286, 298, 299, 316, 338, 340, 351, 354, 381, 382, 397, 401, 410, 411, 437, 442.

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

Assembly in recess at 2:42 p.m.

ASSEMBLY IN SESSION

At 2:58 p.m.

Mr. Speaker presiding.

Quorum present.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 501, 503, and 504.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 109, 146, 269, 302, 314, and 391 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 22, Amendment No. 706; Assembly Bill No. 34, Amendment No. 620; Assembly Bill No. 52, Amendment No. 686; Assembly Bill No. 54, Amendment No. 584; Assembly Bill No. 70, Amendment No. 619; Assembly Bill No. 121, Amendment No. 664; Assembly Bill No. 172, Amendment No. 689; Assembly Bill No. 193, Amendment No. 673; Assembly Bill No. 213, Amendment No. 690; Assembly Bill No. 231, Amendment No. 666; Assembly Bill No. 262, Amendment No. 692; Assembly Bill No. 272, Amendment No. 566; Assembly Bill No. 305, Amendment No. 693; Assembly Bill No. 364, Amendment No. 656; Assembly Bill No. 371, Amendment No. 607; Assembly Bill No. 373,

Amendment No. 606; Assembly Bill No. 391, Amendment No. 694; Assembly Bill No. 437, Amendment No. 553; Assembly Bill No. 439, Amendment No. 643, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 109.
Bill read third time.
Roll call on Senate Bill No. 109:
YEAS—36.
NAYS—DeLong, Dickman, Gray, Hafen, Hansen, McArthur—6.
Senate Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 146.
Bill read third time.
Roll call on Senate Bill No. 146:
YEAS—42.
NAYS—None.
Senate Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 269.
Bill read third time.
Roll call on Senate Bill No. 269:
YEAS—27.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Brittney Miller, O'Neill, Yurek—15.
Senate Bill No. 269 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 302.
Bill read third time.
Roll call on Senate Bill No. 302:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Senate Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 314.
Bill read third time.
Roll call on Senate Bill No. 314:
YEAS—31.
NAYS—DeLong, Dickman, Gallant, Gray, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill—11.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 391.

Bill read third time.

Roll call on Senate Bill No. 391:

YEAS—41.

NAYS—Gray.

Senate Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Roll call on Assembly Bill No. 112:

YEAS—42.

NAYS—None.

Assembly Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 92, 104, 134, 161, 180, 196, 211, 251, 262, 293, 315, 317, 321, 322, 336, 348, 349, 384, 393, and 429 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to David Harber, Debra Harber, Robert Mercer, and Shell Mercer.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from the Triad School: Azalea Burnham, Ewan Harris, Gabriela Olcese, Hayla Rogers, Jimmie Randolph, June Taylor, Luca Lorestani, Madi Meadow Puliz, Matthias Emmons, Quincy Winfield , Scott Kinney, Sherry Malley, and Yvonne Blinde.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Marco Rauda and Tony Ramirez.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Hunter Lake Elementary School: Aleea

McCreary, Alex Hurtado, Alexa Rodriguez, Alexis Grosvenor, Amanda Calma, Andy Alcantara Villegas, Angela Rodriguez, Angelina Fraga-Yankov, Ash Rozell, Brenna Sullivan, Ellery McCombs, Genovee Lomeli, Gerardo Lopez Rios, Jacob McDonald, Jade Feuerherm, Jason Boddy, Jayden Hill, Jonathan Webber, Jordan Ruse, Josiah Berryhill, Kaden Baumeister, Kane Edwards, Kash Jackson, Kennedy Peterson, Lillian Kingham, Lily Murray, Logan Jorgensen, Luke Montoya, Lula Morris, Marnie West, Matthew Reno, Mauricio Ortiz Zamudio, Mylavel Dupree, Nathan Kirkpatrick, Olive Sanborn, Oliver Romo, Raymond Guerra-Gonzalez, Rylan Aversa-Mix, Samantha Walker-White, Sky Waters, Taya Alvernaz, Torsten Sanford, Trenton Cone, Troy Fuller, Tyler Galloway, Uriah McDevitt-Moniz, Zayden Dela Cruz, and Zoe Trejo.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, May 26, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 3:11 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly