

NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 5, 2023

Assembly called to order at 10:42 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Elder Victor Williams.

Today's prayer was spoken in the Paiute language, in honor of Lucinda Benjamin.

We are thankful for this gathering. We ask that You bless each of us gathered here, and we ask that you especially bless Cindy. We thank her for all that she has done for the people.

We pray for everyone here today. We pray that those who will be traveling home are able to travel safe. Help us to help one another and be good to each other.

One of these days we will see each other again. Boone dwa.

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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 591 to Senate Bill No. 38; Assembly Amendment No. 684 to Senate Bill No. 78; Assembly Amendment No. 899 to Senate Bill No. 103; Assembly Amendment No. 658 to Senate Bill No. 235; Assembly Amendment No. 697 to Senate Bill No. 262; Assembly Amendments Nos. 854, 863 to Senate Bill No. 305; Assembly Amendment No. 597 to Senate Bill No. 314; Assembly Amendments Nos. 660, 764 to Senate Bill No. 335; Assembly Amendment No. 654 to Senate Bill No. 348; Assembly Amendment No. 636 to Senate Bill No. 378; Assembly Amendment No. 900 to Senate Bill No. 389.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Yeager, Jauregui and O'Neill:

Assembly Resolution No. 11—Expressing appreciation to Lucinda “Cindy” Benjamin for her many years of service to the Nevada Assembly.

WHEREAS, The demands placed on legislative staff as they support lawmakers during Nevada’s biennial legislative sessions are rigorous and oftentimes extraordinary; and

WHEREAS, Lucinda “Cindy” Benjamin rose to face this challenge for a total of 16 regular sessions and countless special sessions, demonstrating her dedication by making the long commute from her home in Schurz, Nevada, for many years; and

WHEREAS, Cindy Benjamin began her legislative career in 1973 as a committee secretary for the Assembly Committee on Taxation, never dreaming that life would lead her back to the Assembly some years later; and

WHEREAS, Cindy and her family later moved to southern California, where Cindy earned a Bachelor of Science degree in Business Administration from La Verne University before returning to Nevada; and

WHEREAS, Cindy has witnessed tremendous growth and change in the Legislative Branch over the course of her career, from a time when the bill histories so essential to following the legislative process were compiled on small strips of paper, taped together at the end of the day and delivered to the State Printer, to the sophisticated technology we enjoy today; and

WHEREAS, Applying her unceasingly patient attention to detail, Cindy has served as the Assembly History Clerk for a total of 14 regular sessions, recording many thousands of accurate history actions during that time and creating an exceptional record of legislative proceedings that will be looked to for untold years to come; and

WHEREAS, Owing to her intelligent way of spotting critical inaccuracies in the legislative work at hand, Cindy is regarded for her meticulousness and has rightfully earned the nickname “Eagle-eye Benjamin”; and

WHEREAS, Cindy’s wealth of experience and generosity in sharing her knowledge has made her an invaluable support to her colleagues, and her far-reaching knowledge of Assembly history and processes has fortified the collective knowledge of the Front Desk staff; and

WHEREAS, With a calm and gentle nature, Cindy has been a constant comfort to those around her, especially during the most frantic moments of session, and she has been a delight to work with for these many years; and

WHEREAS, Upon closing out her career with the Assembly, Cindy will return to her life as a talented artist, weaving exquisite baskets from willow, pine needles and horsehair; beading colorful jewelry of fine detail; sewing and beading garments from deer hide she tanned herself; and painting pictures that take your breath away; and

WHEREAS, As a proud member of the Walker River Paiute Tribe, Cindy intends to continue investing her free time cultivating the deep love she carries for her heritage by learning the language of her ancestors; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly and her fellow colleagues on the Front Desk do hereby express their deepest appreciation to Cindy Benjamin upon her retirement and bid her their warmest farewell in the language of her heritage: *Boone dwa*—see you next time; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lucinda Benjamin; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Peters moved the adoption of the resolution.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Resolution 11 expresses appreciation to Lucinda “Cindy” Benjamin for her many years of service to the Nevada Assembly.

This is an emotional time for me. Before I became a member of this body, I met Cindy’s daughter. Cindy’s daughter was an inspiration for me being here. I did not know that until I came

into this building and introduced myself to Cindy and understood that there is a circle to this state that brings us all together. Cindy has been a steadfast force in the time that I have been in this body. She is also the mother of one of the most inspiring women I know.

Cindy's career has always been in private and public service to this state, starting in this body and extending to her community, the Walker River Paiute Tribe, working in health and human services to ensure her community was taken care of. She was also the first in her family to graduate from high school here in Carson City and then from college at La Verne University in California. Her family says she is an inspiration for them to pursue higher education and to serve their community, which they have done.

Cindy has been a staple in this body for having served Indian tacos over the last 20 years after former Speaker John Ocegüera talked her into it. Cindy is an amazing role model to her family, her community, and all those who are blessed to know her. I am grateful for her service. I know we all are in this body.

Thank you, Cindy. I know we had an applause earlier, but I would love if we could take an opportunity to send our blessings and love to Ms. Cindy Benjamin.

I would like to also introduce the family members in this body who are here to celebrate Cindy. We have Laverne Hicks, Elaine Montoya, Trinity Thom, Laurie Thom, Dorsey Thom, Victor Williams, and Marie Williams. These are part of Cindy's family. We are so grateful you are here to join us today in appreciation and congratulations for a much-deserved retirement.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 10.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Brittney Miller moved that the Assembly do not recede from its actions on Senate Bill No. 104, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Marzola, Considine, and Hansen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 104.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Peters moved that the Assembly do not recede from its actions on Senate Bill No. 161, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Backus, Peters, and Hardy as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 161.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Cohen moved that the Assembly do not recede from its action on Senate Bill No. 180, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Cohen, Watts, and Hardy as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 180.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Marzola moved that the Assembly do not recede from its action on Senate Bill No. 355, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Jauregui, Marzola, and Yurek as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 355.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Marzola moved that the Assembly do not recede from its actions on Senate Bill No. 370, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Marzola, Backus, and O'Neill as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 370.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 82, 118, 467, 469, 475, 480, 492, 495, and 498 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 226, 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*

GENERAL FILE AND THIRD READING

Senate Bill No. 395.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 971.

AN ACT relating to real property; limiting, with certain exceptions, the total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by certain corporate investors; requiring the registration of certain corporate investors in residential property in this State with the Securities Division of the Office of the Secretary of State; requiring that certain deeds relating to residential real property include certain information about corporate investors; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides, with certain exceptions, that: (1) the total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by corporations, limited-liability companies and any affiliates of such entities must not exceed 1,000 units; and (2) a corporation, limited-liability company or affiliate of such an entity is prohibited from purchasing any unit of residential real property in this State if, as a result of the purchase, the total aggregate number of units of residential real property purchased in this State during the current calendar year by corporations, limited-liability companies or any affiliates of such entities would exceed 1,000 units.

Section 1 also requires the creation and maintenance of a registry of corporations, limited-liability companies and any affiliates of such entities that purchase or own residential real property in this State by the Securities Division of the Office of the Secretary of State. ~~[A]~~ **Section 1 requires, with certain exceptions, a** corporation, limited-liability company or any affiliate of such an entity ~~is required~~ to register with the Securities Division before purchasing any residential real property in this State. **Section 1:** (1) authorizes the Secretary of State to charge a fee to each such corporation, limited-liability company or any affiliate of such an entity; and (2) requires the Secretary of

State to adopt regulations necessary to carry out the provisions of **section 1**. For the purposes of **section 1**, the term “corporation” does not include a family trust company or a housing authority.

Section 2 of this bill provides , with certain exceptions, that if a corporation, limited-liability company or any affiliate of such an entity purchases residential real property, the deed must: (1) be accompanied by a copy of the certificate of registration issued by the Secretary of State; and (2) clearly set forth that the residential real property is not the primary residence of the owner. **Section 2** also prohibits the county recorder from recording the deed unless the deed: (1) contains information about the ownership of the corporation, limited-liability company or any affiliate of such an entity, as set forth in the registry created pursuant to **section 1**; and (2) clearly sets forth that the residential real property is not the primary residence of the owner.

Section 3 of this bill makes an appropriation to the Office of the Secretary of State for personnel, travel, operating, equipment, information services and contractor costs to carry out the provisions of **section 1**.

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

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2:

(a) The total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by corporations, limited-liability companies and affiliates of such entities must not exceed 1,000 units.

(b) A corporation, limited-liability company or affiliate of such an entity shall not purchase any unit of residential real property in this State if, as a result of the purchase, the total aggregate number of units of residential real property purchased in this State during the current calendar year by corporations, limited-liability companies or affiliates of such entities would exceed 1,000 units.

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

(a) The intracorporate sale or transfer of units of residential property; or

(b) The sale of newly constructed units of residential property.

3. The Securities Division of the Office of the Secretary of State shall create and maintain a registry of corporations, limited-liability companies and affiliates of such entities that purchase or own residential real property in this State. The Securities Division shall make such registry available on the Internet website of the Office of the Secretary of State.

4. ~~{A}~~ Except as otherwise provided in this subsection, a corporation, limited-liability company or affiliate of such an entity must register with the Securities Division of the Office of the Secretary of State before purchasing any unit of residential real property in this State. The registration requirement does not apply to a corporation, limited-liability company or

affiliate of such an entity that owns less than 10 units of residential real property in this State.

5. *The Secretary of State shall issue a certificate of registration to each corporation, limited liability company or affiliate of such an entity that registers pursuant to this section.*

6. *The Secretary of State may charge a fee to each corporation, limited-liability company or affiliate of such an entity that registers with the Securities Division pursuant to subsection 4.*

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

8. *As used in this section, the term:*

(a) *“Corporation” does not include:*

(1) *A family trust company, as defined in NRS 669.042.*

(2) *A housing authority, as defined in NRS 315.021.*

(b) *“Limited-liability company” has the meaning ascribed to it in NRS 86.061.*

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a declaration of removal of discriminatory restriction, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor’s parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor’s office. The county recorder is not required to verify that the assessor’s parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor’s parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain and sale deed;

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee’s deed upon sale,

↪ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor’s parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

7. ~~###~~ **Except as otherwise provided in subsection 8, if a corporation, limited-liability company or affiliate of such an entity purchases residential real property:**

(a) The county recorder shall not record the deed unless:

(1) The deed contains the information about the ownership of the corporation, limited-liability company or affiliate of such an entity set forth in the registry created pursuant to section 1 of this act; and

(2) The corporation, limited-liability company or affiliate of such an entity submits to the county recorder a copy of the certificate of registration issued by the Secretary of State pursuant to section 1 of this act and the name of the corporation, limited-liability company or affiliate of such an entity on the deed matches the name on the certificate of registration accompanying the deed; and

(b) The deed must clearly set forth that the residential real property is not the primary residence of the owner.

8. The provisions of subsection 7 do not apply to a corporation, limited-liability company or affiliate of such an entity that owns less than 10 units of residential real property in this State.

9. As used in this section, the terms “corporation” and “limited-liability company” have the meanings ascribed to them in section 1 of this act.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State for personnel, travel, operating, equipment, information services and contractor costs to carry out the provisions of section 1 of this act the following sums:

For the Fiscal Year 2023-2024 \$476,004

For the Fiscal Year 2024-2025 \$81,705

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024,

and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

- Sec. 4.** 1. This section becomes effective upon passage and approval.
2. Section 3 of this act becomes effective on July 1, 2023.
3. Sections 1 and 2 of this act become effective on October 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 226.

Bill read third time.

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

Amendment No. 967.

SUMMARY—Revises provisions governing ~~public works.~~
governmental financial administration. (BDR 28-494)

CONTAINS UNFUNDED MANDATE (§ ~~18-3-5~~) **12.7**

(Not Requested by Affected Local Government)

AN ACT relating to ~~public works;~~ **governmental financial administration;** providing a declaration of legislative intent regarding the payment of prevailing wages on public works projects; ~~providing that certain projects require the payment of prevailing wages; revising the definition of “public work”;~~ **establishing certain requirements relating to certain organizations that partner with certain public bodies for the construction of hospitals, medical education buildings or medical research buildings; requiring the payment of prevailing wages on certain leases and lease-purchase and installment-purchase agreements entered into by local governments;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid to each of the classes of mechanics and workers. The hourly and daily rate of wages must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020)

Section 2 of this bill makes a declaration of legislative intent finding that: (1) the payment of prevailing wages to workers on public works projects that are funded in whole or in part by public money is essential to the economic well-being of this State, increasing the number of skilled construction workers in this State, enhancing the workforce of the State and increasing redevelopment opportunities in the State; and (2) careful scrutiny of novel

leasing and financial arrangements entered into and incentives offered by a public body is necessary to ensure workers are paid the prevailing wage. **Section 8** of this bill provides that any regulation adopted by the Labor Commissioner relating to public works must be consistent with the declaration of legislative intent set forth in **section 2**.

Existing law sets forth certain requirements relating to state financial administration and local financial administration. (Chapters 353 and 354 of NRS) Sections 10.5 and 12.3 of this bill authorize an organization to partner with a state agency or local government and provide private financing only for the construction of a hospital, medical education building or medical research building in this State if the organization: (1) qualifies as a tax-exempt organization and a supporting organization under certain provisions of the Internal Revenue Code; and (2) is organized and operated to support a state agency or local government in the construction of hospitals or such medical buildings.

Existing law makes the prevailing wage requirements applicable to certain, specific construction projects. (NRS 244.286, 244A.058, 244A.763, 268.568, 271.710, 271.800, 278C.240, 279.500, 318.140, 318.144, 321.416, 332.390, 333A.120, 349.670, 349.956, 349.981, 388A.635, 408.3886, 543.545, 701B.265, 701B.625) ~~[Section 3 of this bill requires, with certain exceptions,~~ **Sections 10.5 and 12.3 require** the payment of prevailing wages on ~~any project if, pursuant to certain agreements or partnerships between a developer and a public body: (1) the property or premises on which the project will be constructed or developed is owned by a public body; (2) the property or premises on which a project will be constructed or developed is, in whole or in part, subject to a lease or lease-purchase agreement by a public body; (3) a public body pays money or other compensation directly to or on behalf of the developer or contractor of the project or any subcontractor who performs any work on the project; (4) a public body pays, credits, reduces, forgives or waives any fee, cost, rent, insurance premium, bond premium, obligation or expense, including, without limitation, an incidental expense, in relation to the project that is normally required in the execution of a contract for a public work on which the estimated cost exceeds \$100,000; (5) a public body loans money in relation to the project that is required to be repaid to the public body; (6) a public body retains any right to ownership of the property or premises after construction work begins on the project; (7) in relation to the project, a public body sells, leases or otherwise transfers for less than fair market value any developed or undeveloped real property or any other property or asset; or (8) in relation to the project, a public body transfers property of the State or political subdivision for less than fair market value. Section 3 exempts from these provisions airport authorities, single-family residential housing and certain projects relating to affordable housing.~~

~~Existing law defines the term “public work” to mean any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for certain publicly owned works and property. (NRS~~

~~338.010) Section 5 of this bill amends the definition of “public work” to include a project financed in whole or in part from public money,] projects developed by such organizations. Sections 10.5 and 12.3 also provide that projects developed by such organizations are exempt from certain provisions of existing law governing the award of contracts and the oversight and involvement of the State Public Works Division of the Department of Administration. Sections 10.5 and 12.3 require subcontracts for such projects to be competitively bid and authorize an eligible subcontractor who bids on such a project to receive certain bidding preferences. Lastly, sections 10.5 and 12.3 require a contract or agreement entered into with a prime contractor for such a project to include provisions requiring: (1) at least 15 percent of the subcontracts for the project to be awarded to local small businesses; and (2) the use of apprentices in accordance with certain provisions of existing law.~~

~~Existing law sets forth a legislative declaration regarding the importance of the use of lease-purchase agreements and installment-purchase agreements by local governments, including the use of such agreements for the construction, alteration, repair or remodeling of an improvement. (NRS 354.740) Sections 12.7 and 12.9 of this bill move this language regarding the use of such agreements for the construction, alteration, repair or remodeling of an improvement from the legislative declaration. Section 12.7 provides that if a local government uses such agreements or leases for the construction, alteration, repair or remodeling of an improvement: (1) the person or entity that executes one or more contracts or agreements for the work must include provisions in the contract or agreement requiring the payment of prevailing wages; and (2) the local government, the contractor and any subcontractor must pay prevailing wages. Section 12.5 of this bill defines “agreement” for the purposes of these provisions.~~

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *The Legislature hereby finds and declares that:*

1. *The payment of prevailing wages to workers on public works projects that are funded in whole or in part by public money is essential to:*

- (a) The economic well-being of this State;*
- (b) Increasing the number of skilled construction workers in this State;*
- (c) Enhancing the workforce in this State; and*
- (d) Increasing redevelopment opportunities in this State.*

2. *To ensure the intentions set forth in subsection 1 are upheld, careful scrutiny of novel leasing and financing arrangements entered into or incentives offered by public bodies for the construction of public works is*

necessary to ensure that workers on public works projects are paid prevailing wages.

~~Sec. 3. 1. The provisions of NRS 338.013 to 338.090, inclusive, apply to any project if, pursuant to the provisions of a contract or a lease agreement, lease-purchase agreement, development agreement, improvement district, redevelopment project or public-private partnership between a private developer and a public body:~~

~~—(a) The property or premises on which a project will be constructed or developed is owned by a public body;~~

~~—(b) The property or premises on which a project will be constructed or developed are, in whole or in part, subject to a lease or lease-purchase agreement by a public body;~~

~~—(c) A public body pays money or other compensation directly to or on behalf of the developer or contractor of the project or any subcontractor who performs any work on the project; or~~

~~—(d) Except as otherwise provided in subsection 2, a public body:~~

~~—(1) Pays, credits, reduces, forgives or waives any fee, cost, rent, insurance premium, bond premium, obligation or expense, including, without limitation, an incidental expense, in relation to the project that is normally required in the execution of a contract for a public work on which the estimated cost exceeds \$100,000;~~

~~—(2) Loans money in relation to the project that is required to be repaid to the public body, regardless of the terms of the loan or the interest charged;~~

~~—(3) Retains any right, including, without limitation, a contingent right, to retake ownership of the property or premises after construction work begins on the project;~~

~~—(4) In relation to the project, a public body sells, leases or otherwise transfers for less than fair market value any developed or undeveloped real property or any other property or asset; or~~

~~—(5) In relation to the project, a public body transfers property for less than fair market value.~~

~~2. The provisions of paragraph (d) of subsection 1 are not applicable to:~~

~~—(a) A local government that takes an action set forth in paragraph (d) of subsection 1 for the construction of:~~

~~—(1) Single-family residential housing; or~~

~~—(2) Affordable housing if such affordable housing is four floors or less, regardless of whether each or any floor is above or below ground; or~~

~~—(b) An airport authority operating in this State or a department of aviation which is operated by a political subdivision of this State.~~

~~3. As used in this section:~~

~~—(a) “Affordable housing” means multifamily housing that is:~~

~~—(1) Tier one affordable housing or tier two affordable housing; and~~

~~—(2) Subject to a legally binding agreement or other instrument that includes restrictions for the resale of the property to require that such~~

~~property continue to be used as tier one affordable housing, tier two affordable housing or tier three affordable housing.~~

~~(b) “Improvement district” has the meaning ascribed to it in NRS 271.130.~~

~~(c) “Tier one affordable housing” has the meaning ascribed to it in NRS 278.01902.~~

~~(d) “Tier three affordable housing” has the meaning ascribed to it in NRS 278.01904.~~

~~(e) “Tier two affordable housing” has the meaning ascribed to it in NRS 278.01906.~~ **(Deleted by amendment.)**

Sec. 4. (Deleted by amendment.)

Sec. 5. ~~NRS 338.010 is hereby amended to read as follows:~~

~~338.010 As used in this chapter:~~

~~1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.~~

~~2. “Bona fide fringe benefit” means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:~~

~~(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and~~

~~(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.~~

~~➤ The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.~~

~~3. “Contract” means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.~~

~~4. “Contractor” means:~~

~~(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.~~

~~(b) A design build team.~~

~~5. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.~~

~~6. “Design build contract” means a contract between a public body and a design build team in which the design build team agrees to design and construct a public work.~~

~~7. “Design build team” means an entity that consists of:~~

~~(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and~~

~~(b) For a public work that consists of:~~

~~—(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS;~~

~~—(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS;~~

~~—8. “Design professional” means:~~

~~—(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;~~

~~—(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;~~

~~—(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;~~

~~—(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or~~

~~—(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture;~~

~~—9. “Discrete project” means one or more public works which are undertaken on a single construction site for a single public body. The term does not include one or more public works that are undertaken on multiple construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together;~~

~~—10. “Division” means the State Public Works Division of the Department of Administration;~~

~~—11. “Eligible bidder” means a person who is:~~

~~—(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or~~

~~—(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382;~~

~~—12. “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:~~

~~—(a) General engineering contracting, as described in subsection 2 of NRS 624.215;~~

~~—(b) General building contracting, as described in subsection 3 of NRS 624.215;~~

~~—13. “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested;~~

~~—14. “Horizontal construction” means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work, including, without limitation, any irrigation, drainage, water supply, flood~~

control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and any other work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

~~15. “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.~~

~~16. “Offense” means:~~

~~(a) Failing to:~~

~~— (1) Pay the prevailing wage required pursuant to this chapter;~~

~~— (2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;~~

~~— (3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or~~

~~— (4) Comply with subsection 5 or 6 of NRS 338.070.~~

~~(b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.~~

~~17. “Prime contractor” means a contractor who:~~

~~(a) Contracts to construct an entire project;~~

~~(b) Coordinates all work performed on the entire project;~~

~~(c) Uses his or her own workforce to perform all or a part of the public work; and~~

~~(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.~~

~~— The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.~~

~~18. “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.~~

~~19. “Public work” means any project [for the new construction, repair or reconstruction of a project] financed in whole or in part from public money for:~~

~~(a) Public buildings;~~

~~(b) Jails and prisons;~~

- ~~—(c) Public roads;~~
- ~~—(d) Public highways;~~
- ~~—(e) Public streets and alleys;~~
- ~~—(f) Public utilities;~~
- ~~—(g) Publicly owned water mains and sewers;~~
- ~~—(h) Public parks and playgrounds;~~
- ~~—(i) Public convention facilities which are financed at least in part [with] from public money; and~~
- ~~—(j) All other publicly owned works and property.~~
- ~~—20. “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.~~
- ~~—21. “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:~~
 - ~~—(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and~~
 - ~~—(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,~~
- ~~that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.~~
- ~~—22. “Subcontract” means a written contract entered into between:~~
 - ~~—(a) A contractor and a subcontractor or supplier; or~~
 - ~~—(b) A subcontractor and another subcontractor or supplier,~~
- ~~for the provision of labor, materials, equipment or supplies for a construction project.~~
- ~~—23. “Subcontractor” means a person who:~~
 - ~~—(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and~~
 - ~~—(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.~~
- ~~—24. “Supplier” means a person who provides materials, equipment or supplies for a construction project.~~
- ~~—25. “Vertical construction” means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work for any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any other work or improvement appurtenant thereto.~~
- ~~—26. “Wages” means:~~
 - ~~—(a) The basic hourly rate of pay; and~~
 - ~~—(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other bona fide fringe benefits which are a benefit to the worker.~~

~~27. “Worker” means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.~~ **(Deleted by amendment.)**

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 338.012 is hereby amended to read as follows:

338.012 **1.** The Labor Commissioner may adopt such regulations as are necessary to enable the Labor Commissioner to carry out his or her duties pursuant to the provisions of this chapter.

2. Any regulation adopted by the Labor Commissioner pursuant to this chapter must be consistent with the declaration of legislative intent set forth in section 2 of this act.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 338.050 is hereby amended to read as follows:

338.050 For the purpose of NRS 338.010 to 338.090, inclusive, ~~and [sections] section 2 [and 3] of this act~~, except as otherwise provided by specific statute, every worker who performs work for a public work covered by a contract therefor is subject to all of the provisions of NRS 338.010 to 338.090, inclusive, ~~and [sections] section 2 [and 3] of this act~~, regardless of any contractual relationship alleged to exist between such worker and his or her employer.

Sec. 10.5. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An organization may partner with a state agency and provide private financing only for the construction of a hospital, medical education building or medical research building in this State if the organization:

(a) Qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and a supporting organization pursuant to 26 U.S.C. § 509(a)(3); and

(b) Is organized and operated to support the state agency in the construction of a hospital, medical education building or medical research building in this State.

2. An organization that meets the criteria set forth in subsection 1:

(a) Is exempt from the provisions of NRS 338.1375 to 338.139, inclusive, in selecting a contractor for a project developed by the organization;

(b) Shall comply with the provisions of NRS 338.013 to 338.090, inclusive; and

(c) Is exempt from the provisions of chapter 341 of NRS and not subject to the oversight or involvement of the State Public Works Division of the Department of Administration, except for any authority of the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section exercised pursuant to subsection 2 of NRS 341.145.

3. All subcontracts for a project developed by an organization that meets the criteria set forth in subsection 1 must be competitively bid pursuant to

NRS 338.1685 to 338.16995, inclusive. An eligible subcontractor who bids on such a project is entitled to receive a preference in bidding pursuant to subsection 3 or 4 NRS 338.1389.

4. Any contract or agreement entered into with a prime contractor for a project developed by an organization that meets the criteria set forth in subsection 1 must, without limitation, include provisions requiring:

(a) That at least 15 percent of the subcontracts for the project will be awarded to local small businesses; and

(b) The prime contractor to comply with the requirements of NRS 338.01165 for the use of apprentices.

5. As used in this section, “state agency” means an agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department of the State Government. The term includes the Nevada System of High Education.

Sec. 11. ~~[NRS 338.070 is hereby amended to read as follows:~~

~~338.070 1. Any public body awarding a contract shall:~~

~~(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, and sections 2 and 3 of this act committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and~~

~~(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive [.] , and sections 2 and 3 of this act.~~

~~2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.~~

~~3. Except as otherwise provided in subsection 7, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive [.] , and sections 2 and 3 of this act. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.~~

~~4. A contractor engaged on a public work and each subcontractor engaged on the public work shall:~~

~~(a) Inquire of each worker employed by the contractor or subcontractor in connection with the public work:~~

~~(1) Whether the worker wishes to specify voluntarily his or her gender; and~~

~~(2) Whether the worker wishes to specify voluntarily his or her ethnicity; and~~

~~(b) For each response the contractor or subcontractor receives pursuant to paragraph (a):~~

~~—(1) If the worker chose voluntarily to specify his or her gender or ethnicity, or both, record the worker's responses; and~~

~~—(2) If the worker declined to specify his or her gender or ethnicity, or both, record that the worker declined to specify such information.~~

~~→ A contractor or subcontractor shall not compel or coerce a worker to specify his or her gender or ethnicity and shall not penalize or otherwise take any adverse action against a worker who declines to specify his or her gender or ethnicity. Before inquiring as to whether a worker wishes to specify voluntarily his or her gender or ethnicity, the applicable contractor or subcontractor must inform the worker that such information, if provided, will be open to public inspection as set forth in subsection 6.~~

~~—5. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept:~~

~~—(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:~~

~~—(1) The name of the worker;~~

~~—(2) The occupation of the worker;~~

~~—(3) The gender of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;~~

~~—(4) The ethnicity of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;~~

~~—(5) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and~~

~~—(6) The actual per diem, wages and benefits paid to the worker; and~~

~~—(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:~~

~~—(1) The name of the worker;~~

~~—(2) The driver's license number or identification card number of the worker; and~~

~~—(3) The state or other jurisdiction that issued the license or card.~~

~~—6. The records maintained pursuant to subsection 5 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 5 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 5 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work. The Labor Commissioner shall adopt regulations authorizing and~~

prescribing the procedures for the electronic filing of the copies of the records required to be provided monthly by a contractor or subcontractor to a public body pursuant to this subsection.

~~7. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 5 for a calendar month by the time specified in subsection 6 if:~~

~~(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:~~

~~(1) Ten days after the end of the month; or~~

~~(2) A date agreed upon by the contractor and subcontractor; and~~

~~(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 6.~~

~~Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 6.~~

~~8. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 338.090 is hereby amended to read as follows:~~

~~338.090 1. Except as otherwise provided in subsection 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, and sections 2 and 3 of this act or any regulation adopted pursuant thereto, is guilty of a misdemeanor.~~

~~2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:~~

~~(a) Shall, except as otherwise provided in subsection 4, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; and~~

~~(b) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.~~

~~3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.~~

~~4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or~~

subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

~~5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.] (Deleted by amendment.)~~

Sec. 12.2. Chapter 354 of NRS is hereby amended by adding thereto the provisions set forth as sections 12.3, 12.5 and 12.7 of this act.

Sec. 12.3. 1. An organization may partner with a local government and provide private financing only for the construction of a hospital, medical education building or medical research building in this State if the organization:

(a) Qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and a supporting organization pursuant to 26 U.S.C. § 509(a)(3); and

(b) Is organized and operated to support the local government in the construction of a hospital, medical education building or medical research building in this State.

2. An organization that meets the criteria set forth in subsection 1:

(a) Is exempt from the provisions of NRS 338.1375 to 338.139, inclusive, in selecting a contractor for a project developed by the organization;

(b) Shall comply with the provisions of NRS 338.013 to 338.090, inclusive; and

(c) Is exempt from the provisions of chapter 341 of NRS and not subject to the oversight or involvement of the State Public Works Division of the Department of Administration, except for any authority of the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section exercised pursuant to subsection 2 of NRS 341.145.

3. All subcontracts for a project developed by an organization that meets the criteria set forth in subsection 1 must be competitively bid pursuant to NRS 338.1685 to 338.1695, inclusive. An eligible subcontractor who bids on such a project is entitled to receive a preference in bidding pursuant to subsection 3 or 4 NRS 338.1389.

4. Any contract or agreement entered into with a prime contractor for a project developed by an organization that meets the criteria set forth in subsection 1 must, without limitation, include provisions requiring:

(a) That at least 15 percent of the subcontracts for the project will be awarded to local small businesses; and

(b) The prime contractor to comply with the requirements of NRS 338.01165 for the use of apprentices.

Sec. 12.5. As used in NRS 354.740 and section 12.7 of this act, "agreement" means an agreement to purchase property in the form of a lease or an agreement to pay in installments, pursuant to which a local government may pay the purchase price of real or personal property over a period of time which extends beyond the biennium in which the agreement is executed, including, without limitation:

1. An agreement pursuant to which a local government may acquire the property that is the subject of the agreement at the end of the term of the

agreement or at the end of the term of a renewal of the agreement upon payment of no additional consideration or nominal additional consideration; and

2. An agreement that, for the purposes of federal income tax, is treated as an agreement for conditional sale.

Sec. 12.7. If a local government enters into a lease, lease-purchase or installment-purchase agreement which involves the construction, alteration, repair or remodeling of an improvement:

1. The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.

2. The local government, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the local government had undertaken the project or had awarded the contract.

Sec. 12.9. NRS 354.740 is hereby amended to read as follows:

354.740 The Legislature hereby finds and declares that:

1. The authority provided by other specific statutes for the government of this State and the political subdivisions of this State to use leases and lease-purchase and installment-purchase agreements provides an important and valuable option for these governmental entities and, when this authority is used properly, provides great benefit to the residents of this State.

2. The statutory provisions governing the use of leases and lease-purchase and installment-purchase agreements should be interpreted to allow the process of entering into and carrying out these agreements to be as streamlined and efficient as possible.

3. The government of this State and the political subdivisions of this State should not use leases and lease-purchase and installment-purchase agreements to:

- (a) Engage in or allow bid-shopping; or
- (b) Avoid or circumvent any requirement regarding the payment of prevailing wages for public works.

4. When using leases and lease-purchase and installment-purchase agreements, the government of this State and the political subdivisions of this State should provide for the preferential hiring of Nevada residents to the extent otherwise required by law.

~~5. If a lease-purchase or installment-purchase agreement pursuant to this section involves the construction, alteration, repair or remodeling of an improvement:~~

~~(a) The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.~~

~~(b) The government of this State or a political subdivision of this State, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the government of this State or a political subdivision of this State had undertaken the project or had awarded the contract.]~~

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16.5. The amendatory provisions of this act do not apply to any contract, lease or other agreement entered into before the effective date of this act.

Sec. 17. This act becomes effective upon passage and approval.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 82.

Bill read third time.

Roll call on Senate Bill No. 82:

YEAS—40.

NAYS—Hafen, Hansen—2.

Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 12 noon.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that the Assembly reconsider the action whereby Senate Bill No. 82 was passed.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 82.

Bill read third time.

Roll call on Senate Bill No. 82:

YEAS—42.

NAYS—None.

Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 118.

Bill read third time.

Roll call on Senate Bill No. 118:

YEAS—42.

NAYS—None.

Senate Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 467.

Bill read third time.

Roll call on Senate Bill No. 467:

YEAS—42.

NAYS—None.

Senate Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 469.

Bill read third time.

Roll call on Senate Bill No. 469:

YEAS—42.

NAYS—None.

Senate Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 475.

Bill read third time.

Roll call on Senate Bill No. 475:

YEAS—42.

NAYS—None.

Senate Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 480.

Bill read third time.

Roll call on Senate Bill No. 480:

YEAS—42.

NAYS—None.

Senate Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 492.

Bill read third time.

Roll call on Senate Bill No. 492:

YEAS—42.

NAYS—None.

Senate Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 495.

Bill read third time.

Roll call on Senate Bill No. 495:

YEAS—42.

NAYS—None.

Senate Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 498.

Bill read third time.

Roll call on Senate Bill No. 498:

YEAS—42.

NAYS—None.

Senate Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 454, 505, 511.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 490, 506.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 454.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 490.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 505.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 506.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 511.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that all Senate Bills upon receipt be automatically referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 12:29 p.m.

ASSEMBLY IN SESSION

At 3:51 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 454, 490, 506, 511, 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 was rereferred Senate Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 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. 15, 16, 37, 77, 84, 125, 128, 137, 138, 150, 208, 216, 224, 237, 239.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 245, 246, 252, 255, 258, 259, 261, 266, 283, 290, 292, 299.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 304, 310, 319, 321, 322, 328, 332, 348, 376, 383, 388, 389, 396, 422.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 434, 443, 451.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 7, Amendments Nos. 936, 968; Assembly Bill No. 50, Amendment No. 986; Assembly Bill No. 119, Amendment No. 963; Assembly Bill No. 148, Amendment No. 921; Assembly Bill No. 155, Amendment No. 961; Assembly Bill No. 156, Amendment No. 938; Assembly Bill No. 160, Amendment No. 957; Assembly Bill No. 201, Amendment No. 950, 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. 72, Amendment No. 931; Assembly Bill No. 243, Amendment No. 976; Assembly Bill No. 281, Amendment No. 927, 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. 378, Amendment No. 977; Assembly Bill No. 404, Amendment No. 920; Assembly Bill No. 430, Amendment No. 946; Assembly Bill No. 452, Amendments Nos. 675, 964, 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 appointed Senators Harris, Ohrenschall and Hansen as a Conference Committee concerning Assembly Bill No. 444.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 263, 341, 412.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 375, 400, 419, 510.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 734 to Senate Bill No. 35.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 50.

The following Senate amendment was read:

Amendment No. 986.

AN ACT relating to crimes; revising provisions relating to the prosecution of certain crimes; making an appropriation to be used for the prosecution of retail crime; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the crime of organized retail theft, which is defined as committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, with the intent to: (1) return the merchandise to the merchant for value; or (2) resell, trade or barter the merchandise for value in any manner. (NRS 205.08345) **Section 1** of this bill authorizes the Attorney General to investigate and prosecute the crime of organized retail theft and any other crime committed in the course of committing organized retail theft.

Existing law also prohibits a person from selling, displaying or advertising, or possessing with the intent to sell, goods that have an unauthorized or counterfeit label or trademark. (NRS 205.210) **Section 2** of this bill authorizes the Attorney General to investigate and prosecute such a crime and any other crime that is committed in the course of committing such a crime.

Additionally, existing law provides that it is a crime for a person, in the course of an enterprise or occupation, knowingly and with the intent to defraud, to engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that: (1) the person knows to be false or omitted; (2) the person intends another to rely on; and (3) results in a loss to any person who relied on the false representation or omission, in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than \$1,200. (NRS 205.377) **Section 3** of this bill authorizes the Attorney General to investigate and prosecute such a crime and any other crime committed in the course of committing such a crime.

Section 3.5 of this bill makes an appropriation to the Office of the Attorney General to be used for personnel, operating, travel and information technology expenses relating to the prosecution of retail crime.

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

Section 1. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who knowingly participates directly or indirectly in or engages in conduct with the intent to further an organized retail theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days is at least \$3,500 but less than \$10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

(b) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days is \$10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than \$20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in the organized retail theft was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

6. As used in this section:

(a) “Internet or network site” has the meaning ascribed to it in NRS 205.4744.

(b) “Merchant” has the meaning ascribed to it in NRS 597.850.

(c) “Organized retail theft” means committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, in this State with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade or barter the merchandise for value in any manner, including, without limitation, through the use of an Internet or network site.

Sec. 2. NRS 205.210 is hereby amended to read as follows:

205.210 1. A person shall not knowingly sell, display or advertise, or have in his or her possession with intent to sell, any goods, wares, merchandise, mixture, preparation or compound having affixed thereto any label, trademark, term, design, device or form of advertisement lawfully filed for record in the Office of the Secretary of State by any person, corporation, association or union, or the exclusive right to the use of which is guaranteed to the person, corporation, association or union under the laws of the United States, if the label, trademark, term, design, device or form of advertisement has been used or affixed thereto without the written authority of the person, corporation, association or union, or having affixed thereto any forged or counterfeit representation, likeness, similitude, copy or imitation thereof.

2. Except as otherwise provided in subsection 3, a violation of the provisions of subsection 1 is a misdemeanor.

3. A violation of the provisions of subsection 1 is:

(a) A category E felony if:

(1) The person committing the violation has been previously convicted one time for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 100 but less than 1,000 salable units; or

(II) Has a retail value of at least \$1,000 but less than \$10,000.

(b) A category D felony if:

(1) The person committing the violation has been previously convicted two or more times for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 1,000 salable units; or

(II) Has a retail value of at least \$10,000.

4. For the purposes of this section, in accordance with the provisions of NRS 47.230, it may be reasonably inferred that a person intends to sell goods, wares, merchandise, a mixture, a preparation or a compound if the person knowingly possesses at least 26 salable units of the goods, wares, merchandise, mixture, preparation or compound.

5. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

6. As used in this section, “retail value” means:

(a) If the item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1 is a component of a finished product with multiple components, the price at which the person in violation of subsection 1 regularly sells the finished product; or

(b) For any other item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1, the price at which the person in violation of subsection 1 regularly sells the item.

Sec. 3. NRS 205.377 is hereby amended to read as follows:

205.377 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:

(a) The person knows to be false or omitted;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

↪ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise

interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than \$1,200.

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

7. As used in this section, “enterprise” has the meaning ascribed to it in NRS 207.380.

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Office of the Attorney General to be used for personnel, operating, travel and information technology expenses relating to the prosecution of retail crime the following sums:

For the Fiscal Year 2023-2024	~~(\$112,244)~~ \$125,731
For the Fiscal Year 2024-2025	~~(\$139,945)~~ \$157,832

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 986 to Assembly Bill No. 50.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 148.

The following Senate amendment was read:

Amendment No. 921.

SUMMARY—Revises provisions relating to child welfare.
(BDR ~~11-671~~) **4-671**)

CONTAINS UNFUNDED MANDATE (§§ 32, 33)

(Not Requested by Affected Local Government)

AN ACT relating to child welfare; ~~prescribing qualifications for magistrates who make certain determinations concerning child custody;~~ providing for the appointment of a guardian ad litem for an incapacitated parent or other person responsible for the welfare of a child in certain child welfare proceedings; ~~revising the titles of certain officials appointed to oversee proceedings concerning juveniles and child support;~~ prescribing the procedure for the judicial review of the placement of a child who is in the custody of an agency which provides child welfare services in a qualified residential treatment program; revising the procedures governing the court-ordered admission of such a child who has an emotional disturbance to certain psychiatric facilities and the release of such a child from such a facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a court to follow certain procedures concerning how to determine custody when a magistrate determines probable cause exists that a party to the custody proceeding has committed an act of abduction against a child. (NRS 125C.0035, 125C.240, 432B.159) Sections 2, 3 and 44 of this bill require the magistrate who makes such a determination to be a magistrate who has the power to issue a criminal arrest warrant.]~~

Upon the filing of a petition that a child is in need of protection, existing law requires the appointment of a guardian ad litem to represent and protect the best interests of the child during the child welfare proceedings. (NRS 432B.500) **Sections 32 and 33** of this bill prescribe a procedure for the appointment of a guardian ad litem to represent the best interests of a parent or other person responsible for the welfare of a child who is incapacitated during a child welfare proceeding. **Section 34** of this bill requires a guardian ad litem appointed for a parent or other person responsible for the welfare of a child to act in the best interests of the parent or other person after considering the wishes of the parent or other person. **Section 34** additionally: (1) provides that communications between a parent or other person responsible for the welfare of a child and his or her guardian ad litem are privileged; and (2) prohibits a guardian ad litem from taking any action to relinquish parental rights, effectuate a termination of parental rights or consent to a specific adoption on behalf of the person for whom the guardian ad litem is appointed.

In general, existing law provides that information maintained by an agency which provides child welfare services is confidential and may only be disclosed under certain circumstances. (NRS 432B.290) **Section 46** of this bill authorizes the disclosure of information maintained by an agency which provides child welfare services to the legal guardian of a child appointed pursuant to **section 32** under certain circumstances.

~~[Existing law authorizes, and in certain circumstances, requires a court to appoint a master to preside over child support proceedings. (NRS 3.405, 425.381) Existing law also authorizes a court to appoint a master to preside over certain proceedings concerning juveniles. (NRS 62B.020) Sections 17,~~

~~21, 22, 29 and 74 of this bill revise the title of those appointed officials to “child support magistrate” and “juvenile magistrate,” respectively, without changing the duties of those positions. Sections 1, 4 7, 12 16, 18, 19, 23 26, 48, 68 and 69 make various changes to conform to the terminology revised by sections 17, 21, 22, 29 and 74. Section 71.5 of this bill provides that the change in the name of an appointed official from “master” to “child support magistrate” must not be construed to require the Division of Welfare and Supportive Services of the Department of Health and Human Services to modify any of the forms generated by the computer systems of the Division for the purpose of changing the term “master” to the term “magistrate.”}~~

Existing law authorizes the placement of a child who is in need of protection in the protective custody of an agency which provides child welfare services under certain circumstances. (NRS 432B.390) If a court finds that such a child is in need of protection, existing law authorizes the court to place the child with certain entities, including a public agency or institution authorized to care for children. (NRS 432B.550) Existing law prescribes procedures governing the placement of a child who is in need of protection and requires such placement to be reviewed semiannually. (NRS 432B.450, 432B.580) Existing law also requires a court overseeing proceedings concerning such a child to hold an annual hearing concerning the permanent placement of the child. (NRS 432B.590) Existing federal law defines “qualified residential treatment program” to mean a program that: (1) provides trauma-informed treatment of children with serious emotional or behavioral disorders or disturbances; (2) has clinical staff available 24 hours a day and 7 days a week; and (3) meets certain other requirements. (42 U.S.C. § 672(k)(4)) **Section 31** of this bill adopts that federal definition, and **section 43** of this bill makes a conforming change to indicate the proper placement of **section 31** in the Nevada Revised Statutes. **Section 52** of this bill makes a conforming change to remove a definition of the term “qualified residential treatment program” that duplicates the definition prescribed in **section 31**. **Sections 35, 50 and 51** of this bill require a court to review the appropriateness of the placement of a child who is in the custody of an agency which provides child welfare services in a qualified residential treatment program: (1) not later than 60 days after the beginning of the placement; (2) as part of each semiannual review concerning the temporary placement of the child; and (3) at each annual hearing concerning the permanent placement of the child. **Sections 20, 45 , 47 and [47-49] 49** of this bill make conforming changes to indicate the proper placement of **sections 32-35** in the Nevada Revised Statutes.

Existing law prescribes the procedure for: (1) placing a person who is in a mental health crisis on a mental health crisis hold for assessment, evaluation, intervention and treatment at a hospital or mental health facility; (2) the emergency admission of such a person to a mental health facility; and (3) the involuntary court-ordered admission of such a person to a mental health facility or assisted outpatient treatment. (NRS 433A.145-433A.345) Existing law prescribes a separate procedure for the involuntary court-ordered

admission of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to certain psychiatric facilities. (NRS 432B.607-432B.6085) **Sections 37-40 and 54-57** of this bill revise the latter procedure to provide separate procedures for: (1) the involuntary court-ordered admission of such a child for nonemergency mental health treatment; and (2) the continuation of the emergency admission of such a child for longer than 5 days. **Sections 37, 39, 54 and 56** of this bill authorize a physician, a psychiatrist, a psychologist or an advanced practice registered nurse who possesses certain training to conduct certain examinations in the course of those procedures. **Section 70** of this bill makes conforming changes to indicate the applicability of the training requirements for an advanced practice registered nurse.

Sections 38 and 55 of this bill authorize the court to order the nonemergency admission or continued emergency admission, respectively, of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services if the court finds by clear and convincing evidence that the child presents a substantial likelihood of serious harm to himself or herself or others and certain other requirements are met. **Section 36** of this bill prescribes the manner in which to determine whether a child presents a substantial likelihood of serious harm to himself or herself or others for those purposes. **Sections 41 and 58** of this bill provide for the expiration and renewal of an order for nonemergency mental health treatment or to continue an emergency admission, as applicable. **Sections 41 and 58** also authorize the release of a child who has been admitted to a facility under such an order under certain circumstances, and **section 75** of this bill repeals: (1) existing provisions governing the release of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services from a facility; and (2) additional provisions of existing law which are duplicative of the provisions of **sections 37-40 and 54-57**.

Sections 42 and 59 of this bill require a facility to which a child who is in the custody of an agency which provides child welfare services is admitted under an involuntary court-ordered admission or a continued emergency admission to develop a written plan for the continued care or treatment of the child upon discharge from the facility. **Sections 53 and 62** of this bill make conforming changes to indicate the proper placement of **sections 35.3-42** in the Nevada Revised Statutes. **Sections 27, 28, 60, 61 and 63-67** of this bill make other conforming changes to indicate the continued applicability of certain provisions of existing law to the procedures created by **sections 37-40 and 54-57**.

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

Section 1. ~~NRS 125B.200 is hereby amended to read as follows:~~
~~125B.200 As used in NRS 125B.200 to 125B.300, inclusive, unless the~~
~~context otherwise requires:~~

~~1. “Court” includes a referee or [master] magistrate appointed by the court.~~

~~2. “Minor child” means a person who is:~~

~~(a) Under the age of 18 years;~~

~~(b) Under the age of 19 years, if the person is enrolled in high school;~~

~~(c) Under a legal disability; or~~

~~(d) Not declared emancipated pursuant to NRS 129.080 to 129.140, inclusive.~~

~~3. “Obligor parent” means a parent who has been ordered by a court to pay for the support of a minor child.] (Deleted by amendment.)~~

~~Sec. 2. [NRS 125C.0035 is hereby amended to read as follows:~~

~~125C.0035 1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.~~

~~2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.~~

~~3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:~~

~~(a) To both parents jointly pursuant to NRS 125C.0025 or to either parent pursuant to NRS 125C.003. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent’s application.~~

~~(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.~~

~~(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.~~

~~(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.~~

~~4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:~~

~~(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.~~

~~(b) Any nomination of a guardian for the child by a parent.~~

~~(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.~~

~~(d) The level of conflict between the parents.~~

~~(e) The ability of the parents to cooperate to meet the needs of the child.~~

~~(f) The mental and physical health of the parents.~~

~~(g) The physical, developmental and emotional needs of the child.~~

~~(h) The nature of the relationship of the child with each parent.~~

- ~~—(i) The ability of the child to maintain a relationship with any sibling;~~
- ~~—(j) Any history of parental abuse or neglect of the child or a sibling of the child;~~
- ~~—(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child;~~
- ~~—(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child;~~
- ~~5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:~~
 - ~~—(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and~~
 - ~~—(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child;~~
- ~~6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:~~
 - ~~—(a) All prior acts of domestic violence involving either party;~~
 - ~~—(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;~~
 - ~~—(c) The likelihood of future injury;~~
 - ~~—(d) Whether, during the prior acts, one of the parties acted in self-defense; and~~
 - ~~—(e) Any other factors which the court deems relevant to the determination.~~
- ~~7. In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.~~
- ~~7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking~~

~~physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:~~

~~—(a) Findings of fact that support the determination that one or more acts of abduction occurred; and~~

~~—(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.~~

~~—8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:~~

~~—(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;~~

~~—(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~—(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~—9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.~~

~~—10. As used in this section:~~

~~—(a) “Abduction” means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~—(b) “Domestic violence” means the commission of any act described in NRS 33.018.~~

~~—(c) “Magistrate” has the meaning ascribed to it in NRS 169.095.~~
(Deleted by amendment.)

Sec. 3. [NRS 125C.240 is hereby amended to read as follows:

~~—125C.240 1. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking custody does not rebut the presumption, the court shall not enter an order for sole or joint custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:~~

~~—(a) Findings of fact that support the determination that one or more acts of abduction occurred; and~~

~~—(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.~~

~~—2. For purposes of subsection 1, any of the following acts constitute conclusive evidence that an act of abduction occurred:~~

~~—(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;~~

~~—(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~—(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~—3. If, after a court enters a final order concerning custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning custody, reconsider the previous order concerning custody pursuant to subsections 1 and 2.~~

~~—4. As used in this section [“abduction”]:~~

~~—(a) “Abduction” means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~—(b) “Magistrate” has the meaning ascribed to it in NRS 169.095.~~
(Deleted by amendment.)

Sec. 4. ~~[NRS 126.111 is hereby amended to read as follows:~~

~~—126.111 1. The court shall endeavor to resolve the issues raised in an action pursuant to this chapter by an informal hearing.~~

~~—2. As soon as practicable after an action to declare the existence or nonexistence of the father and child relationship has been brought, an informal hearing must be held. The court may order that the hearing be held before a [master] **magistrate appointed by the court** or referee. The public shall be barred from the hearing. A record of the proceeding or any portion thereof must be kept if any party requests or the court orders. Strict rules of evidence need not be observed, but those prescribed in NRS 233B.123 apply.~~

~~—3. Upon refusal of any witness, including a party, to testify under oath or produce evidence, the court may order the witness to testify under oath and produce evidence concerning all relevant facts. If the refusal is upon the ground that the witness’s testimony or evidence might tend to incriminate the witness, the court may grant the witness immunity from prosecution for all~~

~~criminal offenses shown in whole or in part by testimony or evidence the witness is required to produce, except for perjury committed in his or her testimony. The refusal of a witness who has been granted immunity to obey an order to testify or produce evidence is a civil contempt of the court.~~

~~4. Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 126.121 is hereby amended to read as follows:~~

~~126.121 1. The court may, and shall upon the motion of a party, order the mother, child, alleged father or any other person so involved to submit to one or more tests for the typing of blood or taking of specimens for genetic identification to be made by a designated person, by qualified physicians or by other qualified persons, under such restrictions and directions as the court or judge deems proper. Whenever such a test is ordered and made, the results of the test must be received in evidence and must be made available to a judge, [master] **magistrate appointed by the court** or referee conducting a hearing pursuant to NRS 126.111. The results of the test and any sample or specimen taken may be used only for the purposes specified in this chapter. Unless a party files a written objection to the result of a test at least 30 days before the hearing at which the result is to be received in evidence, the result is admissible as evidence of paternity without foundational testimony or other proof of authenticity or accuracy. The order for such a test also may direct that the testimony of the experts and of the persons so examined may be taken by deposition or written interrogatories.~~

~~2. If any party refuses to submit to or fails to appear for a test ordered pursuant to subsection 1, the court may presume that the result of the test would be adverse to the interests of that party or may enforce its order if the rights of others and the interests of justice so require.~~

~~3. The court, upon reasonable request by a party, shall order that independent tests for determining paternity be performed by other experts or qualified laboratories.~~

~~4. In all cases, the court shall determine the number and qualifications of the experts and laboratories.~~

~~5. As used in this section:~~

~~(a) "Designated person" means a person who is:~~

~~(1) Properly trained to take samples or specimens for tests for the typing of blood and genetic identification; and~~

~~(2) Designated by an enforcing authority to take such samples or specimens.~~

~~(b) "Enforcing authority" means the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative, a district attorney or the Attorney General when acting pursuant to NRS 425.380.] (Deleted by amendment.)~~

Sec. 6. [NRS 126.141 is hereby amended to read as follows:

~~126.141 1. On the basis of the information produced at the pretrial hearing, the judge, [master] magistrate appointed by the court or referee conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest of the child. On the basis of the evaluation, an appropriate recommendation for settlement must be made to the parties, which may include any of the following:~~

~~—(a) That the action be dismissed with or without prejudice;~~

~~—(b) That the matter be compromised by an agreement among the alleged father, the mother and the child, in which the father and child relationship is not determined but in which a defined economic obligation, fully secured by payment or otherwise, is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the judge, [master] magistrate appointed by the court or referee conducting the hearing. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the judge, [master] magistrate appointed by the court or referee conducting the hearing shall consider the best interest of the child, discounted by the improbability, as it appears to him or her, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on the alleged father;~~

~~—(c) That the alleged father voluntarily acknowledge his paternity of the child.~~

~~2. If the parties accept a recommendation made in accordance with subsection 1, judgment may be entered accordingly.~~

~~3. If a party refuses to accept a recommendation made under subsection 1 and blood tests or tests for genetic identification have not been taken, the court shall require the parties to submit to blood tests or tests for genetic identification, if practicable. Thereafter the judge, [master] magistrate appointed by the court or referee shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action must be set for trial.~~

~~4. The guardian ad litem may accept or refuse to accept a recommendation under this section.~~

~~5. The pretrial hearing may be terminated and the action set for trial if the judge, [master] magistrate appointed by the court or referee conducting the hearing finds unlikely that all parties would accept a recommendation he or she might make under subsection 1 or 3.~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 126.143 is hereby amended to read as follows:~~

~~126.143 After an action is set for trial pursuant to NRS 126.141, the judge, [master] **magistrate appointed by the court** or referee shall, upon the motion of a party, issue an order providing for the temporary support of the child pending the resolution of the trial if the judge, [master] **magistrate appointed by the court** or referee determines that there is clear and convincing evidence that the party against whom the order is issued is the father of the child.]~~
(Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. ~~[NRS 129.080 is hereby amended to read as follows:~~

~~129.080 Any minor who is at least 16 years of age, who is married or living apart from his or her parents or legal guardian, and who is a resident of the county, may petition the juvenile court of that county for a decree of emancipation. The district court may refer the petition to a [master] **juvenile magistrate** appointed pursuant to title 5 of NRS or chapter 432B of NRS.]~~
(Deleted by amendment.)

Sec. 13. ~~[NRS 130.102 is hereby amended to read as follows:~~

~~130.102 1. The district court and, within the limitations of authority granted pursuant to NRS 3.405, 125.005 or 425.381 to 425.3852, inclusive, a [master] **child support magistrate** or referee appointed pursuant to any of those sections, are the tribunals of this State.~~

~~2. The support enforcement agency of this State may include, without limitation, a court, a district attorney, a law enforcement agency or the Division of Welfare and Supportive Services of the Department of Health and Human Services.]~~
(Deleted by amendment.)

Sec. 14. ~~[NRS 3.025 is hereby amended to read as follows:~~

~~3.025 1. In each judicial district that includes a county whose population is 100,000 or more, the district judges of that judicial district shall choose from among those district judges a Chief Judge who is to be the presiding judge of the judicial district.~~

~~2. The Chief Judge shall:~~

~~(a) Assign cases to each judge in the judicial district;~~

~~(b) Prescribe the hours of court;~~

~~(c) Adopt such other rules or regulations as are necessary for the orderly conduct of court business; and~~

~~(d) Perform all other duties of the Chief Judge or of a presiding judge that are set forth in this chapter and any other provision of NRS.~~

~~3. If a case involves a matter within the jurisdiction of the family court and:~~

~~(a) The parties to the case are also the parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family court in the judicial district; or~~

~~(b) A child involved in the case is also involved in any other pending case or was involved in any other previously decided case assigned to a department of the family court in the judicial district, other than a case within the jurisdiction of the juvenile court pursuant to title 5 of NRS;~~
~~→ the Chief Judge shall assign the case to the department of the family court to which the other case is presently assigned or, if the other case has been decided, to the department of the family court that decided the other case, unless a different assignment is required by another provision of NRS, a court rule or the Revised Nevada Code of Judicial Conduct or the Chief Judge determines that a different assignment is necessary because of considerations related to the management of the caseload of the district judges within the judicial district. If a case described in this subsection is heard initially by a [master,] **magistrate appointed by the court**, the recommendation, report or order of the [master] **magistrate** must be submitted to the district judge of the department of the family court to which the case has been assigned pursuant to this subsection for consideration and decision by that district judge.]~~
(Deleted by amendment.)

Sec. 15. ~~[NRS 3.026 is hereby amended to read as follows:~~

~~3.026 1. In each judicial district that includes a county whose population is 100,000 or more, in addition to the other duties set forth in NRS 3.025;~~

~~(a) The Chief Judge shall ensure that:~~

~~(1) The procedures which govern the consideration and disposition of cases and other proceedings within the jurisdiction of the district court are applied as uniformly as practicable; and~~

~~(2) Cases and other proceedings within the jurisdiction of the district court are considered and decided in a timely manner;~~

~~(b) Except as otherwise provided in subsection 2, the Chief Judge shall establish procedures for addressing grievances that are:~~

~~(1) Submitted to the Chief Judge by a party in a case or other proceeding within the jurisdiction of the district court; and~~

~~(2) Directly related to the administration of the case or other proceeding;~~

~~2. For the purposes of paragraph (b) of subsection 1, a party in a case or other proceeding within the jurisdiction of the district court may not submit to the Chief Judge a grievance that:~~

~~(a) Addresses, in whole or in part, the merits of the case or other proceeding;~~
~~or~~

~~(b) Challenges, in whole or in part, the merits of any decision or ruling in the case or other proceeding that is made by:~~

~~(1) The district court; or~~

~~(2) A [master] **magistrate appointed by the court** or other person who is acting pursuant to an order of the district court or pursuant to any authority that is granted to the [master] **magistrate** or other person by a specific statute, including, without limitation, NRS 3.405, 3.475 and 3.500.]~~
(Deleted by amendment.)

Sec. 16. ~~[NRS 3.2201 is hereby amended to read as follows:~~

~~3.2201 1. The district court has exclusive jurisdiction to accept an application for, to consider an application for, and to issue or deny the issuance of any of the following orders when the adverse party against whom the order is sought is a child who is under 18 years of age:~~

~~—(a) A temporary or extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive.~~

~~—(b) A temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.~~

~~—(c) An emergency or extended order for protection against high-risk behavior pursuant to NRS 33.500 to 33.670, inclusive.~~

~~—(d) A temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~

~~—(e) A temporary or extended order for protection against stalking, aggravated stalking or harassment pursuant to NRS 200.591.~~

~~2. The district court shall appoint counsel for a child who is the adverse party against whom an order listed in subsection 1 is sought upon:~~

~~—(a) The issuance of any emergency or temporary order listed in subsection 1; or~~

~~—(b) Notice of an adversarial hearing on an application for an order listed in subsection 1.~~

~~3. If the district court issues an order listed in subsection 1, the order must be served upon:~~

~~—(a) The child who is the adverse party; and~~

~~—(b) The parent or guardian of the child.~~

~~4. The juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party in an order listed in subsection 1 has committed a delinquent act by violating a condition set forth in the order.~~

~~5. If the district court issues an order listed in subsection 1 and the adverse party reaches the age of 18 years while the order is still in effect, the order remains effective against the adverse party until the order expires or is dissolved by the district court.~~

~~6. The district court shall automatically seal all records related to the application for, consideration of and issuance of an order listed in subsection 1 as provided in NRS 62H.140 upon the dissolution or expiration of the order or when the adverse party reaches the age of 18 years, whichever is earlier, unless, at such a time, the order is still in effect, in which case the records must be automatically sealed by the district court upon the expiration or dissolution of the order.~~

~~7. A district court may appoint a [master] **magistrate** to conduct the proceedings described in this section. **(Deleted by amendment.)**~~

Sec. 17. ~~[NRS 3.405 is hereby amended to read as follows:~~

~~3.405 1. In an action to establish paternity, the court may appoint a [master] **magistrate, who may be the juvenile magistrate appointed pursuant to NRS 62B.020, the child support magistrate appointed pursuant to NRS**~~

~~425.381 or another magistrate appointed as authorized by law, to take testimony and recommend orders.~~

~~2. The court may appoint a [master] **child support magistrate, as provided by NRS 425.381**, to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.~~

~~3. The [master] **child support magistrate** must be an attorney licensed to practice in this State. The [master] **child support magistrate**:~~

~~(a) Shall take testimony and establish a record;~~

~~(b) In complex cases shall issue temporary orders for support pending resolution of the case;~~

~~(c) Shall make findings of fact, conclusions of law and recommendations for the establishment and enforcement of an order;~~

~~(d) May accept voluntary acknowledgments of paternity or liability for support and stipulated agreements setting the amount of support;~~

~~(e) May, subject to confirmation by the district court, enter default orders against a responsible parent who does not respond to a notice or service within the required time; and~~

~~(f) Has any other power or duty contained in the order of reference issued by the court.~~

~~➤ If a temporary order for support is issued pursuant to paragraph (b), the [master] **child support magistrate** shall order that the support be paid to the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.~~

~~4. The findings of fact, conclusions of law and recommendations of the [master] **child support magistrate** must be furnished to each party or the party's attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 10 days after receipt of the findings of fact, conclusions of law and recommendations, either party may file with the court and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter upon notice and motion. **(Deleted by amendment.)**~~

Sec. 18. [NRS 3.475 is hereby amended to read as follows:

~~3.475 1. In a county whose population is 700,000 or more, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases that involve the custody or visitation of a child.~~

~~2. The program must:~~

~~(a) Require the impartial mediation of the issues of custody and visitation and authorize the impartial mediation of any other nonfinancial issue deemed appropriate by the court.~~

~~—(b) Authorize the court to exclude a case from the program for good cause shown, including, but not limited to, a showing that:~~

~~—(1) There is a history of child abuse or domestic violence by one of the parties;~~

~~—(2) The parties are currently participating in private mediation; or~~

~~—(3) One of the parties resides outside of the jurisdiction of the court.~~

~~—(c) Provide standards for the training of the mediators assigned to cases, including, but not limited to:~~

~~—(1) Minimum educational requirements, which must not be restricted to any particular professional or educational training;~~

~~—(2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as a mediator;~~

~~—(3) A minimum period of apprenticeship for persons who have not previously acted as domestic mediators;~~

~~—(4) Minimum requirements for continuing education; and~~

~~—(5) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.~~

~~—(d) Prohibit the mediator from reporting to the court any information about the mediation other than whether the dispute was resolved.~~

~~—(e) Establish a sliding schedule of fees for participation in the program based on the ability of a party to pay.~~

~~—(f) Provide for the acceptance of gifts and grants offered in support of the program.~~

~~—(g) Allow the court to refer the parties to a private mediator.~~

~~—3. The costs of the program must be paid from the county general fund. All fees, gifts and grants collected pursuant to this section must be deposited in the county general fund.~~

~~—4. This section does not prohibit a court from referring a financial or other issue to a [special master] **magistrate** or other person for assistance in resolving the dispute.] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 3.500 is hereby amended to read as follows:~~

~~—3.500 1. In a county whose population is 100,000 or more and less than 700,000, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases which involve the custody or visitation of a child. A district court in a county whose population is less than 100,000 may establish such a program in the same manner for use in that county. The district courts in two or more counties whose populations are less than 100,000 may establish such a program in the same manner for use in the counties in which the courts are located.~~

~~—2. The program must:~~

~~—(a) Require the impartial mediation of the issues of custody and visitation and any other nonfinancial issue deemed appropriate by the court.~~

~~—(b) Allow the court to exclude a case from the program for good cause shown, including a showing of a history of child abuse or domestic violence~~

~~by one of the parties, ongoing private mediation or residency of one of the parties out of the jurisdiction of the court.~~

~~— (c) Provide standards for the training of the mediators assigned to cases pursuant to the rule, including but not limited to:~~

~~— (1) Minimum educational requirements, which may not be restricted to any particular professional or educational training;~~

~~— (2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as a mediator;~~

~~— (3) A minimum period of apprenticeship for persons who have not previously acted as domestic mediators;~~

~~— (4) Minimum requirements for continuing education; and~~

~~— (5) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.~~

~~— (d) Prohibit the mediator from reporting to the court any information about the mediation other than whether the mediation was successful or not.~~

~~— (e) Establish a sliding schedule of fees for participation in the program based on the client's ability to pay.~~

~~— (f) Provide for the acceptance of gifts and grants offered in support of the program.~~

~~— (g) Allow the court to refer the parties to a private mediator for assistance in resolving the issues.~~

~~— 3. The costs of the program must be paid from the account for dispute resolution in the county general fund. All fees, gifts and grants collected pursuant to this section must be deposited in the account.~~

~~— 4. This section does not prohibit a court from referring a financial or other issue to a [special master] **magistrate** or other person for assistance in resolving the dispute.] **(Deleted by amendment.)**~~

Sec. 20. NRS 49.295 is hereby amended to read as follows:

49.295 1. Except as otherwise provided in subsections 2 and 3 and NRS 49.305:

(a) A married person cannot be examined as a witness for or against his or her spouse without his or her consent.

(b) No spouse can be examined, during the marriage or afterwards, without the consent of the other spouse, as to any communication made by one to the other during marriage.

2. The provisions of subsection 1 do not apply to a:

(a) Civil proceeding brought by or on behalf of one spouse against the other spouse;

(b) Proceeding to commit or otherwise place a spouse, the property of the spouse or both the spouse and the property of the spouse under the control of another because of the alleged mental or physical condition of the spouse;

(c) Proceeding brought by or on behalf of a spouse to establish his or her competence;

(d) Proceeding in the juvenile court or family court pursuant to title 5 of NRS or NRS 432B.410 to 432B.590, inclusive ~~§~~ , *and sections 32 to 35, inclusive, of this act*; or

(e) Criminal proceeding in which one spouse is charged with:

(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or control of either, whether the crime was committed before or during marriage.

(2) Bigamy or incest.

(3) A crime related to abandonment of a child or nonsupport of the other spouse or child.

3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the spouses were married.

Sec. 21. ~~[NRS 62A.210 is hereby amended to read as follows:~~

~~62A.210 ["Master of the juvenile court"] "Juvenile magistrate" means a person who is appointed to act as a [master of the] juvenile [court] magistrate of the juvenile court pursuant to NRS 62B.020.] (Deleted by amendment.)~~

Sec. 22. ~~[NRS 62B.020 is hereby amended to read as follows:~~

~~62B.020 1. Except as otherwise provided in this section, the juvenile court or the chief judge of the judicial district may appoint any person to act as a [master of the] juvenile [court] magistrate if the person is qualified by previous experience, training and demonstrated interest in the welfare of children to act as a [master of the] juvenile [court.] magistrate.~~

~~2. A probation officer shall not act as a [master of the] juvenile [court] magistrate unless the proceeding concerns:~~

~~(a) A minor traffic offense;~~

~~(b) An offense related to tobacco; or~~

~~(c) A child who is alleged to be a habitual truant.~~

~~3. If a person is appointed to act as a [master of the] juvenile [court.] magistrate, the person shall attend instruction at the National Council of Juvenile and Family Court Judges in Reno, Nevada, in a course designed for the training of new judges of the juvenile court on the first occasion when such instruction is offered after the person is appointed.~~

~~4. If, for any reason, a [master of the] juvenile [court] magistrate is unable to act, the juvenile court or the chief judge of the judicial district may appoint another qualified person to act temporarily as a [master of the] juvenile [court] magistrate during the period that the [master] juvenile magistrate who is regularly appointed is unable to act.~~

~~5. The compensation of a [master of the] juvenile [court.] magistrate:~~

~~(a) May not be taxed against the parties.~~

~~(b) Must be paid out of appropriations made for the expenses of the district court, if the compensation is fixed by the juvenile court.] (Deleted by amendment.)~~

Sec. 23. ~~[NRS 62F.350 is hereby amended to read as follows:~~

~~62F.350 1. The juvenile court may not refer to a **juvenile magistrate** or master any finding, determination or other act required to be made or performed by the juvenile court pursuant to NRS 62F.320 and 62F.340.~~

~~2. As used in this section, “master” has the meaning ascribed to it in Rule 53 of the Nevada Rules of Civil Procedure.] (Deleted by amendment.)~~

Sec. 24. ~~[NRS 247.540 is hereby amended to read as follows:~~

~~247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:~~

~~(a) Any justice or judge in this State;~~

~~(b) Any senior justice or senior judge in this State;~~

~~(c) Any court appointed master **or magistrate** in this State;~~

~~(d) Any clerk of a court, court administrator or court executive officer in this State;~~

~~(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city;~~

~~(f) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

~~—— (1) Crimes that are punishable as category A felonies; or~~

~~—— (2) Domestic violence;~~

~~(g) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~—— (1) Crimes that are punishable as category A felonies; or~~

~~—— (2) Domestic violence;~~

~~(h) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government;~~

~~(i) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~—— (1) Interacts with the public; and~~

~~—— (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;~~

~~(j) Any county manager in this State;~~

~~(k) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~

~~—— (1) Who possesses specialized training in code enforcement;~~

~~—— (2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~—— (3) Whose primary duties are the performance of tasks related to code enforcement;~~

~~(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive;~~

~~—(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.~~

~~—(n) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~

~~—2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.~~

~~—3. As used in this section:~~

~~—(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.~~

~~—(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.~~

~~—(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~—(d) “Social worker” means any person licensed under chapter 641B of NRS.~~

~~—(Deleted by amendment.)~~

Sec. 25. ~~[NRS 250.140 is hereby amended to read as follows:~~

~~—250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:~~

~~—(a) Any justice or judge in this State.~~

~~—(b) Any senior justice or senior judge in this State.~~

~~—(c) Any court-appointed master or magistrate in this State.~~

~~—(d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~—(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.~~

~~—(f) Any peace officer or retired peace officer.~~

~~—(g) Any prosecutor.~~

~~—(h) Any state or county public defender.~~

~~—(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~—(j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~—(k) Any county manager in this State.~~

~~—(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who~~

~~possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.~~

~~—(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive.~~

~~—(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.~~

~~—(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~

~~—2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.~~

~~—3. As used in this section:~~

~~—(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.~~

~~—(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.~~

~~—(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~—(d) “Peace officer” means:~~

~~—(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and~~

~~—(2) Any person:~~

~~—(I) Who resides in this State;~~

~~—(II) Whose primary duties are to enforce the law; and~~

~~—(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.~~

~~—(e) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.~~

~~—(f) “Social worker” means any person licensed under chapter 641B of NRS.~~ **(Deleted by amendment.)**

Sec. 26. [NRS 293.908 is hereby amended to read as follows:

~~—293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:~~

~~—(a) Any justice or judge in this State.~~

~~—(b) Any senior justice or senior judge in this State.~~

~~—(c) Any court-appointed master or magistrate in this State.~~

~~—(d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~—(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

~~—(1) Crimes that are punishable as category A felonies; or~~

~~—(2) Domestic violence;~~

~~—(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~—(1) Crimes that are punishable as category A felonies; or~~

~~—(2) Domestic violence;~~

~~—(g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government;~~

~~—(h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~—(1) Interacts with the public; and~~

~~—(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;~~

~~—(i) Any county manager in this State;~~

~~—(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer;~~

~~—(1) Who possess specialized training in code enforcement;~~

~~—(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~—(3) Whose primary duties are the performance of tasks related to code enforcement.~~

~~—(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.~~

~~—(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive;~~

~~—(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.~~

~~—2. As used in this section:~~

~~—(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042;~~

~~—(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044;~~

~~—(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~—(d) “Social worker” means any person licensed under chapter 641B of NRS.~~ **(Deleted by amendment.)**

Sec. 27. NRS 392.857 is hereby amended to read as follows:

392.857 1. If a pupil who is enrolled in a public school, including, without limitation, a university school for profoundly gifted pupils, is admitted

by a court to a psychiatric hospital or facility which provides residential treatment for mental illness pursuant to NRS 432B.6076 ~~or section 38 of this act~~, the public school and, if applicable, the school district in which the pupil is enrolled, must:

(a) If the pupil is admitted to a psychiatric hospital, participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan; and

(b) If an individualized education program has been developed for the pupil, provide the individualized education program to the psychiatric hospital or facility.

2. As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 28. NRS 394.1998 is hereby amended to read as follows:

394.1998 1. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital pursuant to NRS 432B.6076 ~~or section 38 of this act~~, the private school must participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan.

2. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital pursuant to NRS 432B.6076 ~~or section 38 of this act~~ and the school district within whose geographic boundaries the private school is located has developed a services plan for the child, the school district must:

(a) Participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan; and

(b) Provide the services plan to the psychiatric hospital.

3. As used in this section, “services plan” has the meaning ascribed to it in 34 C.F.R. § 300.37.

Sec. 29. ~~NRS 425.381 is hereby amended to read as follows:~~

~~425.381 1. A [master] child support magistrate must be appointed as set forth in this section.~~

~~2. The district judges of:~~

~~(a) The Family Court of the Second Judicial District shall appoint the [masters] child support magistrates for that District, and shall establish the qualifications and duties of those [masters]; child support magistrates; and~~

~~(b) The Family Court of the Eighth Judicial District shall appoint the [masters] child support magistrates for that District, and shall establish the qualifications and duties of those [masters]; child support magistrates.~~

~~3. The district judges of the remaining judicial districts shall appoint the [masters] child support magistrates for those districts, and shall establish the qualifications and duties of those [masters]; child support magistrates.~~

~~4. A [master] child support magistrate serves at the pleasure of the district judges who appointed the [master.] child support magistrate.~~ (Deleted by amendment.)

Sec. 30. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 31 to 42, inclusive, of this act.

Sec. 31. *“Qualified residential treatment program” has the meaning ascribed to it in 42 U.S.C. § 672(k)(4).*

Sec. 32. 1. *If a parent or other person responsible for the welfare of a child who is the subject of proceedings under this section, NRS 432B.410 to 432B.590, inclusive, and sections 33, 34 and 35 of this act is less than 18 years of age and is not emancipated, the court shall hold a hearing to determine whether the parent or other person is incapacitated. If the court determines, by clear and convincing evidence, that the parent or other person is incapacitated, the court shall appoint a guardian ad litem for the parent or other person.*

2. *If the provisions of subsection 1 do not apply, a court may appoint a guardian ad litem for a parent or other person responsible for the welfare of a child who is the subject of proceedings under this section, NRS 432B.410 to 432B.590, inclusive, and sections 33, 34 and 35 of this act upon the motion of a party or its own motion if the court determines that the parent or other person is incapacitated. A party shall not make a motion pursuant to this subsection for the purpose of delay.*

3. *When determining whether the parent or other person responsible for the welfare of a child is incapacitated pursuant to subsection 1 or 2, a court shall consider:*

(a) *The ability of the parent or other person to:*

- (1) Appreciate the allegations against him or her;*
- (2) Understand the possible outcomes of the proceedings;*
- (3) Understand the nature of the legal process;*
- (4) Disclose to his or her attorney the facts relevant to the proceedings;*
- (5) Display appropriate behavior in the courtroom; and*
- (6) Testify regarding issues relevant to the proceedings;*

(b) *Any findings in another legal proceeding that the parent or other person is incapacitated or incompetent;*

(c) *Any mental illness, intellectual disability or developmental disability that affects the capacity of the parent or other person;*

(d) *The results of any evaluation conducted pursuant to section 33 of this act; and*

(e) *Any other factor that affects the capacity of the parent or other person or evidence concerning such capacity.*

4. *A court may determine that a parent or other person responsible for the welfare of a child is incapacitated pursuant to this section only if it finds by clear and convincing evidence that the parent or other person is unable to:*

- (a) Understand the nature of the allegations against him or her;*
- (b) Understand the nature and purpose of the proceedings; or*
- (c) Aid and assist his or her attorney at any time during the proceedings with a reasonable degree of rational understanding.*

5. If a court determines that a parent or other person responsible for the welfare of a child is incapacitated pursuant to this section, the court shall appoint a guardian ad litem for the parent or other person. The court may not appoint the attorney for the parent or other person as his or her guardian ad litem. When determining the person who will be appointed as the guardian ad litem, the court:

- (a) Shall consider the wishes of the parent or other person for whom the guardian ad litem will be appointed;
- (b) May consider any other relevant evidence; and
- (c) May call additional witnesses.

6. The court shall, upon the request of a parent or other person responsible for the welfare of the child for whom a guardian ad litem will be appointed pursuant to this section, conduct the initial evaluation of a person who may be appointed as the guardian ad litem outside the presence of the other parties.

7. An order appointing a guardian ad litem pursuant to this section must be based upon clear and convincing evidence and set forth:

- (a) Findings of fact regarding the determination of the court that the parent or other person responsible for the welfare of a child is incapacitated; and
- (b) The authority and duties of the guardian ad litem.

8. Except as otherwise provided in this subsection, the court shall review an order appointing a guardian ad litem pursuant to this section upon the request of any party to determine whether the parent or other person responsible for the welfare of a child for whom the guardian ad litem was appointed remains incapacitated. The court must conduct such a review within 45 days after such a request is made.

9. If a court determines that a parent or other person responsible for the welfare of a child is incapacitated solely because of his or her age and appoints a guardian ad litem for the parent or other person, the appointment of the guardian ad litem must terminate on the 18th birthday of the parent or other person.

Sec. 33. 1. If a parent or other person responsible for the welfare of a child described in subsection 1 of section 32 of this act or a parent or other person responsible for the welfare of a child who is the subject of a motion pursuant to subsection 2 of section 32 of this act requests an evaluation and the court determines that the parent or other person might be incapacitated because he or she is not mentally competent, the court shall order the parent or other person to undergo an evaluation by a person professionally qualified in the field of psychiatric mental health. In all other circumstances, the court may, upon the motion of a party or its own motion, order such an evaluation if it determines that the parent or other person might be incapacitated because he or she is not mentally competent.

2. If an evaluation is conducted pursuant to subsection 1 upon:

(a) *The request of the parent or other person who is the subject of the evaluation or the motion of court, the court may, except as otherwise provided in subsection 3, pay the cost of the evaluation.*

(b) *The motion of a party, other than the parent or other person who is the subject of the evaluation, the moving party shall pay the cost of the evaluation.*

3. *The court shall pay the cost of an evaluation conducted pursuant to subsection 1 if:*

(a) *The evaluation is conducted upon the request of the parent or other person who is the subject of the evaluation or the motion of court;*

(b) *The evaluation is not covered by a third party or the third party that provides such coverage is unable or unwilling to pay for the evaluation in a timely manner; and*

(c) *The parent or other person who is the subject of the evaluation has a household income that is less than 200 percent of the federally designated level signifying poverty.*

4. *If the court pays the cost of an evaluation pursuant to subsection 3 and later determines that the parent or other person responsible for the welfare of a child who is the subject of the examination is financially able to pay all or part of the cost of the evaluation, the court may require the parent or other person to make such payment to the clerk of the court.*

5. *Any other party to the proceeding may make an oral or written motion for the person to be evaluated by a person professionally qualified in the field of psychiatric mental health, a psychologist or other appropriate professional retained by the party. The party seeking the additional evaluation shall pay the costs related to the evaluation.*

6. *As used in this section:*

(a) *“Household” means persons of the first degree of consanguinity or affinity who live in the same dwelling.*

(b) *“Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433A.018.*

(c) *“Third party” means any insurer or organization providing health coverage or benefits in accordance with state or federal law.*

Sec. 34. 1. *In making decisions on behalf of a parent or other person responsible for the welfare of a child, a guardian ad litem appointed for the parent or other person responsible for the welfare of a child pursuant to section 32 of this act shall:*

(a) *Consider the wishes of the parent or other person and inform the court of those wishes; and*

(b) *Act in the best interests of the parent or other person, as determined by the guardian ad litem using his or her independent judgement.*

2. *Communications between a parent or other person responsible for the welfare of a child and his or her guardian ad litem are privileged and confidential to the same extent as communications between the parent and his or her attorney.*

3. A guardian ad litem appointed pursuant to section 32 of this act may not take any action to relinquish parental rights, effectuate a termination of parental rights or consent to a specific adoption on behalf of the person for whom the guardian ad litem is appointed.

Sec. 35. 1. Not later than 72 hours after an agency which provides child welfare services places a child who is in the custody of the agency which provides child welfare services in a qualified residential treatment program, the agency which provides child welfare services shall file written notice of the placement with the court and serve such notice upon each party to the proceedings concerning the child being conducted pursuant to this section, NRS 432B.410 to 432B.590, inclusive, and sections 32, 33 and 34 of this act.

2. Not later than 60 days after a child is placed in a qualified residential treatment program, the court shall conduct a hearing to review the status of the child and determine the appropriateness of the placement.

3. At the hearing held pursuant to subsection 2, as part of each review conducted pursuant to NRS 432B.580 and at each hearing held pursuant to 432B.590 for the duration of the placement in the qualified residential treatment program, the court shall:

- (a) Review the assessment of the child; and
- (b) Determine whether to approve or disapprove the placement.

4. A court may approve placement of a child in a qualified residential treatment program only if it finds by a preponderance of the evidence that placement in the qualified residential treatment program is:

(a) The least restrictive appropriate environment for the child, including, without limitation, that:

(1) Placement in a lower level of care is not capable of meeting the needs of the child; and

(2) The qualified residential treatment program provides the most effective care and appropriate care and treatment for the child; and

(b) Consistent with the short term and long term goals of the child's treatment.

5. After the court conducts a review pursuant to this section, the court shall issue a written determination concerning whether to approve the continued placement of the child in the qualified residential treatment program which must include, without limitation, written findings on each factor listed in subsection 4.

6. If a court disapproves the continued placement of a child in a qualified residential treatment program, the court:

(a) Shall order the agency which provides child welfare service to place the child in a less restrictive appropriate placement; and

(b) May make any other order that it determines to be in the best interest of the child.

Sec. 35.3. *As used in sections 35.3 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 35.5 and 35.7 of this act have the meanings ascribed to them in those sections.*

Sec. 35.5. *“Facility” means a psychiatric hospital or facility which provides residential treatment for mental or behavioral health care to which a child with an emotional disturbance is or will be admitted to a locked unit that prevents the child from leaving the facility.*

Sec. 35.7. *“Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433A.018 and includes the same professionals licensed in the state in which the child is placed.*

Sec. 36. *For the purposes of NRS 432B.607 to 432B.6085, inclusive, and sections 35.3 to 42, inclusive, of this act, a determination concerning whether a child presents a substantial likelihood of serious harm to himself or herself or others must be made as provided in NRS 433A.0195.*

Sec. 37. 1. *An agency which provides child welfare services shall not place a child in the custody of the agency in a facility for the purpose of receiving nonemergency mental health treatment unless the agency has petitioned the court for the placement and the court has ordered the placement, or except as provided in sections 35.3 to 42, inclusive, of this act.*

2. *A proceeding for the admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility for nonemergency mental health treatment may be commenced by the filing of a petition with the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent of the child. The petition must be accompanied:*

(a) *By a certificate of a physician, a psychiatrist, a psychologist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that the physician, psychiatrist, psychologist or advanced practice registered nurse has examined the child alleged to be a child with an emotional disturbance and has concluded that the child:*

(1) *Is a child with an emotional disturbance and, because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and*

(2) *Cannot be safely and effectively treated in a less restrictive environment that is appropriate for the child; or*

(b) *By a sworn written statement by the petitioner that:*

(1) *The petitioner has, based upon personal observation of the child alleged to be a child with an emotional disturbance, probable cause to believe that the child:*

(I) *Is a child with an emotional disturbance and, because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and*

(II) Cannot be safely and effectively treated in a less restrictive environment that is appropriate for the child; and

(2) The child alleged to be a child with an emotional disturbance has refused to submit to examination or treatment by a person described in paragraph (a).

3. A child who is the subject of a petition filed pursuant to this section or the parent or guardian of such a child may oppose the petition:

(a) Orally at a hearing on the petition; or

(b) By filing a written opposition with the court.

Sec. 38. 1. A child who is the subject of a petition pursuant to section 37 of this act may, after conferring with his or her attorney, submit to the court written consent, or provide oral consent in the record of the court, to nonemergency mental health treatment. Upon receiving such consent, the court shall order the admission of the child to a facility for such treatment if it finds that the treatment is in the best interests of the child.

2. A court that receives a petition pursuant to section 37 of this act for the court-ordered admission of a child alleged to be a child with an emotional disturbance to a facility for nonemergency mental health treatment shall conduct a hearing on the petition, unless otherwise ordered by the court.

3. A court may order the admission of a child with respect to whom a petition was filed pursuant to section 37 of this act to a facility only if the court finds that there is clear and convincing evidence that the child:

(a) Is a child with an emotional disturbance;

(b) Because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(c) Cannot be treated in a less restrictive environment that is appropriate for the child.

4. The court shall issue a written order on a petition submitted pursuant to section 37 of this act. The order must include, without limitation, specific findings concerning each factor prescribed by subsection 3. The order must be interlocutory and is subject to regular review pursuant to section 41 of this act.

Sec. 39. 1. A child or a parent or guardian of the child who opposes a petition for the admission of a child alleged to be a child with emotional disturbance to a facility for nonemergency mental health treatment pursuant to subsection 3 of section 37 of this act may petition the court to authorize a second examination. The court shall authorize such a second examination upon receiving such a petition. Except as otherwise ordered by the court, a second examination must be completed not later than 45 business days after the court authorizes the examination and before any evidentiary hearing is conducted.

2. If the court authorizes a second examination of the child, the examination must:

(a) Be conducted by an independent physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and

experience prescribed by the State Board of Nursing pursuant to NRS 632.120 who is not:

(1) The same physician, psychiatrist, psychologist or advanced practice registered nurse who completed a certificate pursuant to paragraph (a) of subsection 2 of section 37 of this act or a physician, psychologist, clinical social worker or advanced practice registered nurse who participated in the examination conducted pursuant to that paragraph; or

(2) Employed by, connected to or otherwise affiliated with:

(I) The person described in subparagraph (1) or any facility which employs that person; or

(II) Any facility into which the child may be placed;

(b) Include, without limitation:

(1) An evaluation of the diagnosis of the child, the risks of harm posed by the child to himself or herself or others and whether the child is capable of being safely and effectively treated in a less restrictive appropriate environment; and

(2) Recommendations concerning the placement of the child and the level of care required by the child; and

(c) Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 40. In determining pursuant to sections 38 and 41 of this act whether to issue or renew an order for the admission of a child who is in the custody of an agency which provides child welfare services to a facility for nonemergency treatment, the court shall consider:

1. The reports of any examinations or evaluations of a child by any person professionally qualified in the field of psychiatric mental health;

2. Any information concerning the child provided by:

(a) A person professionally qualified in the field of psychiatric mental health;

(b) A representative of the agency which provides child welfare services;

(c) An adult caretaker who is knowledgeable about the child; or

(d) A guardian ad litem appointed for the child pursuant to NRS 432B.500;

3. The wishes of the child concerning care and treatment and placement in a facility;

4. The best interests of the child, including, without limitation, whether the court believes the child might experience any psychological trauma from court-ordered admission;

5. Any alternative care or treatment options; and

6. Any other information the court deems relevant concerning the child.

Sec. 41. 1. If the court issues an order for the admission of a child who is in the custody of an agency which provides child welfare services to a facility for nonemergency mental health treatment pursuant to section 38 of this act, the order automatically expires:

(a) *At the end of 90 days if the facility does not release the child pursuant to subsection 4 before the expiration of the order; or*

(b) *If the facility releases the child pursuant to subsection 4 before the expiration of the order, on the date of the release.*

2. *Before the expiration of an order for nonemergency medical treatment pursuant to paragraph (a) of subsection 1, the agency which provides child welfare services, the Division of Child and Family Services or any facility may petition to renew the admission of the child for additional periods not to exceed 60 days each. Each petition for renewal must set forth the specific reasons why further treatment in the facility is in the best interest of the child.*

3. *To grant a petition filed pursuant to subsection 2, the court must find by clear and convincing evidence that the child cannot be safely and effectively treated in a less restrictive appropriate environment. If the court finds that the child can be safely and effectively treated in a less restrictive appropriate environment, the court must order the discharge of the child from the facility.*

4. *A facility may unconditionally release a child who is admitted to the facility for nonemergency mental health treatment pursuant to section 38 of this act without an order of the court upon the recommendation of the psychiatrist and other persons professionally qualified in the field of psychiatric mental health who are responsible for treating the child. At least 30 days before the anticipated discharge, the facility shall provide notice of the recommendation to all parties. Such notice must include, without limitation, an explanation of the reasons that:*

(a) *The release is clinically appropriate; and*

(b) *The child can be safely and effectively treated in a less restrictive appropriate environment.*

Sec. 42. *A facility which provides care or treatment to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to section 38 of this act shall develop a written plan, in consultation with the child, for the continued care or treatment of the child upon discharge from the facility. The plan must:*

1. *Be developed not later than 30 days after the child is admitted to the facility and be updated on an ongoing basis throughout the admission;*

2. *Be submitted to the court after each period of admission ordered by the court pursuant to section 38 of this act in the manner set forth in section 41 of this act; and*

3. *Include, without limitation:*

(a) *The anticipated length of treatment and the anticipated date of discharge of the child from the facility, if known;*

(b) *The name of any person professionally qualified in the field of psychiatric mental health who will provide care or treatment to the child after the child is discharged from the facility, if known;*

(c) A plan for any appropriate care or treatment for the child for at least 60 days after the child is discharged from the facility; and

(d) The recommended type of placement of the child after the child is discharged from the facility.

Sec. 43. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, **and section 31 of this act** have the meanings ascribed to them in those sections.

Sec. 44. ~~[NRS 432B.159 is hereby amended to read as follows:~~

~~432B.159 1. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking custody does not rebut the presumption, the court shall not enter an order for sole or joint custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:~~

~~—(a) Findings of fact that support the determination that one or more acts of abduction occurred; and~~

~~—(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted;~~

~~2. For purposes of subsection 1, any of the following acts constitute conclusive evidence that an act of abduction occurred:~~

~~—(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;~~

~~—(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~—(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~3. If, after a court enters a final order concerning custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning custody, reconsider the previous order concerning custody pursuant to subsections 1 and 2.~~

~~4. A court, agency, institution or other person who places a child in protective custody shall not release a child to the custody of a person who a court has determined pursuant to this section has engaged in one or more acts~~

of abduction against the child or any other child, unless a court determines that it is in the best interest of the child for the perpetrator of the abduction to have custody of the child.

~~5. As used in this section [“abduction”]:~~

~~(a) “Abduction” means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~(b) “Magistrate” has the meaning ascribed to it in NRS 169.095.~~
(Deleted by amendment.)

Sec. 45. NRS 432B.250 is hereby amended to read as follows:

432B.250 Any person who is required to make a report pursuant to NRS 432B.220 may not invoke any of the privileges set forth in chapter 49 of NRS:

1. For failure to make a report pursuant to NRS 432B.220;
2. In cooperating with an agency which provides child welfare services or a guardian ad litem for a child; or
3. In any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive ~~[-]~~, **and sections 32 to 35, inclusive, of this act.**

Sec. 46. NRS 432B.290 is hereby amended to read as follows:

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

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

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

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

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

(1) The child; or

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

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

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

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

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

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

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

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(cc) The Committee to Review Suicide Fatalities created by NRS 439.5104.

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

(a) A copy of:

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

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

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

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

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

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

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

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

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

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

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

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

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

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

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

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

Sec. 47. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive **[1], and sections 32 to 35, inclusive, of this act.** Except as otherwise provided in subsection 3, if the person is indigent, the court may appoint an attorney to represent the person.

2. A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive **[1], and sections 32 to 35, inclusive, of this act.** The court shall appoint an attorney to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive **[1], and sections 32 to 35, inclusive, of this act.** The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

- (a) Shall appoint an attorney to represent the parent; and
 - (b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,
- ↪ as provided in the Indian Child Welfare Act.

4. Each attorney, other than an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed under the provisions of subsection 1 or 2, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime.

Sec. 48. ~~NRS 432B.430 is hereby amended to read as follows:~~
~~432B.430 1. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is 700,000 or more:~~
~~(a) Any proceeding held pursuant to NRS 432B.410 to 432B.500, inclusive, and sections 32 to 35, inclusive, of this act, other than a hearing held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 or a hearing held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately, must be open to the general public unless the judge or [master,] **juvenile magistrate**, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be closed to the general public because such closure is in the best interests of the child who is the subject of the proceeding. In determining whether closing all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or [master] **juvenile magistrate** must consider and give due weight to the desires of that child.~~
~~(b) If the judge or [master] **juvenile magistrate** determines pursuant to paragraph (a) that all or part of a proceeding must be closed to the general public:~~
~~(1) The judge or [master] **juvenile magistrate** must make specific findings of fact to support such a determination; and~~
~~(2) The general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or [master,] **juvenile magistrate**, may be admitted to the proceeding.~~
~~(c) Any proceeding held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 and any proceeding held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately must be closed to the general public unless the judge or [master,] **juvenile magistrate**, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or [master] **juvenile magistrate** must consider and give due weight to the desires of that child. If the judge or [master] **juvenile magistrate** determines pursuant to this paragraph that all or part of a proceeding must be open to the general~~

public, the judge or ~~[master]~~ **juvenile magistrate** must make specific findings of fact to support such a determination. Unless the judge or ~~[master]~~ **juvenile magistrate** determines pursuant to this paragraph that all or part of a proceeding described in this paragraph must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~[master,]~~ **juvenile magistrate** may be admitted to the proceeding.

~~2. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is less than 700,000:~~

~~(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, and sections 32 to 35, inclusive, of this act must be closed to the general public unless the judge or [master,] juvenile magistrate, upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or [master] juvenile magistrate shall consider and give due weight to the desires of that child.~~

~~(b) If the judge or [master] juvenile magistrate determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the judge or [master] juvenile magistrate must make specific findings of fact to support such a determination.~~

~~(c) Unless the judge or [master] juvenile magistrate determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or [master,] juvenile magistrate, may be admitted to the proceeding.~~

~~3. Except as otherwise provided in subsection 4 and NRS 432B.457, in a proceeding held pursuant to NRS 432B.470, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or [master,] juvenile magistrate, may be admitted to the proceeding.~~

~~4. In conducting a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, and sections 32 to 35, inclusive, of this act, a judge or [master] juvenile magistrate shall keep information confidential to the extent necessary to obtain federal funds in the maximum amount available to this state. (Deleted by amendment.)~~

Sec. 49. NRS 432B.4675 is hereby amended to read as follows:

432B.4675 Upon the entry of a final order by the court establishing a guardianship pursuant to NRS 432B.4665:

1. The custody of the child by the agency which has legal custody of the child is terminated;

2. The proceedings concerning the child conducted pursuant to NRS 432B.410 to 432B.590, inclusive, **and sections 32 to 35, inclusive, of this act** terminate; and

3. Unless subsequently ordered by the court to assist the court, the following agencies and persons are excused from any responsibility to participate in the guardianship case:

(a) The agency which has legal custody of the child;

(b) Any counsel or guardian ad litem appointed by the court to assist in the proceedings conducted pursuant to NRS 432B.410 to 432B.590, inclusive ~~to 432B.590~~, **and sections 32 to 35, inclusive, of this act**; and

(c) Any person nominated or appointed as the person who is legally responsible for the psychiatric care of the child pursuant to NRS 432B.4684 or 432B.4685, respectively.

Sec. 50. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be presented at the first hearing to occur after the siblings are separated and approved by the court. The plan for visitation must be updated as necessary to reflect any change in the placement of the child or a sibling, including, without limitation, any such change that occurs after the termination of parental rights to the child or a sibling or the adoption of a sibling.

(c) Information concerning the child's education, including:

(1) A copy of any academic plan or individual graduation plan developed for the child pursuant to NRS 388.155, 388.165, 388.205 or 388.227;

- (2) The grade and school in which the child is enrolled;
 - (3) The name of each school the child attended before enrolling in the school in which he or she is currently enrolled and the corresponding dates of attendance;
 - (4) Whether the child has not completed or passed any course of instruction that the child should have completed or passed by the time the report is submitted, which has resulted in the child having a deficiency in credits;
 - (5) A copy of any individualized education program developed for the child;
 - (6) A copy of any plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;
 - (7) A summary of any special education services received by the child;
 - (8) A copy of the most recent report card of the child;
 - (9) A statement of the number of credits earned by the child during the most recent semester, if applicable;
 - (10) A statement of the number of times the child has been absent from school during the current or most recent school year for which the child was enrolled in school;
 - (11) The scores the child received on any academic assessments or standardized examinations administered to the child;
 - (12) Any information provided by the educational decision maker appointed for the child pursuant to NRS 432B.462; and
 - (13) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request.
- (d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. Upon the issuance of such an order, the court shall provide each sibling of the child with the case number of the proceeding for the purpose of allowing the sibling to petition the court for visitation or enforcement of the order for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in subsection 7 and subsection 5 of NRS 432B.520, notice of the hearing must be filed with the court and must be given by first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to:

- (a) All the parties to any of the prior proceedings;
- (b) Any persons planning to adopt the child;
- (c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to this section or NRS 127.171 and his or her attorney, if any;
- (d) Any other relatives of the child or providers of foster care who are currently providing care to the child; and
- (e) The educational decision maker appointed for the child pursuant to NRS 432B.462.

7. The notice of the hearing required to be filed and given pursuant to subsection 6:

- (a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;
- (b) Must not include any confidential information described in NRS 127.140;
- (c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040; and
- (d) Need not be given to a parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall, after considering the report provided in subsection 2 and any other relevant evidence, determine based on a preponderance of the evidence:

- (a) The continuing necessity for and appropriateness of the placement;
- (b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;
- (c) Any progress which has been made in alleviating the problem which resulted in the placement of the child;
- (d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship; and

(e) Whether the child is making adequate academic progress and receiving the educational services or supports necessary to ensure the academic success of the child.

10. *If the child is placed in a qualified residential treatment program, the determination pursuant to paragraph (a) of subsection 9 must include, without limitation, a finding on each factor prescribed by subsection 4 of section 35 of this act.*

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

~~{11.}~~ **12.** As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 51. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in subsection 2 and NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

↪ Notice of this hearing must be filed with the court and must be given by first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

2. A parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.

3. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 a right to be heard at the hearing.

4. At the hearing, the court shall review the report submitted by the agency which provides child welfare services pursuant to subsection 2 of NRS 432B.580, any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and any other relevant evidence and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine, based on a preponderance of the evidence:

(a) Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of NRS 432B.553;

(b) Whether, and if applicable when:

(1) The child should be returned to the parents of the child or placed with other relatives;

(2) It is in the best interests of the child to:

(I) Initiate proceedings to terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption;

(II) Initiate proceedings to establish a guardianship pursuant to chapter 159A of NRS; or

(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of a child who has attained the age of 16 years in another permanent living arrangement;

(c) If the child will not be returned to the parents of the child, whether the agency with legal custody of the child fully considered placement options both within and outside of this State;

(d) If the child has attained the age of 14 years, whether the child will receive the services needed to assist the child in transitioning to independent living; and

(e) If the child has been placed outside of this State, whether the placement outside of this State continues to be appropriate for and in the best interests of the child.

5. The court shall prepare an explicit statement of the facts upon which each of its determinations is based pursuant to subsection 4. If the court determines that it is not in the best interests of the child to be returned to his or her parents, or to be placed for adoption, with a legal guardian or with a relative, the court must include compelling reasons for this determination and an explanation of those reasons in its statement of the facts.

6. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

7. The provisions of this section do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

8. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

9. This hearing may take the place of the hearing for review required by NRS 432B.580.

10. ***If a hearing pursuant to this section concerns a child who has been placed in a qualified residential treatment program, the hearing must***

include, without limitation, a review of that placement conducted in the manner prescribed by section 35 of this act.

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 52. NRS 432B.595 is hereby amended to read as follows:

432B.595 1. Upon the request of a young adult who satisfies the requirements of subsection 1 of NRS 432B.594 to participate in the Program, the agency which provides child welfare services shall develop a written extended youth support services plan to assist the young adult in transitioning to self-sufficiency. Such a plan must include, without limitation:

(a) The persons or entities that will receive payments from the agency which provides child welfare services and the manner in which such payments will be allocated. The agency which provides child welfare services may make payments to more than one person or entity authorized to receive payments pursuant to subsection 2.

(b) The goals set forth in subsection 3.

2. The plan developed pursuant to subsection 1 may provide for the agency which provides child welfare services to make direct payments to:

(a) A foster home.

(b) A qualified residential treatment program.

(c) A child care institution.

(d) A person or entity, including, without limitation, a relative or fictive kin, who provides a supervised arrangement for independent living where the participant resides.

(e) A landlord, property manager or other entity that collects rental payments for housing.

(f) A participant.

(g) Any combination of the persons or entities listed in paragraphs (a) to (f), inclusive.

3. The plan developed pursuant to subsection 1 must include, without limitation, the following goals:

(a) That the young adult save enough money to pay for his or her monthly expenses for at least 3 months;

(b) If the young adult has not graduated from high school or obtained a general equivalency diploma or an equivalent document, that the young adult obtain a high school diploma or general equivalency diploma;

(c) If the young adult has graduated from high school or obtained a general equivalency diploma or an equivalent document, that the young adult:

(1) Complete a program of postsecondary or vocational education;

(2) Complete a program or activity designed to promote employment or remove obstacles to employment; or

(3) Be employed at least 80 hours per month;

(d) That the young adult secure housing;

(e) That the young adult have adequate income to meet his or her monthly expenses;

(f) That the young adult identify an adult who will be available to provide support to the young adult; and

(g) If applicable, that the young adult have established appropriate supportive services to address any mental health or developmental needs of the young adult.

4. If a young adult is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, of subsection 3, the young adult must have goals which are appropriate for the young adult based upon the needs of the young adult.

5. Based upon the needs of a participant, the agency which provides child welfare services may, at any time, after consulting with the participant, revise:

(a) The persons or entities to whom a payment is made pursuant to subsection 2.

(b) The manner in which payments are allocated between persons or entities to whom payments are made pursuant to subsection 2.

6. The plan developed pursuant to subsection 1 must be annually reviewed and mutually agreed upon by the young adult and the agency which provides child welfare services at the hearing required by NRS 432B.601.

7. The agency which provides child welfare services shall:

(a) Monitor the plan developed pursuant to subsection 1 and adjust the plan as necessary;

(b) Contact the young adult by telephone at least once each month and in person at least quarterly;

(c) Ensure that the young adult meets with a person who will provide guidance to the young adult and make the young adult aware of the services which will be available to the young adult; and

(d) Conduct a meeting with the young adult at least 30 days, but not more than 45 days, before he or she reaches the age of 21 years to determine whether the young adult requires any additional guidance.

8. As used in this section:

(a) "Child care institution" has the meaning ascribed to it in NRS 432A.0245.

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

~~[(c) "Qualified residential treatment program" has the meaning ascribed to it in 42 U.S.C. § 672.]~~

Sec. 53. NRS 432B.607 is hereby amended to read as follows:

432B.607 As used in NRS 432B.607 to 432B.6085, inclusive, **and sections 35.3 to 42, inclusive, of this act**, unless the context otherwise requires, the words and terms defined in NRS 432B.6071 to 432B.6074, inclusive, have the meanings ascribed to them in those sections.

Sec. 54. NRS 432B.6075 is hereby amended to read as follows:

432B.6075 1. ~~[A proceeding for a court-ordered admission of a child alleged to be]~~ **If** a child with an emotional disturbance who is in the custody

of an agency which provides child welfare services *is admitted* to a facility ~~[may be commenced by the filing of]~~ ***under an emergency admission and the child has not been released within 5 days after the admission, the agency which provides child welfare services shall file*** a petition ***to continue the emergency admission, not later than 5 days after the admission,*** with the clerk of the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent ***or guardian*** of the child. The petition must be accompanied ~~by~~:

~~—(a) By~~ ***by*** a certificate of a physician, a psychiatrist ~~[or licensed]~~, a psychologist ~~[stating]~~ ***or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120:***

(a) Stating that the physician, psychiatrist, ~~[or licensed]~~ psychologist ***or advanced practice registered nurse*** has examined the child ~~[alleged to be a child with an emotional disturbance]~~ ***who is the subject of the petition*** and has concluded that the child ~~[has]~~ ***is a child with*** an emotional disturbance and, because of that condition, ~~[is likely to harm himself or herself or others if allowed liberty; or~~

~~—(b) By a sworn written statement by the petitioner that:~~

~~—(1) The petitioner has, based upon personal observation of the child alleged to be a child with an emotional disturbance, probable cause to believe that the child has an emotional disturbance and, because of that condition, is likely to harm himself or herself or others if allowed liberty; and~~

~~—(2) The child alleged to be a child with an emotional disturbance has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.]~~ ***the child is a person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment and includes, if available, the date on which the child will be discharged from the emergency admission to the facility; or***

(b) By a sworn written statement by the petitioner that the child is:

(1) A person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to herself or himself or others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment; and

(2) Is alleged to be a child with an emotional disturbance and has refused to submit to examination or treatment by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120.

2. ~~[If a]~~ ***A child who is the subject of a*** petition filed pursuant to this section ~~[is to continue the placement of the child after an emergency admission, the petition must be filed not later than 5 days after the emergency~~

~~admission or the child must be released.}] or the parent or guardian of such a child may oppose the petition:~~

~~(a) Orally at a hearing on the petition; or~~

~~(b) By filing a written opposition with the court.~~

Sec. 55. NRS 432B.6076 is hereby amended to read as follows:

432B.6076 1. ~~[Except as otherwise provided in NRS 432B.6077, if] A child who is the subject of a petition submitted pursuant to NRS 432B.6075 may, after conferring with his or her attorney, submit to the court written consent, or provide oral consent in the record of the court, to continue the emergency admission. Upon receiving such consent, the court may order the continuation of the emergency admission if it finds that continuing the emergency admission is in the best interests of the child.~~

2. ~~A court that receives a petition submitted pursuant to NRS 432B.6075 to continue the emergency admission of a child alleged to be a child with an emotional disturbance to a facility shall conduct a hearing on the petition, unless otherwise ordered by the court.~~

3. ~~Except as otherwise provided in subsection 1, a court may order the continuation of the emergency admission of a child with respect to whom a petition was filed pursuant to NRS 432B.6075 to a facility only if the court finds [after proceedings for the court-ordered admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility, including, without limitation, an evidentiary hearing:~~

~~—(a) That there is not clear and convincing evidence that the child with respect to whom the hearing was held exhibits observable behavior such that the child is likely to harm himself or herself or others if allowed liberty, the court shall enter its finding to that effect and the child must not be admitted to a facility.~~

~~—(b) That there is] by clear and convincing evidence that the child [with respect to whom the hearing was held is in need of treatment in a facility and is likely to harm himself or herself or others if allowed liberty, the court may order the admission of the child for the most appropriate course of treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the admission, the child is unconditionally released from the facility pursuant to NRS 432B.6084.~~

~~—2. Before issuing an order for admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the child, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the child.]:~~

~~(a) Is a child with an emotional disturbance; and~~

~~(b) Is a person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to himself or herself or~~

others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment.

4. The court shall issue a written order on a petition submitted pursuant to NRS 432B.6075. If the court:

(a) Orders the continuation of the emergency admission, the order must include specific findings concerning each factor prescribed by subsection 3.

(b) Does not order the continuation of the emergency admission, the court must enter its findings to that effect and order the discharge of the child from the facility.

Sec. 56. NRS 432B.6078 is hereby amended to read as follows:

432B.6078 1. ~~{Not later than 5 days after a child who is in the custody of an agency which provides child welfare services has been admitted to a facility pursuant to NRS 432B.6076, the agency which provides child welfare services shall inform the child of his or her legal rights and the provisions of NRS 432B.607 to 432B.6085, inclusive, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, and, if the child or the child's attorney desires, assist the child in requesting}~~ **A child or a parent or legal guardian of the child who opposes a petition to continue an emergency admission pursuant to subsection 2 of NRS 432B.6075 may petition** the court to authorize a second examination ~~{by an evaluation team that includes a physician, psychiatrist or licensed psychologist who are not employed by, connected to or otherwise affiliated with the facility other than a physician, psychiatrist or licensed psychologist who performed an original examination which authorized the court to order the admission of the child to the facility.}~~ **of any child examined pursuant to subsection 1 of NRS 432B.6075. The court shall authorize a second examination upon receiving such a petition.** A second examination must be ~~{conducted}~~ **completed** not later than ~~{5 business}~~ 6 days after the court authorizes the examination.

2. If the court authorizes a second examination of the child, the examination must:

(a) Be conducted by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 who is not:

(1) The same physician, psychiatrist, psychologist or advanced practice registered nurse who completed the certificate pursuant to subsection 1 of NRS 432B.6075 or a physician, psychologist or advanced practice registered nurse who participated in the examination conducted pursuant to that subsection; or

(2) Employed by, connected to or otherwise affiliated with the facility where the child is admitted;

(b) Include, without limitation, an evaluation ~~{concerning whether the child should remain in the facility and a recommendation concerning the appropriate placement of the child which must be provided to the facility;}~~ of the diagnosis

of the child, whether the child presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, and whether the emergency admission should be continued; and

~~[(b)]~~ (c) Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 57. NRS 432B.6079 is hereby amended to read as follows:

432B.6079 In determining pursuant to NRS 432B.6076 and 432B.608 whether to issue or renew an order ~~for~~ **to continue** the **emergency** admission of a child who is in the custody of an agency which provides child welfare services to a facility, the court shall consider:

1. The reports of any examinations or evaluations of a child by any ~~psychologist, psychiatrist or other physician;~~ **person professionally qualified in the field of psychiatric mental health;**

2. Any information concerning ~~the child provided to the court by a licensed clinical social worker or other professional or any adult caretaker who is knowledgeable about the child or a guardian ad litem appointed for the child pursuant to NRS 432B.500;~~ **whether the child presents a substantial likelihood of serious harm to himself or herself or others provided by:**

(a) **A person professionally qualified in the field of psychiatric mental health;**

(b) **A representative of the agency which provides child welfare services;**

(c) **An adult caretaker who is knowledgeable about the child; or**

(d) **A guardian ad litem appointed for the child pursuant to NRS 432B.500;**

3. The wishes of the child concerning care, treatment ~~and training~~ and ~~placement in a~~ **emergency admission to the** facility;

4. The best interests of the child, including, without limitation, whether the court believes the child might experience any psychological trauma from ~~court ordered~~ **continued emergency** admission;

5. Any alternative care ~~or~~ **or** treatment ~~for training~~ options; and

6. Any other information the court deems relevant concerning the child.

Sec. 58. NRS 432B.608 is hereby amended to read as follows:

432B.608 1. If the court issues an order ~~for~~ **to continue** the **emergency** admission to a facility of a child who is in the custody of an agency which provides child welfare services pursuant to NRS 432B.6076, the ~~admission~~ automatically expires at the end of 90 days if not terminated previously by the facility as provided for in subsection 2 of NRS 432B.6084.

~~2. At the end of the court ordered period of treatment, the agency which provides child welfare services, the Division of Child and Family Services or any facility may petition to renew the admission of the child for additional periods not to exceed 60 days each.~~

~~3. For each renewal, the petition must set forth the specific reasons why further treatment in the facility would be in the best interests of the child and the court shall apply the same standards when considering a petition to renew~~

~~the admission of the child as were applied for the original petition for the court-ordered admission of the child.]~~ **order must be interlocutory, and the child must be discharged from the facility if the order is not renewed within 14 days after the order is issued.**

2. A facility may unconditionally release a child who is admitted under an emergency admission that has been continued pursuant to NRS 432B.6076 without a prior order of the court upon the written recommendation of the psychiatrist and other person professionally qualified in the field of psychiatric mental health who are responsible for treating the child. Upon receipt of such a recommendation, the facility shall provide notice of the recommendation to the agency which provides child welfare services and the agency shall notify all parties and the court. Such notice must include, without limitation, an explanation of the reasons that:

(a) The release is clinically appropriate; and

(b) The child is capable of being safely and effectively treated in a less restrictive appropriate environment.

Sec. 59. NRS 432B.6081 is hereby amended to read as follows:

432B.6081 A facility which provides care ~~and~~ **or** treatment ~~for training~~ to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility **under an emergency admission continued** pursuant to NRS 432B.6076 shall develop a **written** plan, in consultation with the child, for the continued care ~~and~~ **or** treatment ~~and training~~ of the child upon discharge from the facility. The plan must:

1. Be developed ~~not later than 10 days after the child is admitted~~ **at the time of the emergency admission of a child** to the facility ~~and~~ **and revised on an ongoing basis for the duration of the emergency admission based on the clinical status of the child;**

2. Be submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608; and

3. Include, without limitation:

(a) The anticipated date of discharge of the child from the facility;

(b) The name of any ~~psychiatrist or psychologist~~ **person professionally qualified in the field of psychiatric mental health** who will provide care ~~and~~ **or** treatment ~~for training~~ to the child after the child is discharged from the facility, if ~~appropriate~~ **known;**

(c) A plan for any appropriate care ~~and~~ **or** treatment ~~for training~~ for the child for at least 30 days after the child is discharged from the facility; and

(d) The ~~suggested~~ **recommended type of** placement ~~for~~ **for** the child after the child is discharged from the facility.

Sec. 60. NRS 432B.60845 is hereby amended to read as follows:

432B.60845 A facility which provides care ~~and~~ **or** treatment ~~for training~~ to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to NRS 432B.6076 **or section 38 of this act** shall:

1. Ensure that each employee of the facility who comes into direct contact with children at the facility receives, within 90 days after employment and annually thereafter, training that has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children;

2. Ensure that each child who is placed in the facility is treated in all respects in accordance with the child's gender identity or expression; and

3. Follow the protocols prescribed in the regulations adopted pursuant to NRS 432B.172 when placing the child within the facility.

Sec. 61. NRS 432B.60847 is hereby amended to read as follows:

432B.60847 1. A psychiatric hospital to which a child who is in the custody of an agency which provides child welfare services is admitted pursuant to NRS 432B.6076 **or section 38 of this act** shall, in consultation with the public or private school in which the child was enrolled when he or she was admitted to the psychiatric hospital, any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the psychiatric hospital, the agency which provides child welfare services and any person responsible for the education of the child, develop a plan for the continued education of the child while the child remains enrolled in the public or private school or the school district yet is admitted to the psychiatric hospital. The plan must be:

(a) Provided to the child, the agency which provides child welfare services, the child's caseworker, if applicable, any person responsible for the education of the child, the school and, if applicable, the school district; and

(b) Submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608 ~~47~~ **or section 38 of this act in the manner set forth in section 41 of this act.**

2. A plan for the continued education of a child developed pursuant to subsection 1 must include, without limitation:

(a) The number of hours of instruction each week that must be provided to the child while the child is admitted to the psychiatric hospital;

(b) Provisions for the transfer of instructional materials to the psychiatric hospital from the school in which the child was enrolled when he or she was admitted to the psychiatric hospital;

(c) Procedures for monitoring the implementation of the plan and the appropriateness of the instruction being provided to the child;

(d) If an individualized education program or services plan has been developed for the child and provided to the psychiatric hospital pursuant to NRS 392.857 or 394.1998, provisions to ensure that the psychiatric hospital maintains compliance with the individualized education program or services plan, as applicable; and

(e) A plan for continuing the education of the child after he or she is discharged from the psychiatric hospital, including, without limitation, a plan for transitioning the child into a school or any other educational setting in which the child will receive instruction after discharge.

3. Before admission of a child who is in the custody of an agency which provides child welfare services to a facility which provides residential treatment for mental illness, the public or private school or any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the facility must:

(a) For a child who is a pupil with a disability, convene an individualized education program meeting to consider the appropriateness of a residential placement under federal law as it relates to the child's education needs;

(b) Convene a meeting of representatives of the public or private school in which the child was enrolled, the school district in which the child was enrolled, the agency which provides child welfare services, any person responsible for the education of the child and any other organization that provides support to the child, as appropriate, to consider, pursuant to the statewide framework for integrated student supports established pursuant to NRS 388.885, the appropriateness of a residential placement;

(c) Monitor the child's progress while the child is admitted to the facility; and

(d) Participate in discharge planning for transitioning the child into a school or any other educational setting in which the child will receive instruction after discharge. The Department of Education shall adopt regulations necessary to carry out the provisions of this paragraph.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Person responsible for the education of the child" includes, without limitation, the parent or guardian of the child and any educational decision maker appointed for the child pursuant to NRS 432B.462.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

(d) "Public school" includes, without limitation, a university school for profoundly gifted pupils.

(e) "Services plan" has the meaning ascribed to it in 34 C.F.R. § 300.37.

Sec. 62. NRS 432B.6085 is hereby amended to read as follows:

432B.6085 1. Nothing in this chapter purports to deprive any person of any legal rights without due process of law.

2. Unless the context clearly indicates otherwise, the provisions of NRS 432B.607 to 432B.6085, inclusive, **and sections 35.3 to 42, inclusive, of this act**, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, apply to all children who are in the custody of an agency which provides child welfare services.

Sec. 63. NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person in a mental health crisis is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless:

(a) A person described in NRS 433A.160 places the person on a mental health crisis hold; and

(b) The requirements prescribed by NRS 433A.162 have been met.

2. Except as otherwise provided in subsection 3 ~~1~~ and **NRS 432B.6075**, a person whose status is changed pursuant to subsection 1 must not be detained in excess of 72 hours, including weekends and holidays, after the person is placed on a mental health crisis hold pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 64. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. A person alleged to be a person in a mental health crisis who is placed on a mental health crisis hold pursuant to NRS 433A.160 may, subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital for assessment, evaluation, intervention and treatment, regardless of whether any parent or legal guardian of the person has consented to the mental health crisis hold.

2. Except as otherwise provided in subsection 3 ~~1~~ and **NRS 432B.6075**, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the person is placed on a mental health crisis hold pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 65. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075 ~~1~~ and **section 37 of this act**, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility with the clerk of the district court of the county where the person who is to be treated resides or the county where a mental health facility that is willing to admit the person is located. The petition may be filed by any physician, physician assistant, psychologist, social worker or registered nurse or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that he or she has examined the person alleged to be a person in a mental health crisis and has concluded that the person is a person in a mental health crisis; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person in a mental health crisis, probable cause to believe that the person is a person in a mental health crisis and the person alleged to be a person in a mental health crisis has refused to submit to examination or treatment by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(2) The person alleged to be a person in a mental health crisis has been placed on a mental health crisis hold pursuant to NRS 433A.160 and the physician, physician assistant or advanced practice registered nurse who examined the person alleged to be a person with a mental health crisis pursuant to NRS 433A.165 determined that the person has a medical condition, other than a psychiatric condition, which requires immediate treatment.

2. Except as otherwise provided in NRS 432B.6075 ~~and~~ **and section 37 of this act**, if the person to be treated is an unemancipated minor and the petitioner is a person other than a parent or guardian of the minor, a petition submitted pursuant to subsection 1 must, in addition to the certificate or statement required by that subsection, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 66. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and ~~432B.6077,~~ **section 38 of this act**, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held is a person in a mental health crisis, the court must enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility. If the person has been detained in a public or private mental health facility or hospital under a mental health crisis hold pursuant to NRS 433A.160, including, without limitation, where the person has been admitted under an emergency admission pursuant to NRS 433A.162, the court must issue a written order requiring the facility or hospital to release the person not later than 24 hours after the court issues the order, unless the person applies for admission as a voluntary consumer pursuant to NRS 433A.140.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held is a person in a mental health crisis, the court may order the involuntary admission of the person to a public or private mental health facility. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. Except as otherwise provided in NRS 432B.608 ~~§~~ **and section 41 of this act**, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility after a determination by the physician primarily responsible for treating the patient, a psychiatrist or an advanced practice registered nurse as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608 ~~§~~ **and section 41 of this act**, at the end of the involuntary court-ordered admission, the Division or any mental health facility that is not operated by the Division may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility.

3. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including assisted outpatient treatment, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

4. If the court issues an order involuntarily admitting a person to a public or private mental health facility pursuant to this section, the court must, notwithstanding the provisions of NRS 433A.715, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to:

(a) The Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System; and

(b) Each law enforcement agency of this State with which the court has entered into an agreement for such transmission, along with a statement indicating that the record is being transmitted for inclusion in each of this State's appropriate databases of information relating to crimes.

5. After issuing an order pursuant to this section, a court shall not transfer the case to another court.

6. A public or private mental health facility to which a person is involuntarily admitted pursuant to this section shall notify the court and the counsel for the person if the person is transferred to another facility.

7. As used in this section, “National Instant Criminal Background Check System” has the meaning ascribed to it in NRS 179A.062.

Sec. 67. NRS 433A.390 is hereby amended to read as follows:

433A.390 1. When a consumer, involuntarily admitted to a mental health facility or required to receive assisted outpatient treatment by court order, is released at the end of the period specified pursuant to NRS 433A.310 or 433A.343, as applicable, written notice must be given to the court that issued the order not later than 3 judicial days after the release of the consumer. The consumer may be released without requiring further orders of the court. If the consumer has a legal guardian, the facility or the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the facility or treatment or, if the consumer will be released in less than 3 days, as soon as practicable.

2. The legal guardian of a consumer involuntarily admitted to a mental health facility, if applicable, has discretion to determine where the consumer will be released pursuant to subsection 1, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility must discharge the consumer according to its proposed discharge plan.

3. ~~{A}~~ ***Except as otherwise provided in NRS 432B.608 and section 41 of this act, a*** consumer who is involuntarily admitted to a mental health facility may be unconditionally released before the period specified in NRS 433A.310 when the physician primarily responsible for treating the patient, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 determines that the consumer is no longer a person in a mental health crisis. If the consumer has a legal guardian, the facility shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the facility or, if the consumer will be released in less than 3 days, as soon as practicable. The legal guardian, if applicable, has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

4. A consumer who is required to receive assisted outpatient treatment may be unconditionally released before the period specified in NRS 433A.343 when the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment for the consumer determines that:

(a) The consumer no longer requires assisted outpatient treatment to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis;

(b) The consumer is willing and likely to voluntarily participate in outpatient treatment that enables the person to live safely in the community without the supervision of the court; or

(c) After the order for assisted outpatient treatment has been effective for at least 30 days, the assisted outpatient treatment is not meeting the needs of the consumer.

5. If a consumer who will be released from assisted outpatient treatment pursuant to subsection 4 has a legal guardian, the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment to the consumer shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the treatment or, if the consumer will be released in less than 3 days, as soon as practicable.

6. Notification of a guardian pursuant to subsection 1, 3 or 5 must be provided:

(a) In person or by telephone; or

(b) If the mental health facility or the person professionally qualified in the field of psychiatric mental health, as applicable, is not able to contact the guardian in person or by telephone, by facsimile, electronic mail or certified mail.

7. A mental health facility or a person professionally qualified in the field of psychiatric mental health responsible for providing treatment to a consumer shall provide written notice to the court that issued the order not later than 3 judicial days after unconditionally releasing a consumer pursuant to subsection 3 or 4.

Sec. 68. ~~INRS 481.091 is hereby amended to read as follows:~~

~~481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:~~

~~(a) Any justice or judge in this State.~~

~~(b) Any senior justice or senior judge in this State.~~

~~(c) Any court-appointed master or magistrate in this State.~~

~~(d) Any clerk of the court, court administrator or court executive officer in this State.~~

~~(e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~—(g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~—(h) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~—(1) Interacts with the public; and~~

~~—(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~—(i) Any county manager in this State.~~

~~—(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~

~~—(1) Who possesses specialized training in code enforcement;~~

~~—(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~—(3) Whose primary duties are the performance of tasks related to code enforcement.~~

~~—(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.~~

~~—(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.~~

~~—(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.~~

~~—(n) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~

~~—2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:~~

~~—(a) That he or she is a person described in subsection 1; and~~

~~—(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.~~

~~—3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.~~

~~—4. The Department may adopt regulations to carry out the provisions of this section.~~

~~—5. As used in this section:~~

~~—(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~—(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~—(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~—(d) “Social worker” means any person licensed under chapter 641B of NRS.~~ **(Deleted by amendment.)**

Sec. 69. ~~{NRS 483.443 is hereby amended to read as follows:~~

~~—483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:~~

~~—(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or~~

~~—(b) Is in arrears in the payment for the support of one or more children;~~

~~—* send a written notice to that person that his or her driver’s license is subject to suspension.~~

~~—2. The notice must include:~~

~~—(a) The reason for the suspension of the license;~~

~~—(b) The information set forth in subsections 3, 5 and 6; and~~

~~—(c) Any other information the Department deems necessary.~~

~~—3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.~~

~~—4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 or 484A.7047.~~

~~—5. The Department shall reinstate the driver’s license of a person whose license was suspended pursuant to this section if it receives:~~

~~—(a) A notice from any of the following:~~

~~—(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section.~~

~~—(2) A traffic commissioner, referee, hearing master, **magistrate appointed by the court**, municipal judge, justice of the peace or district judge, as applicable, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.~~

~~—(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and~~

~~—(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.~~

~~—6. The Department shall not require a person whose driver’s license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.~~ **(Deleted by amendment.)**

Sec. 70. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the diagnoses, evaluations and examinations described in NRS **432B.6078**, 433A.162, 433A.240, 433A.335, 433A.390, 433A.430, 484C.300, 484C.320, 484C.330, 484C.340 and 484C.350 ~~and~~ **and section 39 of this act**, the certifications described in NRS **432B.6075**, 433A.170, 433A.195 and 433A.200 **and section 37 of this act** and the sworn statements or declarations described in NRS 433A.210 and 433A.335.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➡ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term “in the process of obtaining accreditation.”

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 71. (Deleted by amendment.)

Sec. 71.5. ~~{The changes made by sections 17 and 29 of this act must not be construed to require the Division of Welfare and Supportive Services of the Department of Health and Human Services to modify any of the forms generated by the computer systems of the Division for the purpose of changing the term “master” to the term “magistrate.” The term “master,” as used in any such forms, shall be deemed to refer to a child support magistrate as set forth in sections 17 and 29 of this act.}~~ **(Deleted by amendment.)**

Sec. 72. 1. The provisions of sections 32, 33 and 34 of this act apply to any proceedings to which those provisions would otherwise apply which are instituted before, on or after October 1, 2023.

2. The provisions of section 35 of this act apply to any child in the custody of an agency which provides child welfare services who is placed in a qualified residential treatment program before, on or after October 1, 2023.

3. The provisions of section 36 and 75 of this act apply to any child in the custody of an agency which provides child welfare services who has been admitted to a facility where the admission is effective on or after October 1, 2023.

4. The provisions of sections 37 to 42, inclusive, of this act apply to any child in the custody of an agency which provides child welfare services:

- (a) Who has been admitted to a facility; and
- (b) Whose status is not that of an emergency consumer on or after October 1, 2023, regardless of the date on which he or she was admitted.

5. The amendatory provisions of sections 54 to 59, inclusive, of this act apply to any child in the custody of an agency which provides child welfare services:

- (a) Who has been admitted to a facility; and
- (b) Whose status is that of an emergency consumer on or after October 1, 2023, regardless of the date on which he or she was admitted.

6. As used in this section:

(a) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

(b) “Facility” has the meaning ascribed to it in NRS 432B.6072.

(c) “Qualified residential treatment program” has the meaning ascribed to it in section 31 of this act.

Sec. 73. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 74. ~~[(The Legislative Counsel shall, in preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately:]~~

~~1. The term “juvenile magistrate” for the term “master” or “master of the juvenile court” as previously used in title 5 and chapter 432B of NRS; and~~

~~2. The term “child support magistrate” for the term “master” as previously used in chapter 425 of NRS.]~~ **(Deleted by amendment.)**

Sec. 75. NRS 432B.6077, 432B.6083 and 432B.6084 are hereby repealed.

Sec. 76. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 51, inclusive, and 53 to 75, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

3. Section 52 of this act becomes effective on January 1, 2024.

TEXT OF REPEALED SECTIONS

432B.6077 Petition required before child may be placed in facility other than under emergency admission; psychological examination of child required under certain circumstances; placement in less restrictive environment; any person may oppose petition.

1. An agency which provides child welfare services shall not place a child who is in the custody of the agency in a facility, other than under an emergency admission, unless the agency has petitioned the court for the court-ordered admission of the child to a facility pursuant to NRS 432B.6075.

2. If a petition for the court-ordered admission of a child filed pursuant to NRS 432B.6075 is accompanied by the information described in paragraph (b) of subsection 1 of NRS 432B.6075, the court shall order a psychological evaluation of the child.

3. If a court which receives a petition filed pursuant to NRS 432B.6075 for the court-ordered admission to a facility of a child who is in the custody of an agency which provides child welfare services determines pursuant to subsection 2 of NRS 432B.6076 that the child could be treated effectively in a less restrictive appropriate environment than a facility, the court must order the placement of the child in a less restrictive appropriate environment. In making such a determination, the court may consider any information provided to the court, including, without limitation:

(a) Any information provided pursuant to subsection 4;

(b) Any suggestions of psychologists, psychiatrists or other physicians who have evaluated the child concerning the appropriate environment for the child; and

(c) Any suggestions of licensed clinical social workers or other professionals or any adult caretakers who have interacted with the child and have information concerning the appropriate environment for the child.

4. If a petition for the court-ordered admission of a child who is in the custody of an agency which provides child welfare services is filed pursuant to NRS 432B.6075:

(a) Any person, including, without limitation, the child, may oppose the petition for the court-ordered admission of the child by filing a written opposition with the court or stating the opposition in court; and

(b) The agency which provides child welfare services must present information to the court concerning whether:

(1) A facility is the appropriate environment to provide treatment to the child; or

(2) A less restrictive appropriate environment would serve the needs of the child.

432B.6083 Conditional release: Authorized circumstances; duration; no liability of State; notice to court and attorney of agency; order to return to facility; judicial review of order to return to facility.

1. Except as otherwise provided in subsection 3, any child who is admitted to a facility by a court pursuant to NRS 432B.6076 may be conditionally released from the facility when, in the judgment of the medical director of the facility, the conditional release is in the best interest of the child and will not be detrimental to the public welfare. The medical director of the facility or the designee of the medical director shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of treatment specified pursuant to NRS 432B.608.

2. When a child is conditionally released pursuant to subsection 1, the State or a county, or any of its agents or employees, is not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the child.

3. A child who was admitted by a court because the child was likely to harm others if allowed to remain at liberty may be conditionally released only if, at the time of the release, written notice is given to the court which admitted the child and to the attorney of the agency which provides child welfare services that initiated the proceedings for admission.

4. Except as otherwise provided in subsection 6, the administrative officer of a facility or the designee of the administrative officer shall order a child who is conditionally released from that facility pursuant to this section to return to the facility if a psychiatrist and a member of that child's treatment team who is professionally qualified in the field of psychiatric mental health determine that the conditional release is no longer appropriate because that child presents a clear and present danger of harm to himself or herself or others. Except as otherwise provided in this subsection, the administrative officer or the designee of the administrative officer shall, at least 3 days before the issuance of the order to return, give written notice of the order to the court that admitted

the child to the facility. If an emergency exists in which the child presents an imminent threat of danger of harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the child who was ordered to return to the facility at its next regularly scheduled hearing for the review of petitions for court-ordered admissions, but in no event later than 5 judicial days after the child is returned to the facility. The administrative officer or the designee of the administrative officer shall give written notice to the agency which provides child welfare services, to the child who was ordered to return to the facility and to the child's attorney of the time, date and place of the hearing and of the facts necessitating that child's return to the facility.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

432B.6084 Release without further order of court; early release.

1. When a child who is admitted to a facility by a court pursuant to NRS 432B.6076 is released at the end of the court-ordered period of treatment specified pursuant to NRS 432B.608, written notice must be given to the admitting court at least 10 days before the release of the child. The child may then be released without requiring further orders of the court.

2. A child who is admitted to a facility by a court pursuant to NRS 432B.6076 may be unconditionally released before the court-ordered period of treatment specified in NRS 432B.608 when:

(a) An evaluation team, including, without limitation, an evaluation team that conducts an examination pursuant to NRS 432B.6078, or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the child has recovered from any emotional disturbance or has improved to such an extent that the child is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the facility authorizes the release and gives written notice to the admitting court at least 10 days before the release of the child.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 921 to Assembly Bill No. 148.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 160.

The following Senate amendment was read:

Amendment No. 957.

AN ACT relating to criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; authorizing the Records, Communications and Compliance Division of the Department of Public Safety and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, necessary for the automatic sealing of criminal records; requiring the Administrative Office of the Courts to submit annual reports to the Legislature and adopt certain other rules; creating the Advisory Task Force on Automatic Record Sealing and establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Administrative Office of the Courts and the Legislature; expanding the circumstances in which there is a rebuttable presumption that criminal records should be sealed; revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; applying provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence; authorizing the Central Repository for Nevada Records of Criminal History and its employees to inquire into and inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes certain procedures pursuant to which a person is authorized to petition a court for the sealing of criminal records relating to: (1) convictions for certain offenses; (2) charges against a person that were dismissed or declined for prosecution or for which the person was acquitted; (3) a conviction which has been set aside; and (4) a conviction for an offense that has been decriminalized. Existing law: (1) establishes certain requirements concerning the amount of time that must elapse after a person was convicted or charged before the records relating to the conviction or charge are eligible to be sealed through the filing of such a petition; and (2) sets forth the circumstances under which a court is authorized or required to grant the petition. (NRS 179.245, 179.255, 179.271)

Section 1.3 of this bill requires the Records, Communications and Compliance Division of the Department of Public Safety, not later than January 1, 2027, to develop and implement a process to identify each: (1) conviction of a person and each charge against a person that becomes an eligible conviction and eligible charge; and (2) agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge. **Section 1.3** defines “eligible conviction” and “eligible charge” to mean, in general, certain convictions of or charges against a person after January 1, 2027, if the records relating to the conviction or charge are eligible to be sealed pursuant to the provisions of existing law governing the sealing of records. After the development and implementation

of the process of identifying eligible convictions and eligible charges, **section 1.3** requires the Division to, each month: (1) identify and compile a list of each conviction or charge that has become an eligible conviction or eligible charge in the immediately preceding month and each person or governmental entity identified as having possession of records relating to those eligible convictions and eligible charges; and (2) transmit the list to the Administrative Office of the Courts to recommend the sealing of the records relating to a listed eligible conviction or eligible charge.

Section 1.3 requires the Administrative Office of the Courts, not later than January 1, 2027, to develop and implement a process to review such a list received from the Division and to transmit to every court having jurisdiction each conviction of a person or charge against a person that has become an eligible conviction or eligible charge. **Section 1.3** also requires the Administrative Office of the Courts, upon receiving such a list from the Division, to confirm each eligible conviction and eligible charge and notify every court having jurisdiction over the sealing of each eligible conviction or eligible charge. **Section 1.3** requires a court that receives such a notification from the Administrative Office of the Courts to then provide notice to the appropriate prosecuting attorney or agency and authorizes the prosecuting attorney or agency to object to the sealing of the records relating to each listed eligible conviction or eligible charge. **Section 1.3** further establishes the circumstances in which the court may order the records to be sealed. **Section 5** of this bill requires the order to be sent to the persons and governmental entities named in the order, who are then required to seal records relating to the eligible conviction or eligible charge. **Section 1.3** also: (1) authorizes the Division and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of **section 1.3**; and (2) requires the Administrative Office of the Courts to submit certain annual reports to the Legislature beginning on January 31, 2028.

Existing law provides, in general, that there is a rebuttable presumption that certain records of a person should be sealed if the person petitions the court for the sealing of such records and satisfies all statutory requirements. (NRS 179.2445) **Section 3.5** of this bill provides that there is also a rebuttable presumption that certain records of a person should be sealed if a court receives a list of confirmed eligible convictions or charges from the Administrative Office of the Courts pursuant to **section 1.3** and the records relate to such confirmed eligible convictions or charges. **Sections 3.7 and 3.9** of this bill make conforming changes to reflect the change in **section 3.5**.

Existing law provides that if a court seals certain records of a person, certain civil rights of the person are restored. Existing law requires the person to be given documentation demonstrating that fact. If the documentation is lost, damaged or destroyed, the person is authorized to request that a court issue an order to restore his or her civil rights. (NRS 179.285) **Section 6** of this bill makes a technical, nonsubstantive change to existing law by reorganizing the language in existing law. **Section 6.5** of this bill provides for the restoration of

civil rights if the records of a person are sealed pursuant to **section 1.3**. However, under **section 6.5**, the person is not required to be given documentation demonstrating that fact. Instead, **section 6.5** authorizes a person who was not given documentation of the restoration of his or her civil rights to request that a court issue an order in the same manner as a person whose documentation is lost, damaged or destroyed.

Section 7 of this bill authorizes a person who is the subject of records that are sealed pursuant to **section 1.3** to petition a court to allow for the inspection of the records. **Section 8** of this bill authorizes certain other governmental entities to inspect such records under certain circumstances. **Section 7.5** of this bill authorizes the Central Repository for Nevada Records of Criminal History and its employees to inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm. (NRS 202.360)

Sections 5-7 of this bill also apply provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence.

If a person is arrested and the charges against the person are dismissed or declined for prosecution or the person is acquitted of the charges, existing law authorizes the person to petition a court for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. (NRS 179.255) **Section 4** of this bill authorizes a person against whom multiple charges were brought, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, to petition for the sealing of those portions of the records relating to the arrest of the person and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.

Section 2 of this bill provides that it is the public policy of this State to enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Section 1.7 of this bill creates the Advisory Task Force on Automatic Record Sealing and establishes requirements concerning the membership of the Task Force. **Section 1.7** establishes the general duties of the Task Force, including reviewing the current petition-based process for the sealing of records and identifying the ways in which the process can be streamlined to simplify the process for petitioners. **Section 1.7** also requires the Task Force to prepare and submit a report to the Administrative Office of the Courts and the Legislature: (1) on or before July 1, 2024, that sets forth the initial activities and findings of the Task Force; (2) on or before July 1, 2025, that sets forth the activities, findings and initial recommendations of the Task Force; and (3) on or before July 1, 2026, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the

automatic sealing of records of criminal history. **Section 8.3** of this bill requires the Administrative Office of the Courts, before January 1, 2025, to adopt rules to streamline the process for filing a petition for the sealing of records, as recommended by the Task Force.

Sections 2-3.3 of this bill make conforming changes to indicate the proper placement of **sections 1.3 and 1.7** in the Nevada Revised Statutes.

Section 8.1 of this bill makes an appropriation from the State General Fund to the Department of Public Safety for the technology costs associated with complying with the provisions of **section 1.3**. **Section 8.15** of this bill makes an appropriation from the State General Fund to the Department for the provision of support to the Task Force, including for the administrative costs of supporting the Task Force ~~and employing or contracting with persons to perform certain functions.~~ **Section 8.2** of this bill makes an appropriation from the State General Fund to the Interim Finance Committee for allocation to the Department for **employing or contracting with persons to perform certain functions and, to the extent that money from the appropriation is available, for the Department to** award of grants of money to criminal justice agencies to support technology or system upgrades for the purpose of complying with the provisions of **section 1.3**.

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

Section 1. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. 1. *Not later than January 1, 2027, the Division shall develop and implement a process to identify, based on data maintained in the records of the Division, each:*

(a) Conviction of a person that becomes an eligible conviction;
(b) Charge against a person that becomes an eligible charge; and
(c) Agency of criminal justice or public or private company, agency, officer and other custodian of records that may reasonably be identified as having possession of records relating to a conviction or charge that becomes an eligible conviction or eligible charge.

2. *After the development and implementation of the process described in subsection 1, the Division shall, each month:*

(a) Identify each:
(1) Conviction of a person or charge against a person that has become an eligible conviction or eligible charge in the immediately preceding month; and

(2) Agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge identified pursuant to subparagraph (1);

(b) Compile a list of each eligible conviction, eligible charge and person or governmental entity identified pursuant to paragraph (a); and

(c) Transmit the list compiled pursuant to paragraph (b) to the Administrative Office of the Courts to recommend the sealing of records relating to an eligible conviction or eligible charge identified on the list.

3. Not later than January 1, 2027, the Administrative Office of the Courts shall develop and implement a process to review the list received from the Division pursuant to paragraph (c) of subsection 2 and transmit to every court having jurisdiction each:

- (a) Conviction of a person that has become an eligible conviction; and*
- (b) Charge against a person that has become an eligible charge.*

4. Upon receiving a list transmitted by the Division pursuant to paragraph (c) of subsection 2, the Administrative Office of the Courts shall confirm each eligible conviction and eligible charge and, not later than 30 business days after receiving the list from the Division, notify every court having jurisdiction over the sealing of records relating to each confirmed eligible conviction and eligible charge to order the sealing of such records.

5. A court that receives notification from the Administrative Office of the Courts pursuant to subsection 4 shall, not later than 15 calendar days after receiving such notification, provide notice to the appropriate prosecuting attorney or agency. The prosecuting attorney or agency may object to the sealing of such records not later than 30 calendar days after receiving notice from the court.

6. If, not later than 30 calendar days after receiving notice from the court pursuant to subsection 5, a prosecuting attorney or agency:

(a) Stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records.

(b) Does not stipulate to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records without a hearing. Each person or governmental entity identified on the list as

having possession of records relating to an eligible conviction or eligible charge to which the order applies must be named in the order.

(c) Objects to the sealing of the records, the court may conduct a hearing on the matter. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and order the sealing of the records.

7. The Division and the Administrative Office of the Courts shall take such actions as are necessary to ensure public awareness of the provisions of this section. Such actions may include, without limitation, the posting of appropriate information on an Internet website maintained by the Division or the Administrative Office of the Courts or the conducting of a public awareness campaign.

8. The Division and the Administrative Office of the Courts may adopt any rules or regulations, as applicable, that are necessary to carry out the

provisions of this section, including, without limitation, rules or regulations concerning:

(a) Contracting with any vendors to update any necessary technology; and

(b) Applying for any grants available to carry out the provisions of this section.

9. The provisions of this section do not prohibit a person from petitioning the court for the sealing of any eligible records in accordance with any other applicable provision of law.

10. If a person believes that his or her records have been sealed, the person may make a written request to the appropriate court to confirm that his or her records have been sealed and review such records.

11. On or before January 31, 2028, and each year thereafter, the Administrative Office of the Courts shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to Legislature that sets forth, to the extent possible, the number of records that were identified to be eligible for sealing and the number of records that were ordered to be sealed during the previous calendar year.

12. As used in this section:

(a) “Division” means the Records, Communications and Compliance Division of the Department of Public Safety.

(b) “Eligible charge” means any charge against a person on or after January 1, 2027, if the records relating to the charge are eligible to be sealed pursuant to ~~paragraph (c) or (g) of~~ subsection 1 of NRS ~~179.245~~ 179.255 for a drug-related ~~conviction~~ charge that is punishable as a category E felony or a misdemeanor, including, without limitation, a ~~conviction~~ charge pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351.

(c) “Eligible conviction” means any conviction of a person on or after January 1, 2027, if the records relating to the conviction are eligible to be sealed pursuant to paragraph (c) or (g) of subsection 1 of NRS 179.245 for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351, and the person has not been, in the time period prescribed in the applicable provision, charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations.

Sec. 1.7. 1. The Advisory Task Force on Automatic Record Sealing is hereby created. The Task Force consists of:

(a) Fifteen members appointed by the Legislative Commission from recommendations submitted by the applicable participating entities consisting of:

(1) *One member who is a representative of the Administrative Office of the Courts;*

(2) *One member who is a representative of the Nevada Supreme Court or his or her designee;*

(3) *One member who is a representative of a district court;*

(4) *One member who is a representative of a justice court;*

(5) *One member who is a representative of a municipal court;*

(6) *One member who is a representative of a district attorney's office;*

(7) *One member who is a representative of the Office of the Attorney General;*

(8) *One member who is a representative of the Office of the Clark County Public Defender or the Office of the Washoe County Public Defender or who is an attorney in private practice and experienced in defending criminal actions;*

(9) *One member who is a representative of an urban law enforcement agency;*

(10) *One member who is a representative of a rural law enforcement agency;*

(11) *One member who is a representative of the Division of Parole and Probation of the Department of Public Safety;*

(12) *One member who is a representative of the Department of Corrections;*

(13) *One member who is a representative of the Records, Communications and Compliance Division of the Department of Public Safety; and*

(14) *Two members who are representatives from nonprofit organizations focused on issues relating to criminal justice;*

(b) *One member of the Senate who is appointed by the Majority Leader of the Senate; and*

(c) *One member of the Assembly who is appointed by the Speaker of the Assembly.*

2. *When appointing members to the Task Force pursuant to paragraph (a) of subsection 1, the Legislative Commission shall ensure that all regions of this State are represented.*

3. *At the first meeting of the Task Force, the members shall elect a Chair and Vice Chair by a majority vote.*

4. *The Department of Public Safety shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.*

5. *The members of the Task Force serve without compensation or per diem allowance. If sufficient money is available, a member of the Task Force may, upon written request, receive reimbursement for travel expenses provided for state officers and employees generally while engaged in the business of the Task Force.*

6. *The Task Force:*

(a) Shall:

(1) Review the current petition-based process for the sealing of records and identify the ways in which the process can be streamlined to simplify the process for petitioners;

(2) Conduct research on methods to implement the provisions of section 1.3 of this act, including, without limitation, necessary technology and system upgrades within the criminal justice system of this State;

(3) Identify and assess any technology and system gaps, necessary infrastructure and policy constraints to support the implementation of the automatic sealing of records;

(4) Develop a timeline for implementation that includes benchmarks to implement the provisions of section 1.3 of this act; and

(5) Recommend approaches to improve the ability of this State to expand future provisions concerning the automatic sealing of records, including, without limitation, the feasibility of retroactively sealing eligible charges and convictions; and

(b) May consider, in its discretion, any other matters submitted by a member of the Task Force.

7. The Department of Public Safety may:

(a) Enter into a contract with a consultant or vendor to perform the research necessary for the Task Force to carry out its duties; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to assist the Task Force in carrying out its duties.

8. The Task Force shall:

(a) On or before July 1, 2024, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the initial activities and findings of the Task Force, including, without limitation, the ways in which the petition-based process for the sealing of records can be streamlined;

(b) On or before July 1, 2025, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the activities, findings and initial recommendations of the Task Force; and

(c) On or before July 1, 2026, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records.

9. The meetings of the Task Force are closed to the public and are not subject to the provisions of chapter 241 of NRS.

Sec. 2. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to ~~favor~~ **favor** :

1. ***Favor*** the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive ~~{ }~~, ***and section 1.7 of this act; and***

2. ***Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.***

Sec. 2.3. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~{section}~~ ***sections 1.3 and 1.7*** of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.7. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~{sections}~~ ***section 1.3 and 1.7*** of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, ***and section 1.7 of this act***, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.1. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~{section}~~ ***sections 1.3 and 1.7*** of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~{sections}~~ ***section 1.3 and 1.7*** of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.5. NRS 179.2445 is hereby amended to read as follows:

179.2445 1. Except as otherwise provided in subsection 2, upon the ~~{filing}~~:

(a) **Filing** of a petition for the sealing of records pursuant to NRS 179.245, 179.247, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

(b) **Receipt by a court of the list of confirmed eligible convictions or eligible charges from the Administrative Office of the Courts pursuant to section 1.3 of this act, there is a rebuttable presumption that the records relating to the confirmed eligible convictions or eligible charges should be sealed.**

2. The presumption set forth in **paragraph (a) of** subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.850 and applies to the court for the sealing of records relating to the conviction.

Sec. 3.7. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in **paragraph (a) of subsection 1 of** NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in **paragraph (a) of subsection 1 of** NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies

of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

- (a) A crime against a child;
- (b) A sexual offense;
- (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
- (d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (e) A violation of NRS 484C.430;
- (f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
- (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

- (a) Paragraph (b) of subsection 1 of NRS 484C.400; or
- (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. As used in this section:

(a) “Crime against a child” has the meaning ascribed to it in NRS 179D.0357.

(b) “Sexual offense” means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 3.9. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of:

(a) A violation of NRS 201.353 or 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) A crime under the laws of this State, other than a crime of violence; or

(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow the prosecuting attorney who prosecuted the petitioner for the crime and any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in **paragraph (a) of subsection 1 of** NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case. If the prosecuting agency does not stipulate to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case or does not file a written objection within 30 days after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in **paragraph (a) of subsection 1 of** NRS 179.2445, the court shall vacate the judgment, apply the presumption and seal all documents, papers and exhibits related to the case.

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

(a) Vacate the judgment and dismiss the accusatory pleading; and

(b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents

relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

9. If the court enters an order pursuant to subsection 8, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 7, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

Sec. 4. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time 8 years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

↪ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. ***If a person has been arrested for alleged criminal conduct and multiple charges were brought against the person, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, a petition filed pursuant to this subsection may request the sealing of those portions of the records relating to the arrest and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.***

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting agency that prosecuted or declined to prosecute the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in **paragraph (a) of subsection 1 of** NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence

sufficient to rebut the presumption set forth in *paragraph (a) of subsection 1 of* NRS 179.2445, the court shall apply the presumption and seal the records.

7. If the court finds:

(a) That there has been an acquittal and there is no evidence that further action will be brought against the person, the court shall order sealed all records of the arrest and of the proceedings leading to the acquittal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada; or

(b) That prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 5. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 34.970, **41.910**, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~§~~ **or section 1.3 of this act**, a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and
2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 6. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, **41.910**, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer

accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

- (1) The right to vote;
- (2) The right to hold office; and
- (3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. ~~[A]~~ **If a** person ~~[who]~~ has had his or her records sealed in this State or any other state and ~~[whose]~~ **was not given** official documentation of the restoration of civil rights **or if that documentation** is lost, damaged or destroyed, **the person** may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 6.5. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, 41.910, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[-]~~ **or section 1.3 of this act:**

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

- (1) The right to vote;

- (2) The right to hold office; and
- (3) The right to serve on a jury.

2. Upon the sealing of the person's records, *except if the person's records were sealed pursuant to section 1.3 of this act*, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. If a person has had his or her records sealed in this State or any other state and was not given official documentation of the restoration of civil rights or if that documentation is lost, damaged or destroyed, the person may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 7. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, **41.910**, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 *or section 1.3 of this act* may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245,

176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 **or section 1.3 of this act** in determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.

Sec. 7.5. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to ~~sexual~~ :

(a) **Sexual** offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) **A violation or alleged violation of NRS 202.360.**

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) “Information relating to sexual offenses” means information contained in or concerning a record relating in any way to a sexual offense.

(b) “Sexual offense” has the meaning ascribed to it in NRS 179A.073.

Sec. 8. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, **or section 1.3 of this act**, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer’s, seller’s or distributor’s license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant’s suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, **or section 1.3 of this act**, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 **or section 1.3 of this act** if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 **or section 1.3 of this act** that constitute information relating to:

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 **or section 1.3 of this act** and which are retained in the statewide registry

established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 **or section 1.3 of this act** if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) “Information relating to sexual offenses” means information contained in or concerning a record relating in any way to a sexual offense.

(b) “Sexual offense” has the meaning ascribed to it in NRS 179A.073.

Sec. 8.1. There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of \$1,000,000 for the technology costs associated with complying with the provisions of section 1.3 of this act.

Sec. 8.15. There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of \$500,000 for the provision of support to the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, for the administrative costs of supporting the Task Force ~~and employing or contracting with persons to perform the functions described in paragraph (a) of subsection 6 of section 1.7 of this act.~~

Sec. 8.2. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$1,000,000 for allocation to the Department of Public Safety for ~~the~~ **employing or contracting with persons to perform the functions described in paragraph (a) of subsection 6 of section 1.7 of this act. To the extent that money appropriated pursuant to this section is available, the Department may** award ~~for~~ grants of money to criminal justice agencies to support technology or system upgrades for the purpose of complying with the provisions of section 1.3 of this act.

Sec. 8.25. Any remaining balance of the appropriations made by sections 8.1, 8.15 and 8.2 of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 8.3. 1. Before January 1, 2025, the Administrative Office of the Courts shall adopt rules to streamline the process for filing a petition for the sealing of records of criminal history, as recommended by the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, rules regarding:

(a) A standard order for the sealing of records of criminal history to be used by all courts having jurisdiction over the sealing of records of criminal history;

(b) The authority for a petitioner to file a request for the sealing of records of criminal history with one court; and

(c) Any other changes that will expedite or simplify the process for petitioners to seal records of criminal history.

2. As used in this section, “record of criminal history” has the meaning ascribed to it in NRS 179A.070.

Sec. 8.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. 1. This section and sections 1, 2, 3, 4, 6, 7.5, 8.3 and 8.7 of this act become effective upon passage and approval.

2. Sections 8.1 to 8.25, inclusive, of this act become effective on July 1, 2023.

3. Section 1.3 of this act becomes effective:

(a) Upon passage and approval for the purpose of:

(1) The Division developing and implementing the process required pursuant to subsection 1 of that section;

(2) The Administrative Office of the Courts developing and implementing the process required pursuant to subsection 3 of that section; and

(3) The Division and the Administrative Office of the Courts adopting any rules or regulations, as applicable, and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, ~~2026,~~ 2027, for all other purposes.

4. Section 1.7 of this act becomes effective upon passage and approval and expires by limitation on June 30, 2027.

5. Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become effective on January 1, ~~2026,~~ 2027.

6. Sections 2.3 and 3.1 of this act become effective on January 1, ~~2026,~~ 2027, and expire by limitation on June 30, ~~2026,~~ 2027.

7. Sections 2.7 and 3.3 of this act become effective on July 1, ~~2026,~~ 2027.

8. As used in this section, “Division” means the Records, Communications and Compliance Division of the Department of Public Safety.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 957 to Assembly Bill No. 160.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 404.

The following Senate amendment was read:

Amendment No. 920.

AN ACT relating to civil actions; ~~increasing the amount of civil damages for which certain providers of health care may be liable for acts or omissions~~

~~in rendering care or assistance necessitated by certain traumatic injuries; excluding certain health care professionals from the definition of “provider of health care” for certain purposes; increasing]~~ **providing for the increase of** the limitation on the amount of noneconomic damages a plaintiff may recover in a civil action against a provider of health care for professional negligence; ~~[prohibiting a hospital from bringing certain actions against a provider of health care;]~~ revising the statute of limitations for bringing an action against a provider of health care for injury or death based upon professional negligence, professional services rendered without consent or error or omission in practice; ~~[repealing]~~ **revising** provisions which limit the amount of a contingent fee for which an attorney representing a plaintiff in a civil action against a provider of health care for professional negligence may contract for or collect; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~[Existing law limits to \$50,000 the amount of civil damages for which a licensed physician or dentist, a hospital or certain employees of a hospital may be held liable for certain acts or omissions in rendering care or assistance at a hospital necessitated by a traumatic injury demanding immediate medical attention. (NRS 41.503) Section 1 of this bill increases that amount to \$250,000 and, beginning on January 1, 2026, requires that amount to be adjusted each year based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year.~~

~~Existing law sets forth various requirements and restrictions relating to civil actions against a provider of health care for professional negligence. (Chapter 41A of NRS) Existing law defines “provider of health care” for the purposes of those provisions to include a physician, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, medical laboratory director or technician, licensed dietitian, a person licensed to engage in radiation therapy or radiologic imaging, a licensed hospital and certain other entities. (NRS 41A.017) Section 1.5 of this bill excludes from that definition an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a facility for hospice care and a nursing pool, thereby specifically excluding such persons from the provisions of existing law imposing certain requirements and restrictions on civil actions brought against a provider of health care for professional negligence.]~~

Existing law limits the amount of noneconomic damages that a plaintiff may recover in a civil action brought against a provider of health care for professional negligence to \$350,000, regardless of the number of plaintiffs, defendants or theories upon which liability may be based. (NRS 41A.035) **Section 2** of this bill ~~[instead limits the amount of noneconomic damages that a plaintiff may recover in such an action to: (1) for an action in which a hospital other than a critical access hospital is a party, \$2,000,000; and (2) for any other action, \$550,000. Section 2 requires, beginning on January 1, 2026, that those~~

~~amounts be adjusted]~~ **requires that amount to be increased by \$80,000 on January 1 of each year [based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year. Section] beginning on January 1, 2024, and ending on January 1, 2028, when the amount reaches \$750,000. Beginning on January 1, 2029, section 2 [also prohibits a hospital from bringing an action against a provider of health care to recover from the provider of health care any amount paid to a plaintiff by the hospital.] requires that amount to be increased on January 1 of each year by 2.1 percent. Section 2 additionally requires the Nevada Supreme Court to annually publish on its Internet website the maximum amount of noneconomic damages that may be awarded to a plaintiff in an action for injury or death against a provider of health care based upon professional negligence in each year for the following 20 years.**

Existing law requires an action for injury or death against a provider of health care based on professional negligence, professional services rendered without consent or error or omission in practice, to be commenced: (1) for an injury that occurred on or after October 1, 2002, not more than 3 years after the date of injury or 1 year after the plaintiff discovers or should have discovered the injury; and (2) if the injury occurred before October 1, 2002, not more than 4 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. (NRS 41A.097) **Section 3 of this bill [revises those provisions to require all] requires such [actions] an action to be brought, for an injury that occurred on or after October 1, 2023, not more than [4] 3 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. [Section 4 of this bill provides that the changes in section 3 apply retroactively to any injury or death that occurred before October 1, 2023, even if the statute of limitations that was in effect at the time of the injury or death has expired. Therefore, a civil action against a provider of health care that would otherwise be time-barred by the former statute of limitations is revived by this bill, so long as the revised statute of limitations set forth in section 4 has not expired.**

~~Section 6 of this bill repeals provisions that limit]~~

Existing law limits the amount of a contingent fee that an attorney representing a plaintiff in a civil action against a provider of health care for professional negligence may contract for or collect ~~to:~~ **to: (1) forty percent of the first \$50,000 recovered; (2) thirty-three and one-third percent of the next \$50,000 recovered; (3) twenty-five percent of the next \$500,000 recovered; and (4) fifteen percent of the amount of recovery that exceeds \$600,000. (NRS 7.095) Section 3.5 of this bill eliminates that tier of amounts and instead limits the amount of a contingent fee that such an attorney may contract for or collect to 35 percent of the amount recovered.**

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

Section 1. ~~{NRS 41.503 is hereby amended to read as follows:~~

~~41.503 1. Except as otherwise provided in subsection 2 and NRS 41.504, 41.505 and 41.506:~~

~~—(a) A hospital which has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237 and which is a nonprofit organization;~~

~~—(b) A hospital other than a hospital described in paragraph (a);~~

~~—(c) An employee of a hospital described in paragraph (a) or (b) who renders care or assistance to patients;~~

~~—(d) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS who renders care or assistance in a hospital described in paragraph (a) or (b), whether or not the care or assistance was rendered gratuitously or for a fee; and~~

~~—(e) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS:~~

~~—(1) Whose liability is not otherwise limited pursuant to NRS 41.032 to 41.037, inclusive; and~~

~~—(2) Who renders care or assistance in a hospital of a governmental entity that has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237, whether or not the care or assistance was rendered gratuitously or for a fee;~~

~~— that in good faith renders care or assistance necessitated by a traumatic injury demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, may not be held liable for more than ~~[\$50,000] \$250,000~~ in civil damages, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant arising out of any act or omission in rendering that care or assistance if the care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct. 2. The limitation on liability provided pursuant to this section does not apply to any act or omission in rendering care or assistance;~~

~~—(a) Which occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the limitation on liability provided by subsection 1 applies to any act or omission in rendering care or assistance which occurs before the stabilization of the patient following the surgery; or~~

~~—(b) Unrelated to the original traumatic injury.~~

~~3. If: (a) A physician or dentist provides follow-up care to a patient to whom the physician or dentist rendered care or assistance pursuant to subsection 1; (b) A medical condition arises during the course of the follow-up care that is directly related to the original traumatic injury for which care or assistance was rendered pursuant to subsection 1; and~~

~~—(c) The patient files an action for malpractice based on the medical condition that arises during the course of the follow-up care;
—there is a rebuttable presumption that the medical condition was the result of the original traumatic injury and that the limitation on liability provided by subsection 1 applies with respect to the medical condition that arises during the course of the follow-up care.~~

~~—4. The maximum amount of civil damages set forth in subsection 1 must be adjusted on January 1 of each year beginning on January 1, 2026, in a rounded~~

~~dollar amount corresponding to the percentage increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this subsection and establish the adjusted amount to take effect on January 1 of that year.~~

~~—5. For the purposes of this section:~~

~~—(a) “Reckless, willful or wanton conduct,” as it applies to a person to whom subsection 1 applies, shall be deemed to be that conduct which the person knew or should have known at the time the person rendered the care or assistance would be likely to result in injury so as to affect the life or health of another person, taking into consideration to the extent applicable:~~

~~—(1) The extent or serious nature of the prevailing circumstances;~~

~~—(2) The lack of time or ability to obtain appropriate consultation;~~

~~—(3) The lack of a prior medical relationship with the patient;~~

~~—(4) The inability to obtain an appropriate medical history of the patient;
and~~

~~—(5) The time constraints imposed by coexisting emergencies.~~

~~—(b) “Traumatic injury” means any acute injury which, according to standardized criteria for triage in the field, involves a significant risk of death or the precipitation of complications or disabilities. (Deleted by amendment.)~~

~~Sec. 1.5. NRS 41A.017 is hereby amended to read as follows:~~

~~—41A.017 1. “Provider of health care” means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians’ professional corporation or group practice that employs any such person and its employees.~~

~~—2. The term does not include:~~

~~—(a) An agency to provide nursing in the home, as defined in NRS 449.0015.~~

~~—(b) A facility for hospice care, as defined in NRS 449.0033.~~

~~—(c) A facility for intermediate care, as defined in NRS 449.0038.~~

~~—(d) A facility for skilled nursing, as defined in NRS 449.0039.~~

~~(e) A nursing pool, as defined in NRS 449.0153, (Deleted by amendment.)~~

Sec. 2. NRS 41A.035 is hereby amended to read as follows:

41A.035 1. In an action for injury or death against a provider of health care based upon professional negligence, the injured plaintiff may recover noneconomic damages, but the amount of noneconomic damages awarded in such an action must not exceed , \$350,000, regardless of the number of plaintiffs, defendants or theories upon which liability may be based. ~~+~~

~~(a) For an action in which a hospital, other than a critical access hospital, is a party, \$2,000,000.~~

~~(b) For any other action, \$550,000.~~

2. ~~[A hospital may not bring an action against a provider of health care, whether based on a claim of contractual or equitable indemnity, apportionment, contribution or other basis, to recover from the provider of health care any amount paid to a plaintiff by the hospital.]~~ The maximum amount of noneconomic damages set forth in subsection 1 must be increased by \$80,000 on January 1 of each year beginning on January 1, 2024, and ending on January 1, 2028, when the amount reaches \$750,000.

3. ~~[The] Beginning on January 1, 2029, the maximum [amounts] amount of noneconomic damages set forth in [paragraphs (a) and (b)] of subsection 1 , as adjusted by subsection 2, must be [adjusted] increased on January 1 of each year [beginning on January 1, 2026, in a] by 2.1 percent, rounded to the nearest dollar. [amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.]~~

4. ~~[As used in this section, "critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).]~~ The Nevada Supreme Court shall, on or before January 1 of each year, publish on its Internet website the maximum amount of noneconomic damages that may be awarded in an action for injury or death against a provider of health care based upon professional negligence in each year for the following 20 years.

Sec. 2.5. (Deleted by amendment.)

Sec. 3. NRS 41A.097 is hereby amended to read as follows:

41A.097 1. Except as otherwise provided in subsection ~~{3, 2,}~~ 4, an action for injury or death against a provider of health care may not be commenced more than 4 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person occurring before October 1, 2002, based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person occurring before October 1, 2002, from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person occurring before October 1, 2002, from error or omission in practice by the provider of health care.

2. Except as otherwise provided in subsection ~~13.1~~ 4, an action for injury or death against a provider of health care may not be commenced more than 3 years after the date of injury or 1 year after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person occurring on or after October 1, 2002 ~~1.1~~ and before October 1, 2023, based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person occurring on or after October 1, 2002 ~~1.1~~ and before October 1, 2023, from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person occurring on or after October 1, 2002 ~~1.1~~ and before October 1, 2023, from error or omission in practice by the provider of health care.

3. Except as otherwise provided in subsection 4, an action for injury or death against a provider of health care may not be commenced more than 3 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person occurring on or after October 1, 2023, based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person occurring on or after October 1, 2023, from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person occurring on or after October 1, 2023, from error or omission in practice by the provider of health care.

4. This time limitation is tolled for any period during which the provider of health care has concealed any act, error or omission upon which the action is based and which is known or through the use of reasonable diligence should have been known to the provider of health care.

~~14.2~~ 5. For the purposes of this section, the parent, guardian or legal custodian of any minor child is responsible for exercising reasonable judgment in determining whether to prosecute any cause of action limited by subsection 1 ~~1.1~~, 2 or ~~2.1~~ 3. If the parent, guardian or custodian fails to commence an action on behalf of that child within the prescribed period of limitations, the child may not bring an action based on the same alleged injury against any

provider of health care upon the removal of the child's disability, except that in the case of:

(a) Brain damage or birth defect, the period of limitation is extended until the child attains 10 years of age.

(b) Sterility, the period of limitation is extended until 2 years after the child discovers the injury.

Sec. 3.5. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of ~~the~~

~~— (a) Forty percent of the first \$50,000 recovered;~~

~~— (b) Thirty three and one third percent of the next \$50,000 recovered;~~

~~— (c) Twenty five percent of the next \$500,000;~~ **35 percent of the amount recovered.** ~~and~~

~~— (d) Fifteen percent of the amount of recovery that exceeds \$600,000.]~~

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 4. ~~[The amendatory provisions of section 3 of this act apply to any injury or death that occurred before October 1, 2023, regardless of any statute of limitations that was in effect at the time the injury or death occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before October 1, 2023.] (Deleted by amendment.)~~

Sec. 5. The amendatory provisions of ~~the~~

~~1. Sections 1, 1.5 and 6]~~ **section 3.5** of this act apply to a cause of action that accrues on or after October 1, 2023.

~~[2. Section 2 of this act applies to a cause of action that accrues on or after January 1, 2024.]~~

Sec. 6. ~~[NRS 7.095 is hereby repealed.] (Deleted by amendment.)~~

f

~~TEXT OF REPEALED SECTION~~

~~**7.095 Limitations on contingent fees for representation of persons in certain actions against providers of health care.**~~

~~1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:~~

~~(a) Forty percent of the first \$50,000 recovered;~~

~~(b) Thirty three and one third percent of the next \$50,000 recovered;~~

~~(c) Twenty five percent of the next \$500,000 recovered; and~~

~~(d) Fifteen percent of the amount of recovery that exceeds \$600,000.~~

~~2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.~~

~~3. For the purposes of this section, “recovered” means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.~~

~~4. As used in this section:~~

~~(a) “Professional negligence” means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.~~

~~(b) “Provider of health care” means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.~~

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 920 to Assembly Bill No. 404.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 452.

The following Senate amendment was read:

Amendment No. 675.

SUMMARY—Revises provisions relating to ~~visitation with~~ offenders, ~~in a correctional institution or facility.~~ (BDR 16-315)

AN ACT relating to offenders; requiring the Director of the Department of Corrections to adopt regulations establishing and governing a program for the visitation of offenders; ~~requiring the Department to establish a panel to review certain decisions of a warden or manager to deny visitation;~~ requiring a warden or manager ~~who denies visitation~~ to provide certain ~~written~~ notice regarding ~~the denial;~~ **the cancellation of visitation; establishing the Office of the Ombudsperson for Offenders; establishing the powers and duties of the Ombudsperson; providing that an offender has the right to receive visitors in person;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the warden or manager of a correctional institution or facility to allow visits and correspondence between offenders and appropriate friends, relatives and others. (NRS 209.423) **Section 2** of this bill requires the Director of the Department of Corrections, with the approval of the Board of State Prison Commissioners, to adopt regulations establishing and governing a program for the visitation of offenders. **Section 2** requires such regulations to prescribe ~~the (1)~~ requirements relating to the ~~frequency of~~ visitation ~~the~~ **of offenders, which must: (1) allow offenders to receive visitors in person, regardless of whether visitation by means of electronic communication is made available; (2) criteria for the eligibility of an offender or prospective visitor to participate in visitation; allow visitation by means of electronic communication, provided that such visitation is in addition to and not in lieu of in-person visitation; (3) requirements** ~~prescribe a procedure for the approval or denial of~~ a prospective visitor ~~the~~ **or visitor to appeal a decision of a warden or manager to deny or suspend visiting privileges;** and (4) **prescribe** requirements relating to ~~certain notice which must be provided concerning~~ cancelled visits. **Section 4** of this bill **provides that an offender has the right to receive visitors in person in accordance with the regulations adopted pursuant to section 2. Section 4 also** requires ~~that~~ a warden or manager ~~who denies a prospective visitor~~ to provide ~~written~~ notice of ~~the denial to the prospective visitor which: (1) states the reason for the denial; (2) notifies the prospective visitor of his or her right to appeal the decision; (3) notifies the prospective visitor of the date on which he or she will be eligible to reapply to visit an offender; and (4) complies with any other requirements prescribed by~~ **any cancelled visit in accordance with** the regulations adopted pursuant to **section 2**.

~~The Nevada Administrative Procedure Act requires agencies of the Executive Department of the State Government to provide certain notice and to hold certain public hearings related to temporary and permanent regulations. (Chapter 233B of NRS) Existing law exempts the Department of Corrections~~

from the provisions of the Act, with certain exceptions. Section 5 of this bill makes a conforming change to require that the regulations required by section 2 be adopted pursuant to the Act.

~~Section 3 of this bill: (1) requires the Department to establish a review panel concerning the program for the visitation of offenders established pursuant to the regulations required by section 2; and (2) prescribes the membership of the panel. Section 3 authorizes a prospective visitor to appeal to the panel a denial of visitation and requires a prospective visitor who wishes to make such an appeal to submit certain information concerning the decision to the panel. Section 3 requires the panel to review each decision that is the subject of an appeal and overturn the decision if the prospective visitor: (1) meets the eligibility criteria prescribed by the regulations adopted pursuant to section 2; and (2) does not present a threat to the safety or security of an institution or facility.]~~

Section 2.5 of this bill establishes the Office of the Ombudsperson for Offenders within the Department to promote and protect the health, safety and welfare of offenders and prepare offenders for successful reentry into communities upon release. Section 2.5 requires the Office to be impartial and operationally independent of the Department. Section 2.5 also: (1) requires the Board to appoint the Ombudsperson; and (2) authorizes the Board to enter into a contract with a person to serve as Ombudsperson. Finally, section 2.5 sets forth the powers and duties of the Ombudsperson.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~1.]~~ *The Director shall adopt, with the approval of the Board, regulations establishing and governing a program, to be carried out within each facility and institution, for the visitation of offenders. The regulations must prescribe:*

~~[(a)]~~ 1. Requirements relating to the ~~frequency with which opportunities for~~ visitation ~~[must be made available to eligible]~~ of offenders, which must:

~~[(1)]~~ (a) Allow ~~in-person visitation at least 2 days per week for eligible~~ offenders to receive visitors in person, regardless of whether visitation by means of electronic communication is made available; and ~~to~~

~~[(2)]~~ In
(b) Allow visitation by means of electronic communication, provided that such visitation is in addition to ~~any other~~ and not in lieu of in-person visitation. To which an eligible offender may be entitled, allow:

~~[(1) At least two in-person, contact visits per week for eligible offenders who gave birth at any time during the immediately preceding 6~~

~~weeks, regardless of whether the offender is entitled to additional visits pursuant to sub-subparagraphs (II), (III) or (IV);~~

~~— (II) At least two in person, contact visits per week for eligible offenders who are hospitalized, regardless of whether the offender is entitled to additional visits pursuant to sub-subparagraphs (I), (III) or (IV);~~

~~— (III) At least 5 consecutive days of in person, contact visits per week for eligible offenders who are receiving hospice care, regardless of whether the offender is entitled to additional visits pursuant to sub-subparagraphs (I), (II) or (IV); and~~

~~— (IV) At least 5 consecutive days of in person, contact visits per week for eligible offenders who are parents of children who are less than 1 year of age, regardless of whether the offender is entitled to additional visits pursuant to sub-subparagraphs (I), (II) or (III);~~

~~— (b) Criteria for the eligibility of:~~

~~— (1) An offender to receive visitors; and~~

~~— (2) A prospective visitor;~~

~~— (c) Requirements relating to the approval or denial of a prospective visitor which must include, without limitation:~~

~~— (1) Requirements relating to the notice which must be provided by a warden or manager pursuant to NRS 209.422;~~

~~— (2) An opportunity to appeal a decision made by the warden or manager; and~~

~~— (3) A procedure for such an appeal; and~~

~~— (d) Requirements;~~

2. Requirements relating to the cancellation of visitation, which must, without limitation, prescribe:

(a) The frequency with which an institution or facility may cancel visitation for all offenders in the institution or facility; and

(b) Requirements relating to the notice which must be provided to a visitor concerning a cancelled visit . ~~f, which must include, without limitation, a requirement that such notice be:~~

~~— (1) Provided at least 72 hours in advance of the cancelled visit for institution wide or facility wide cancellations; and~~

~~— (2) Made publicly available on the Internet website of the Department or the institution or facility.~~

~~2. The regulations adopted pursuant to this section must be adopted in accordance with the provisions of chapter 233B of NRS.~~

~~3. As used in this section, “eligible offender” means an offender who meets the criteria for eligibility to receive visitors prescribed by the regulations adopted pursuant to this section.~~

3. A procedure for a prospective visitor or visitor to appeal a decision of a warden or manager to deny or suspend the visiting privileges of the prospective visitor or visitor.

Sec. 2.5. 1. The Office of the Ombudsperson for Offenders is hereby established within the Department to promote and protect the health, safety and welfare of offenders and prepare offenders for successful reentry into communities upon release. The Office must be impartial and operationally independent of the Department.

2. The Board shall appoint the Ombudsperson and may enter into a contract with a person to serve as Ombudsperson. The Ombudsperson serves at the pleasure of the Board.

3. Except as otherwise provided in subsection 6, the Ombudsperson may:

(a) Investigate and attempt to resolve grievances arising out of, or relating to, issues within the authority and control of the Department, including, without limitation, grievances relating to:

(1) Alleged abuse or neglect;

(2) Conditions of confinement;

(3) Alleged violations of any law of this State; and

(4) Actions that may be inconsistent with any policy, procedure, regulation or rule of the Department; and

(b) Propose policy or procedural changes to the Department relating to any systemic issue identified by the Ombudsperson.

4. If the Ombudsperson has reason to believe that a violation of a state or federal law or a constitutional provision has occurred or is occurring, the Ombudsperson shall notify the Director.

5. Except as otherwise provided in subsection 6, the Ombudsperson shall:

(a) Review grievances entered into NOTIS;

(b) Provide such training as the Ombudsperson determines to be necessary or advisable to promote the purpose described in subsection 1 or suggest appropriate referrals for the provision of any such training; and

(c) Prepare an annual report, which must include, without limitation:

(1) Information concerning grievances entered into NOTIS for the immediately preceding year, which must include:

(I) The total number of grievances filed during the immediately preceding year;

(II) A summary of the claims included in grievances filed during the immediately preceding year;

(III) The total number of investigations conducted by the Department during the immediately preceding year; and

(IV) The outcome of each investigation conducted by the Department during the immediately preceding year;

(2) A summary of the activities of the Office during the immediately preceding year, including, without limitation, information regarding any training provided by the Ombudsperson or referrals made by the Ombudsperson;

(3) Any recommendations for proposed legislation; and

(4) Any other information the Ombudsperson determines is appropriate to include in the report.

6. The Ombudsperson shall not:

(a) Review, investigate or attempt to resolve any grievance relating to a judgment of conviction; or

(b) Interfere with any ongoing investigation of the Department, including, without limitation, any ongoing investigation being conducted by the Inspector General of the Department.

7. The Department shall provide any funds necessary to carry out the provisions of this section.

8. Notwithstanding any other provision of law, the Department shall grant the Ombudsperson access to any information concerning grievances entered into NOTIS or stored at an institution or facility.

9. On or before December 1 of each year, the Ombudsperson shall submit the report required by subsection 5 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

10. As used in this section, "NOTIS" means the Nevada Offender Tracking Information System or its successor.

~~Sec. 3. {1. The Department shall establish a review panel concerning the program for the visitation of offenders established pursuant to section 2 of this act. The Director shall appoint to the review panel:~~

~~—(a) One member who is a mental health professional;~~

~~—(b) One member who is an administrator of the Department; and~~

~~—(c) One member who is a case manager.~~

~~2. A prospective visitor whose application is denied may appeal that determination to the review panel established pursuant to subsection 1.~~

~~3. An appeal filed pursuant to subsection 2 must be submitted in writing and include:~~

~~—(a) The name of the prospective visitor;~~

~~—(b) The name of the institution or facility to which an application was denied;~~

~~—(c) The reasons for the appeal; and~~

~~—(d) Any additional documentation or evidence supporting the appeal.~~

~~4. The review panel established pursuant to subsection 1 shall review a decision that is the subject of an appeal and issue a decision in writing concerning the appeal. The review panel shall overturn a decision that is the subject of an appeal if the prospective visitor:~~

~~—(a) Meets the criteria for eligibility prescribed by the regulations adopted pursuant to section 2 of this act; and~~

~~—(b) Does not present a threat to the safety or security of an institution or facility.~~

~~5. As used in this section:~~

~~(a) “Administrator” means a deputy director, superintendent or other employee of the Department to whom the Director has delegated authority.~~

~~(b) “Case manager” means an employee of the Department whose duties include, without limitation, providing rehabilitation and support services to offenders. (Deleted by amendment.)~~

Sec. 4. NRS 209.423 is hereby amended to read as follows:

209.423 1. An offender shall have the right to receive visitors in person in accordance with the regulations adopted pursuant to section 2 of this act.

2. Wardens and managers may authorize visits and correspondence between offenders and appropriate friends, relatives, and others under prospective visitors in accordance with the regulations adopted ~~by the Director and approved by the Board.~~ pursuant to section 2 of this act.

~~2.3. A warden or manager who denies a prospective visitor must provide written notice of the denial to the prospective visitor. Such notice must:~~

~~(a) State the reason for the denial;~~

~~(b) Notify the prospective visitor of:~~

~~(1) His or her right to appeal the decision; and~~

~~(2) The date on which he or she will be eligible to reapply to visit an offender; and~~

~~(c) Comply with any other requirements prescribed by any cancelled visit in accordance with the regulations adopted pursuant to section 2 of this act.~~

~~3. Wardens and managers may authorize correspondence between offenders and appropriate friends, relatives and others under regulations adopted by the Director and approved by the Board.~~

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, and section 2 of this act, 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, but 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.† (Deleted by amendment.)~~

Sec. 5.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~5.†~~ **5.5.**, inclusive, of this act become effective ~~†~~

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

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

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 675 to Assembly Bill No. 452.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 964.

AN ACT relating to offenders; requiring the Director of the Department of Corrections to adopt regulations establishing and governing a program for the visitation of offenders; requiring a warden or manager to provide certain notice regarding the cancellation of visitation; establishing the Office of the Ombudsperson for Offenders; establishing the powers and duties of the Ombudsperson; providing that an offender has the right to receive visitors in person; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the warden or manager of a correctional institution or facility to allow visits and correspondence between offenders and appropriate friends, relatives and others. (NRS 209.423) **Section 2** of this bill requires the Director of the Department of Corrections, with the approval of the Board of State Prison Commissioners, to adopt regulations establishing and governing a program for the visitation of offenders. **Section 2** requires such regulations to prescribe requirements relating to the visitation of offenders, which must: (1) allow offenders to receive visitors in person, regardless of whether visitation by means of electronic communication is made available; (2) allow visitation by means of electronic communication, provided that such visitation is in addition to and not in lieu of in-person visitation; (3) prescribe a procedure for a prospective visitor or visitor to appeal a decision of a warden or manager to deny or suspend visiting privileges; and (4) prescribe requirements relating to cancelled visits. **Section 4** of this bill provides that an offender has the right to receive visitors in person in accordance with the regulations adopted pursuant to **section 2**. **Section 4** also requires a warden or manager to provide notice of any cancelled visit in accordance with the regulations adopted pursuant to **section 2**.

Section 2.5 of this bill establishes the Office of the Ombudsperson for Offenders within the Department to promote and protect the health, safety and welfare of offenders and prepare offenders for successful reentry into communities upon release. **Section 2.5** requires the Office to be impartial and operationally independent of the Department. **Section 2.5** also: (1) requires the Board to appoint the Ombudsperson; and (2) authorizes the Board to enter into a contract with a person to serve as Ombudsperson. Finally, **section 2.5** sets forth the powers and duties of the Ombudsperson.

Section 5.3 of this bill makes an appropriation to the Department for the cost of contract services for the Office of the Ombudsperson for Offenders.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 2.5 and 3 of this act.

Sec. 2. *The Director shall adopt, with the approval of the Board, regulations establishing and governing a program, to be carried out within each facility and institution, for the visitation of offenders. The regulations must prescribe:*

- 1.** *Requirements relating to the visitation of offenders, which must:*
 - (a) Allow offenders to receive visitors in person, regardless of whether visitation by means of electronic communication is made available; and*
 - (b) Allow visitation by means of electronic communication, provided that such visitation is in addition to and not in lieu of in-person visitation.*

2. *Requirements relating to the cancellation of visitation, which must, without limitation, prescribe:*

(a) The frequency with which an institution or facility may cancel visitation for all offenders in the institution or facility; and

(b) Requirements relating to the notice which must be provided to a visitor concerning a cancelled visit.

3. *A procedure for a prospective visitor or visitor to appeal a decision of a warden or manager to deny or suspend the visiting privileges of the prospective visitor or visitor.*

Sec. 2.5. 1. *The Office of the Ombudsperson for Offenders is hereby established within the Department to promote and protect the health, safety and welfare of offenders and prepare offenders for successful reentry into communities upon release. The Office must be impartial and operationally independent of the Department.*

2. *The Board shall appoint the Ombudsperson and may enter into a contract with a person to serve as Ombudsperson. The Ombudsperson serves at the pleasure of the Board.*

3. *Except as otherwise provided in subsection 6, the Ombudsperson may:*

(a) Investigate and attempt to resolve grievances arising out of, or relating to, issues within the authority and control of the Department, including, without limitation, grievances relating to:

(1) Alleged abuse or neglect;

(2) Conditions of confinement;

(3) Alleged violations of any law of this State; and

(4) Actions that may be inconsistent with any policy, procedure, regulation or rule of the Department; and

(b) Propose policy or procedural changes to the Department relating to any systemic issue identified by the Ombudsperson.

4. *If the Ombudsperson has reason to believe that a violation of a state or federal law or a constitutional provision has occurred or is occurring, the Ombudsperson shall notify the Director.*

5. *Except as otherwise provided in subsection 6, the Ombudsperson shall:*

(a) Review grievances entered into NOTIS;

(b) Provide such training as the Ombudsperson determines to be necessary or advisable to promote the purpose described in subsection 1 or suggest appropriate referrals for the provision of any such training; and

(c) Prepare an annual report, which must include, without limitation:

(1) Information concerning grievances entered into NOTIS for the immediately preceding year, which must include:

(I) The total number of grievances filed during the immediately preceding year;

(II) A summary of the claims included in grievances filed during the immediately preceding year;

(III) *The total number of investigations conducted by the Department during the immediately preceding year; and*

(IV) *The outcome of each investigation conducted by the Department during the immediately preceding year;*

(2) *A summary of the activities of the Office during the immediately preceding year, including, without limitation, information regarding any training provided by the Ombudsperson or referrals made by the Ombudsperson;*

(3) *Any recommendations for proposed legislation; and*

(4) *Any other information the Ombudsperson determines is appropriate to include in the report.*

6. *The Ombudsperson shall not:*

(a) *Review, investigate or attempt to resolve any grievance relating to a judgment of conviction; or*

(b) *Interfere with any ongoing investigation of the Department, including, without limitation, any ongoing investigation being conducted by the Inspector General of the Department.*

7. *The Department shall provide any funds necessary to carry out the provisions of this section.*

8. *Notwithstanding any other provision of law, the Department shall grant the Ombudsperson access to any information concerning grievances entered into NOTIS or stored at an institution or facility.*

9. *On or before December 1 of each year, the Ombudsperson shall submit the report required by subsection 5 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.*

10. *As used in this section, "NOTIS" means the Nevada Offender Tracking Information System or its successor.*

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 209.423 is hereby amended to read as follows:

209.423 1. ***An offender shall have the right to receive visitors in person in accordance with the regulations adopted pursuant to section 2 of this act.***

2. ***Wardens and managers may authorize visits and correspondence between offenders and appropriate friends, relatives, and others ~~under~~ in accordance with the regulations adopted by the Director and approved by the Board, pursuant to section 2 of this act.***

3. ***A warden or manager must provide notice of any cancelled visit in accordance with the regulations adopted pursuant to section 2 of this act.***

Sec. 5. (Deleted by amendment.)

Sec. 5.3. **1. There is hereby appropriated from the State General Fund to the Department of Corrections for the cost of contract services for the Office of the Ombudsperson for Offenders established by section 2.5 of this act the following sums:**

For the Fiscal Year 2023-2024..... \$175,000

For the Fiscal Year 2024-2025..... \$350,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 5.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. **Section 5.3 of this act becomes effective on July 1, 2023.**

3. Sections 1 to ~~15.5,~~ **5,** inclusive, **and section 5.5** of this act become effective 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 on January 1, 2024, for all other purposes.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 964 to Assembly Bill No. 452.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 281.

The following Senate amendment was read:

Amendment No. 927.

AN ACT relating to health care; requiring the ~~administrator~~ **administrators** of ~~to~~ **certain** senior living ~~facility~~ **facilities** to ensure **that** **such** a senior living facility is equipped with a functional ventilation system; establishing requirements governing the detection of carbon dioxide at **such** a senior living facility; establishing requirements for the assessment of and any repair, upgrade or installation to ~~such~~ heating, ventilation and air-conditioning systems at **such** senior living facilities; requiring certain personnel to complete and review an assessment report on such a ventilation system; requiring the ~~administrator~~ **administrators** of ~~to~~ **certain** senior living ~~facility~~ **facilities** to prepare a report on work performed on such a ventilation system; providing that such a report is a public record; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth various requirements for certain medical facilities that provide care to persons who are aged or infirm, including, without limitation, a facility for intermediate care, facility for skilled nursing, a residential facility for groups and a home for individual residential care. (Chapter 449 of NRS) This bill establishes requirements for the heating, ventilation and air-conditioning systems of a senior living facility.

Section 7 of this bill defines “senior living facility” as any facility that receives any federal funding from Medicare, Medicaid or other federal health care program and which provides living assistance and related care to a resident of the facility who is an aged or infirm person, including, without limitation, a facility for intermediate care, facility for skilled nursing, a residential facility for groups and a home for individual residential care. **Sections 3-8.7** of this bill define other terms related to ventilation systems in senior living facilities.

Section 9 of this bill sets forth a legislative declaration relating to ventilation systems in senior living facilities. **Section 9.2 of this bill limits the applicability of the provisions of this bill to senior living facilities located in a county whose population is 100,000 or more (currently Clark and Washoe Counties).** **Section 9.5** of this bill requires the State Board of Health to review each new edition of certain standards incorporated into this bill to determine their suitability for this State.

Section 10 of this bill requires, to the extent money is available, the administrator of a senior living facility to ensure that the senior living facility is equipped with a functional ventilation system and to have periodic assessments of the existing system conducted by qualified adjusting personnel or qualified testing personnel. **Section 10** also authorizes a facility that is certified as an assisted living facility to use certain federal money received to upgrade and maintain the ventilation system of that facility.

Section 14 of this bill prescribes requirements governing carbon dioxide detectors at a senior living facility. **Section 14** also requires the administrator of a senior living facility to cause an adjustment to the ventilation if the concentration of carbon dioxide exceeds a certain amount.

Section 14.5 of this bill sets forth the requirements for qualified testing personnel to assess the heating, ventilation and air-conditioning system of a senior living facility. **Section 14.5** also requires qualified testing personnel to prepare a heating, ventilation and air-conditioning assessment report, including certain information relating to the assessments conducted pursuant to that section.

Section 18 of this bill: (1) requires a heating, ventilation and air-conditioning assessment report to be reviewed by a mechanical engineer; and (2) imposes certain duties on the mechanical engineer to facilitate improvements determined necessary based on the report.

Section 19 of this bill requires a senior living facility to take certain corrective actions in response to a heating, ventilation and air-conditioning

assessment report and review by a mechanical engineer. **Section 20** of this bill imposes certain requirements governing the workforce used to perform such corrective actions.

Section 21 of this bill requires the administrator of a senior living facility to prepare a report on the work performed pursuant to a heating, ventilation and air-conditioning assessment report and review by a mechanical engineer and to submit the report to the Division of Public and Behavioral Health of the Department of Health and Human Services.

Section 22 of this bill provides that a heating, ventilation and air-conditioning assessment report and a report created by an administrator of a senior living facility pursuant to **section 21** are public records and available for public inspection. **Sections 22.5 and 23** of this bill provide for the expiration of the provisions of this bill where there is no longer sufficient federal money available to facilitate compliance with its provisions.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. *As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8.7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Apprenticeship program” means an apprenticeship program approved by the State Apprenticeship Council created by NRS 610.030.*

Sec. 3.1. *“ASHRAE” means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.*

Sec. 3.2. *“Certified TAB technician” means a technician who is certified to perform testing, adjusting and balancing of HVAC systems by the Associated Air Balance Council, National Environmental Balancing Bureau, Inc. or the Testing, Adjusting and Balancing Bureau, or a similar successor organization.*

Sec. 3.3. *“Functional ventilation system” means a heating, ventilation and air-conditioning system that provides the minimum acceptable level of ventilation in accordance with the edition of ASHRAE Standard 62.1, Ventilation and*

Acceptable Indoor Air Quality most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 3.4. *“HVAC” means heating, ventilation and air-conditioning.*

Sec. 3.5. *“Mechanical engineer” means a professional engineer who is licensed in the discipline of mechanical engineering by this State and who has professional experience with heating, ventilation and air-conditioning systems.*

Sec. 3.6. *“MERV” means minimum efficiency reporting value, as established by ASHRAE Standard 52.2-2017, Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size.*

Sec. 4. (Deleted by amendment.)

Sec. 5. *“Qualified adjusting personnel” means either of the following:*

1. A certified TAB technician; or
2. A skilled and trained workforce under the supervision of a certified TAB technician.

Sec. 6. *“Qualified testing personnel” means either of the following:*

1. A certified TAB technician; or
2. A person certified to perform assessments of heating, ventilation and air-conditioning systems by a certifying body in accordance with the edition of standard ISO/IEC 17024, Conformity assessment -- General requirements for bodies operating certification of persons, of the International Organization for Standardization most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 7. *“Senior living facility” means any facility that receives any federal funding from Medicare, Medicaid or other federal health care program and which provides living assistance and related care to a resident of the facility who is an aged or infirm person including, without limitation, a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care.*

Sec. 8. *“Skilled and trained workforce” means a workforce not less than 60 percent of which is composed of graduates of an apprenticeship program for the applicable occupation.*

Sec. 8.3. *“Ventilation verification assessment” means an assessment to determine the status of a ventilation system performed in accordance with section 14 of this act.*

Sec. 8.7. *“Zone” means an area of a senior living facility where the temperature is controlled by one thermostat.*

Sec. 9. *The Legislature finds and declares that:*

1. Studies have found:
 - (a) Most ventilation systems are improperly installed; and
 - (b) Many of the problems with ventilation systems are linked to the use of inadequately trained personnel to install, test, adjust and balance ventilation systems.
2. Ventilation systems should operate as efficiently as possible and inspections and repairs should be performed by qualified personnel.
3. In addition to increasing the risk of infectious, airborne diseases, inadequate ventilation systems in senior living facilities negatively impact the health of residents and staff in senior living facilities.
4. Improving indoor air quality in senior living facilities may protect the health of residents and staff, reduce the risk of infectious, airborne diseases and save energy.
5. Senior living facilities should have functioning ventilation systems that meet or exceed recommended health and safety standards.
6. Consistent statewide standards for senior living facilities are necessary to protect the health and safety of residents and staff.

Sec. 9.2. The provisions of sections 2 to 22, inclusive, of this act apply only to senior living facilities located in a county whose population is 100,000 or more.

Sec. 9.5. The Board shall review the editions of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality, Standard ISO/IEC 17024, Conformity assessment -- General requirements for bodies operating certification of persons, of the International Organization for Standardization, and the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials in effect on the effective date of this act to ensure the suitability of the new edition for this State. Each new edition of those standards shall be deemed approved by the Board unless the edition is disapproved by the Board within 60 days after the date of publication of the new edition.

Sec. 10. 1. To the extent that money is available, the administrator of a senior living facility shall ensure that the senior living facility is equipped with a functional ventilation system that is tested, adjusted and, if necessary or cost-effective, repaired, upgraded or replaced to increase efficiency and performance in accordance with the provisions of sections 2 to 22, inclusive, of this act. Money shall be considered available if the senior living facility:

(a) Receives federal or state money and allocates such money to equip the senior living facility with a functional ventilation system or improve the ventilation system or indoor air quality in the senior living facility; or

(b) As a condition of receiving federal or state money is required to ensure the senior living facility is equipped with a functional ventilation system or improve the ventilation system or indoor air quality in the senior living facility.

2. Not later than July 1, 2025, and at least once every 5 years thereafter, the administrator of a senior living facility or any other person that ensures a senior living facility is equipped with a functional ventilation system pursuant to this section shall employ qualified adjusting personnel or qualified testing personnel, or cause such persons to be contracted, to perform a ventilation verification assessment in accordance with section 14.5 of this act to determine the status of and make any necessary improvements to the heating, ventilation and air-conditioning system of the senior living facility.

3. A senior living facility that is an assisted living facility certified by the Housing Division of the Department of Business and Industry pursuant to NRS 319.147 may use federal money received pursuant to paragraph (a) of subsection 1 to upgrade and maintain the ventilation system of that facility.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. Except as otherwise provided in subsection 2, each zone in a senior living facility must be equipped with a carbon dioxide monitor and

at least one carbon dioxide monitor for each 10,000 square feet of floor space. Such a carbon dioxide monitor must:

- (a) Be hardwired, plugged in or battery-operated and mounted to the wall at least 3 feet but not more than 6 feet above the floor and at least 5 feet away from any door or operable window;
- (b) Display readings of the concentration of carbon dioxide to appropriate personnel through a display on the monitor or through an application on an Internet website or a cellular telephone;
- (c) Provide a visual notification, including, without limitation, through an indicator light, electronic mail, text message or an application on a cellular telephone, when the concentration of carbon dioxide in the room reaches 1,100 parts per million or more;
- (d) Maintain a record of previous data that includes, without limitation, the maximum carbon dioxide concentration measured;
- (e) Have a range of 400 parts per million to 5,000 parts per million or more; and
- (f) Be certified by the manufacturer of the carbon dioxide monitor to:
 - (1) Be accurate within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million; and
 - (2) Require calibration not more than once every 5 years.

2. The technical specifications for carbon dioxide monitors set forth in subsection 1 may be amended by regulation of the Board as necessary to reflect available technology and to achieve the intent of that subsection.

3. If appropriate personnel observe a concentration of carbon dioxide exceeding 1,100 parts per million more than once in any 7-day period in any zone, the administrator of the senior living facility shall cause qualified adjusting personnel to adjust the ventilation of the zone as necessary to ensure that the concentration of carbon dioxide in the zone remains below 1,100 parts per million.

Sec. 14.5. 1. In a ventilation verification assessment of a senior living facility performed pursuant to section 10 of this act, qualified testing personnel must:

- (a) Record information from HVAC equipment and the motor nameplate.
- (b) Conduct such testing as necessary to determine that filters are performing at maximum efficiency.
- (c) Obtain physical measurements of the outside air rates at minimum and maximum load conditions.
- (d) For each zone, estimate the number of occupants and determine the current occupancy categories, as listed in Table 402.1 of ASHRAE Standard 62.1-2022, Ventilation and Acceptable Indoor Air Quality.
- (e) Verify the operation of components of the ventilation system.
- (f) Measure all inlets and outlets for air distribution.
- (g) Verify the proper operation of each unit of the HVAC system.

(h) Verify that maintenance has been performed in accordance with section 8 and table 8.1 of ASHRAE Standard 62.1-2022, Ventilation and Acceptable Indoor Air Quality.

(i) Verify that control sequences are organized in a manner that facilitates proper operation of the HVAC system.

(j) Verify the installation of carbon dioxide monitors as required by section 14 of this act and the accuracy of all carbon dioxide monitors within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million.

(k) If the facility is not currently equipped with mechanical ventilation, collect field data to determine the feasibility of installing such ventilation.

(l) Identify such adjustments, repairs, upgrades or replacements described in section 19 of this act as are necessary to meet:

(1) The minimum requirements concerning ventilation and filtration prescribed by any applicable local building code; and

(2) The criteria of the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality, most recently approved by the Board pursuant to section 9.5 of this act.

(m) Document the performance of each task performed pursuant to paragraphs (a) to (l), inclusive.

2. Based on the documentation described in paragraph (m) of subsection 1, the qualified testing personnel who perform a ventilation verification assessment pursuant to section 10 of this act must prepare an HVAC assessment report and provide the report to a mechanical engineer for review in accordance with section 18 of this act.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. The mechanical engineer who reviews an HVAC assessment report pursuant to subsection 2 of section 14.5 of this act must:

1. Verify or adjust the estimated minimum outside air ventilation rates.

2. Determine what, if any, additional adjustments, repairs, upgrades or replacements described in section 19 of this act are necessary to meet:

(a) The minimum ventilation and filtration requirements of the local building code; and

(b) The criteria of the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality most recently approved by the Board pursuant to section 9.5 of this act.

3. Provide the senior living facility with an estimate of costs for all recommended work.

Sec. 19. 1. A senior living facility shall take any corrective actions:

(a) Identified in an HVAC assessment report created pursuant to subsection 2 of section 14.5 of this act and reviewed by a mechanical engineer pursuant to section 18 of this act; or

(b) Identified by a mechanical engineer pursuant to section 18 of this act.

2. Corrective actions identified in an HVAC assessment report or by a mechanical engineer must include, where necessary:

(a) Testing, adjusting and balancing the mechanical ventilation system of the senior living facility, if any; and

(b) If necessary or cost effective, repairs, upgrades or replacement of the HVAC system or installation of a stand-alone mechanical ventilation system.

3. Corrective actions identified in an HVAC assessment report or by a mechanical engineer may additionally include, without limitation:

(a) General maintenance.

(b) Reading and adjustment of ventilation rates.

(c) Replacement of filters to meet a MERV of at least 13 if equipment allows, while ensuring that the pressure drop is less than the capability of the fan.

(d) Direct outside airflow intake measurement.

4. A senior living facility may only use portable filtration and air cleaners:

(a) If the infrastructure of the existing HVAC system is not able to meet the requirements for filtration and ventilation prescribed by sections 2 to 22, inclusive, of this act.

(b) As recommended by a mechanical engineer as a supplemental enhancement to the permanent infrastructure of the HVAC system:

(1) When the desired indoor air quality cannot be maintained with the mechanical ventilation system; or

(2) There exist concerns relating to outdoor air contaminants such as those created by wildfires and air pollution.

5. All adjustments to an HVAC system at a senior living facility must be performed by qualified adjusting personnel.

Sec. 20. 1. The administrator of a senior living facility shall ensure that all work required by section 19 of this act including, without limitation, repairs, upgrades and replacements of an HVAC system, is performed by a skilled and trained workforce of the construction industry and in compliance with applicable regulations of the Board.

2. The Division and the Board shall work in consultation with the Labor Commissioner, as necessary, to ensure that assessments and construction required pursuant to sections 2 to 22, inclusive, of this act satisfy any applicable standards and requirements of the edition of the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 21. Upon the completion of work required by section 19 of this act, the administrator of a senior living facility shall submit a report to the Division. The report must include:

1. The name and address of:

(a) The senior living facility;

(b) The person preparing and certifying the report; and

(c) The qualified testing personnel, qualified adjusting personnel, mechanical engineers, contractors and the members of the skilled and trained workforce of the construction industry who performed assessments, adjustments or construction relating to the work.

2. Copies of the certification and license, if applicable, of each person identified in paragraph (c) of subsection 1.

3. A copy of all procurement documents relating to the work.

4. Documentation of:

(a) Verifications of initial operating ventilation rates.

(b) Adjustments, repairs, upgrades and replacements performed pursuant to section 19 of this act.

(c) The final operating conditions of the HVAC system, including, without limitation, the MERV of the filtration system and verified ventilation and exhaust rates for classrooms, auditoriums, gymnasiums, restrooms, offices and other occupied spaces.

(d) Verification that all work has been tested by qualified testing personnel and adjusted by qualified adjusting personnel.

(e) Verification that all repairs, upgrades and replacements were performed by a contractor who uses a skilled and trained workforce of the construction industry and who is in compliance with any applicable standards of the United States Department of Labor.

(f) Compliance with section 19 of this act, including, without limitation, the make and model of each carbon dioxide monitor installed in the senior living facility.

Sec. 22. *An HVAC assessment report created pursuant to section 14.5 of this act and reviewed by a mechanical engineer pursuant to section 18 of this act and a report submitted to the Division by the administrator of a senior living facility pursuant to section 21 of this act are public records and are available for public inspection.*

Sec. 22.5. 1. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall regularly monitor the amount of federal money available to facilitate the compliance of senior living facilities with the provisions of sections 2 to 22, inclusive, of this act. On the date on which the Administrator determines that there is insufficient federal money available for that purpose, the Administrator shall transmit notice of that determination to the Governor and the Director of the Legislative Counsel Bureau.

2. As used in this section, “senior living facility” has the meaning ascribed to it in section 7 of this act.

Sec. 23. This act becomes effective upon passage and approval, and expires by limitation on the date on which the Director of the Legislative Counsel Bureau receives notice of a determination by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to section 22.5 of this act that there is insufficient

federal money available to facilitate the compliance of senior living facilities with the provisions of sections 2 to 22, inclusive, of this act.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 927 to Assembly Bill No. 281.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 7.

The following Senate amendment was read:

Amendment No. 936.

CONTAINS UNFUNDED MANDATE (§§ ~~1.3, 1.37~~ **1.08, 1.94**, 2)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to health care; **requiring the adoption of a framework for the electronic transmittal, maintenance and exchange of certain health information; requiring governmental entities, health care facilities and providers, insurers and insurance administrators to maintain, transmit and exchange health information electronically; authorizing the imposition of certain discipline against a health care provider, insurer or insurance administrator that fails to comply with that requirement;** authorizing the Director of the Department of Health and Human Services to contract with multiple health information exchanges to perform certain functions; ~~requiring the Director to prescribe certain standards governing the maintenance and exchange of electronic health records;~~ **prohibiting the transmittal of health information to a health information exchange without the affirmative consent of the patient;** expanding immunity from certain liability for health care providers who use a health information exchange; ~~requiring medical facilities and providers of health care to store, transmit and exchange health records electronically;~~ making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Health and Human Services to adopt regulations governing health information exchanges and the transmittal, ownership, management, use and confidentiality of electronic health records. (NRS 439.587, 439.589) Section 1.08 of this bill requires the Director to prescribe by regulation a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions and health-related information. Section 1.08 requires that framework to establish standards for networks and technologies to be used to maintain, transmit and exchange health information, including standards that require: (1) the ability for patients to access and forward their records; and (2) the interoperability of such networks and technologies. Section 2.7 of this bill requires the Director to convene an advisory group to advise the Director in the adoption of those standards.

With certain exceptions, sections 1.08, 1.94, 1.96, 2 and 2.8 of this bill require governmental entities, health care providers, insurers, pharmacy benefit managers and other insurance administrators to maintain, transmit and exchange health information electronically in accordance with those standards and other provisions governing electronic health records, beginning on: (1) July 1, 2024, for hospitals and large physician group practices; (2) July 1, 2025, for governmental entities, other large health care practices, insurers, pharmacy benefit managers and other insurance administrators; and (3) January 1, 2030, for small physician group practices and other small health care practices. Sections 1.02 and 1.08 of this bill provide that a health care provider, insurer, pharmacy benefit manager or other insurance administrator that fails to comply with that requirement is not guilty of a misdemeanor. Instead, section 1 of this bill requires the Department to notify any regulatory body that has issued a license, certificate, registration, permit or similar credential to a health care provider, insurer, pharmacy benefit manager or other insurance administrator if the holder of the credential fails to comply with that requirement. After receiving such notice, sections 1.3, 1.92, 2, 2.2 and 2.35 of this bill authorize a regulatory body to impose corrective action or an administrative penalty on the health care provider, insurer, pharmacy benefit manager or other insurance administrator. Section 1 of this bill requires the Department to notify the relevant regulatory body if a health care provider, insurer, pharmacy benefit manager or other insurance administrator that was previously out of compliance with the requirement to maintain, transmit and exchange health information electronically comes into compliance with that requirement. Section 1.06 of this bill removes duplicative requirements concerning the adoption of regulations governing electronic health records. Sections 1.02-1.07, 1.4-1.9, 1.98, 2.05, 2.15, 2.25, 2.3, 2.4 and 2.45 of this bill make conforming changes to indicate the proper placement of sections 1, 1.3, 2.1 and 2.2 in the Nevada Revised Statutes.

Existing law authorizes the Director of the Department of Health and Human Services to contract with not more than one health information exchange to be responsible for compiling statewide master indexes of patients, health care providers and payers. (NRS 439.587) Section ~~1.1~~ 1.06 of this bill authorizes the Director to contract with multiple health information exchanges to perform those functions. Section ~~1.1~~ 1.06 also removes a requirement that the Director encourage the use of health information exchanges. ~~and prohibits the Director from requiring any person to use a health information exchange.~~

Existing law requires that, with certain exceptions, a patient consent before his or her electronic health record is retrieved from a health information exchange. (NRS 439.591) Section 1.09 of this bill: (1) clarifies that such consent must be affirmative; and (2) requires that a patient also provide such consent before his or her electronic health record is transmitted to a health information exchange.

Existing law provides that a health care provider who with reasonable care relies upon an apparently genuine electronic health record accessed from a health information exchange to make a decision concerning the provision of health care to a patient is immune from civil or criminal liability for the decision if: (1) the electronic health record is inaccurate; (2) the inaccuracy was not caused by the health care provider; (3) the inaccuracy resulted in an inappropriate health care decision; and (4) the health care decision was appropriate based upon the information contained in the inaccurate electronic health record. (NRS 439.593) **Section 1.1** of this bill expands this immunity from liability to also apply to any health care provider who transmits, accesses, utilizes, discloses, relies upon or provides to the patient any apparently genuine electronic health record in accordance with applicable law and regulations. **Section 1.2** of this bill provides that transmitting, accessing, utilizing or disclosing an electronic health record is not an unfair trade practice.

~~[Existing law: (1) provides for the regulation of medical facilities; and (2) establishes requirements governing the maintenance of the health records of providers of health care. (Chapter 449 of NRS; NRS 629.051-629.069) Beginning on January 1, 2028, sections 1.3 and 2 of this bill require such facilities and providers of health care to maintain, transmit and exchange health records electronically in a manner that: (1) allows patients to electronically access their health records directly from the facility or custodian of the records and forward such records electronically to other persons and entities; and (2) allows for the interoperability of health records with the electronic health records and systems of other facilities and providers of health care.]~~

Section 2.5 of this bill makes an appropriation to the Department to award grants to certain small facilities and providers of health care who work in small business settings to assist in compliance with the requirements of ~~Sections 1.3 and 2. Section 1 of this bill requires the Director to prescribe standards for the electronic maintenance and exchange of such records. Sections 1.4-1.9 of this bill make conforming changes to indicate the proper placement of and provide for the enforcement of section 1.3.]~~ **section 1.08.**

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall notify each regulatory body of this State that has issued a current, valid license to a licensed provider or insurer if:

(a) The Department determines that the licensed provider or insurer is not in compliance with the requirements of subsection 4 of NRS 439.589; and

(b) The licensed provider or insurer:

(1) Is not exempt from those requirements pursuant to subsection 5 of NRS 439.589; and

(2) Has not received a waiver of those requirements pursuant to subsection 6 of NRS 439.589.

2. If the Department determines that a licensed provider or insurer for which notice was previously provided pursuant to subsection 1 has come into compliance with the requirements of subsection 4 of NRS 439.589, the Department shall immediately notify the regulatory body that issued the license.

3. As used in this section:

(a) "License" means any license, certificate, registration, permit or similar type of authorization to practice an occupation or profession or engage in a business in this State issued to a licensed provider or insurer.

(b) "Licensed provider or insurer" means:

(1) A medical facility licensed pursuant to chapter 449 of NRS;

(2) The holder of a permit to operate an ambulance, an air ambulance or a vehicle of a fire-fighting agency pursuant to chapter 450B of NRS;

(3) A provider of health care, as defined in NRS 629.031, who is licensed pursuant to title 54 of NRS; or

(4) Any person licensed pursuant to title 57 of NRS.

(c) "Regulatory body" means any governmental entity that issues a license.

Sec. 1.02. NRS 439.580 is hereby amended to read as follows:

439.580 1. Any local health officer or a deputy of a local health officer who neglects or fails to enforce the provisions of this chapter in his or her jurisdiction, or neglects or refuses to perform any of the duties imposed upon him or her by this chapter or by the instructions and directions of the Division shall be punished by a fine of not more than \$250.

2. ~~[Each]~~ Except as otherwise provided in NRS 439.589, each person who violates any of the provisions of this chapter or refuses or neglects to obey any lawful order, rule or regulation of the:

(a) State Board of Health or violates any rule or regulation approved by the State Board of Health pursuant to NRS 439.350, 439.366, 439.410 and 439.460; or

(b) Director adopted pursuant to NRS 439.538 or 439.581 to 439.595, inclusive, and section 1 of this act,

↪ is guilty of a misdemeanor.

Sec. 1.04. NRS 439.581 is hereby amended to read as follows:

439.581 As used in NRS 439.581 to 439.595, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 439.582 to 439.585, inclusive, have the meanings ascribed to them in those sections.

~~[Section 1.]~~ Sec. 1.06. NRS 439.587 is hereby amended to read as follows:

439.587 1. The Director is the state authority for health information technology. ~~[The Director shall]~~

~~—(a) Ensure that a health information exchange complies with the specifications and protocols for exchanging electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act of 2009, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., and other applicable federal and state law;~~

~~—(b) Encourage the use of a health information exchange by health care providers, payers and patients;~~

~~—(c) Prescribe by regulation standards for the electronic **maintenance, transmittal and exchange** of electronic health records, prescriptions, health-related information, electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law;~~

~~—(d) ~~(c)~~ Prescribe by regulation rules governing the ownership, management and use of electronic health records, health-related information and related data retained or shared by a health information exchange; and~~

~~—(e) ~~(d)~~ Prescribe by regulation, in consultation with the State Board of Pharmacy, standards for the electronic transmission of prior authorizations for prescription medication using a health information exchange.]~~

2. The Director may establish or contract with ~~[not more than]~~ one **or more** health information ~~[exchange to serve as the statewide health information exchange]~~ **exchanges** to be responsible for compiling statewide master indexes of patients, health care providers and payers. The Director may by regulation prescribe the requirements for **such** a ~~[statewide]~~ health information exchange, including, without limitation, the procedure by which any patient, health care provider or payer master index created pursuant to any contract is transferred to the State upon termination of the contract.

3. The Director may enter into contracts, apply for and accept available gifts, grants and donations, and adopt such regulations as are necessary to carry out the provisions of NRS 439.581 to 439.595, inclusive. ~~+~~

~~—4. **The regulations adopted pursuant to this section and NRS 439.589 must not require any person or entity, other than the Department, to use a health information exchange.**, and section 1 of this act.~~

Sec. 1.07. NRS 439.588 is hereby amended to read as follows:

439.588 1. A health information exchange shall not operate in this State without first obtaining certification as provided in subsection 2.

2. The Director shall by regulation establish the manner in which a health information exchange may apply for certification and the requirements for granting such certification, which must include, without limitation, that the health information exchange demonstrate its financial and operational sustainability, adherence to the privacy, security and patient consent standards adopted pursuant to NRS 439.589 and capacity for interoperability with any other health information exchange certified pursuant to this section.

3. The Director may deny an application for certification or may suspend or revoke any certification issued pursuant to subsection 2 for failure to comply

with the provisions of NRS 439.581 to 439.595, inclusive, **and section 1 of this act**, or the regulations adopted pursuant thereto or any applicable federal or state law.

4. When the Director intends to deny, suspend or revoke a certification, he or she shall give reasonable notice to all parties by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. A health information exchange that wishes to contest the action of the Director must file an appeal with the Director.

5. The Director shall adopt regulations establishing the manner in which a person may file a complaint with the Director regarding a violation of the provisions of this section.

6. The Director may impose an administrative fine against a health information exchange which operates in this State without holding a certification in an amount established by the Director by regulation. The Director shall afford a health information exchange so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

7. The Director may adopt such regulations as he or she determines are necessary to carry out the provisions of this section.

Sec. 1.08. NRS 439.589 is hereby amended to read as follows:

439.589 1. The Director **, in consultation with health care providers, third parties and other interested persons and entities,** shall by regulation prescribe **a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions, health-related information and electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law. The regulations must:**

(a) Establish standards for
for networks and technologies to be used to maintain, transmit and exchange health information, including, without limitation, standards:

(1) That require:
(I) The use of networks and technologies that allow patients to access electronic health records directly from the health care provider of the patient and forward such electronic health records electronically to other persons and entities; and

(II) The interoperability of such networks and technologies in accordance with the applicable standards for the interoperability of Qualified Health Information Networks prescribed by the Office of the National Coordinator for Health Information Technology of the United States Department of Health and Human Services;

(2) To ensure that electronic health records retained or shared by any health information exchange are secure;

(3) To maintain the confidentiality of electronic health records and health-related information, including, without limitation, standards to maintain the confidentiality of electronic health records relating to a child who has received health care services without the consent of a parent or guardian and

which ensure that a child's right to access such health care services is not impaired;

~~[(e)]~~ **(4)** To ensure the privacy of individually identifiable health information, including, without limitation, standards to ensure the privacy of information relating to a child who has received health care services without the consent of a parent or guardian;

~~[(d)]~~ **(5)** For obtaining consent from a patient before retrieving the patient's health records from a health information exchange, including, without limitation, standards for obtaining such consent from a child who has received health care services without the consent of a parent or guardian;

~~[(e)]~~ **(6)** For making any necessary corrections to information or records ~~retained or shared by a health information exchange; and~~

~~[(6)]~~ ;

(7) For notifying a patient if the confidentiality of information contained in an electronic health record of the patient is breached ~~[(7)]~~ ;

(8) Governing the ownership, management and use of electronic health records, health-related information and related data; and

(9) For the electronic transmission of prior authorizations for prescription medication;

(b) Ensure compliance with the requirements, specifications and protocols for exchanging, securing and disclosing electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and other applicable federal and state law; and

(c) Be based on nationally recognized best practices for maintaining, transmitting and exchanging health information electronically.

2. The standards prescribed pursuant to this section must include, without limitation:

(a) Requirements for the creation, maintenance and transmittal of electronic health records;

(b) Requirements for protecting confidentiality, including control over, access to and the collection, organization and maintenance of electronic health records, health-related information and individually identifiable health information;

(c) Requirements for the manner in which a patient may, through a health care provider who participates in the sharing of health records using a health information exchange, revoke his or her consent for a health care provider to retrieve the patient's health records from the health information exchange;

(d) A secure and traceable electronic audit system for identifying access points and trails to electronic health records and health information exchanges; and

(e) Any other requirements necessary to comply with all applicable federal laws relating to electronic health records, health-related information, health

information exchanges and the security and confidentiality of such records and exchanges.

3. The regulations adopted pursuant to this section must not require any person or entity to use a health information exchange.

4. Except as otherwise provided in subsections 5, 6 and 7, the Department and the divisions thereof, other state and local governmental entities, health care providers, third parties, pharmacy benefit managers and other entities licensed or certified pursuant to title 57 of NRS shall maintain, transmit and exchange health information in accordance with the regulations adopted pursuant to this section, the provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act, and any other regulations adopted pursuant thereto.

5. The Federal Government and employees thereof, a provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq., or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) is not required to but may maintain, transmit and exchange electronic information in accordance with the regulations adopted pursuant to this section.

6. A health care provider may apply to the Department for a waiver from the provisions of subsection 4 on the basis that the health care provider does not have the infrastructure necessary to comply with those provisions, including, without limitation, because the health care provider does not have access to the Internet. The Department shall grant a waiver if it determines that:

(a) The health care provider does not currently have the infrastructure necessary to comply with the provisions of subsection 4; and

(b) Obtaining such infrastructure is not reasonably practicable, including, without limitation, because the cost of such infrastructure would make it difficult for the health care provider to continue to operate.

7. The provisions of subsection 4 do not apply to the Department of Corrections.

8. A violation of the provisions of this section or any regulations adopted pursuant thereto is not a misdemeanor.

9. As used in this section:

(a) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(b) "Third party" means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.

Sec. 1.09. NRS 439.591 is hereby amended to read as follows:

439.591 1. Except as otherwise provided in subsection 2 of NRS 439.538, a patient must not be required to participate in a health information exchange. Before a patient's health care records may be transmitted to or retrieved from a health information exchange, the patient must be fully

informed and **affirmatively** consent, in the manner prescribed by the Director. **It is the public policy of this State that, except as otherwise provided in NRS 439.538, a patient's health care records must not be transmitted to or retrieved from a health information exchange unless the patient provides such affirmative consent.**

2. A patient must be notified in the manner prescribed by the Director of any breach of the confidentiality of electronic health records of the patient or a health information exchange.

3. A patient who consents to the **transmittal of his or her electronic health record to or the** retrieval of his or her electronic health record from a health information exchange may at any time request that a health care provider access and provide the patient with his or her electronic health record in accordance with the provisions of 45 C.F.R. § 164.526.

Sec. 1.1. NRS 439.593 is hereby amended to read as follows:

439.593 A health care provider who with reasonable care **transmits, accesses, utilizes, discloses,** relies upon **or provides to a patient** an apparently genuine electronic health record ~~{accessed from a health information exchange to make a decision concerning the provision of health care to a patient}~~ **in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto** is immune from civil or criminal liability for ~~{the}~~ **any decision concerning the provision of health care to a patient and any civil or criminal liability resulting from the provision of an apparently genuine electronic health** ~~the record to a patient~~ if:

1. The electronic health record is inaccurate;
2. The inaccuracy was not caused by the health care provider;
3. The inaccuracy resulted in an inappropriate health care decision; and
4. The health care decision was appropriate based upon the information contained in the inaccurate electronic health record.

Sec. 1.2. NRS 439.595 is hereby amended to read as follows:

439.595 Providing information to , **transmitting, accessing, utilizing or disclosing** an electronic health record or participating in a health information exchange in accordance with NRS 439.581 to 439.595, inclusive, does not constitute an unfair trade practice pursuant to chapter 598A or 686A of NRS.

Sec. 1.3. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

~~{Except as otherwise provided in NRS 439.538 and 439.591, a medical facility shall maintain, transmit and exchange health records electronically in accordance with paragraph (a) of subsection 1 of NRS 629.051.}~~

1. If the Division receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a medical facility licensed pursuant to this chapter is not in compliance with the requirements of subsection 4 of NRS 439.589, the Division may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative penalty in the amount prescribed by NRS 449.163.

2. The Division shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 1.4. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, **and section 1.3 of this act**, unless the context otherwise requires, “medical facility” has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 1.5. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.3 of this act** do not apply to:

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

2. Foster homes as defined in NRS 424.014.

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

Sec. 1.6. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, **and section 1.3 of this act** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.3 of this act** or the standards and regulations adopted by the Board;

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

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described

in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

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

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

Sec. 1.7. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.3 of this act** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, **and section 1.3 of this act** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, **and section 1.3 of this act** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

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

(g) Violation of the provisions of NRS 458.112.

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

- (a) Is convicted of violating any of the provisions of NRS 202.470;
- (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or
- (c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

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

- (a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;
- (b) A report of any investigation conducted with respect to the complaint; and
- (c) A report of any disciplinary action taken against the facility.

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

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

- (a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and
- (b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 1.75. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 1.3 of this act** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

- (a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;
- (b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;
- (c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;
- (d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and
- (e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

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

(2) Improvements are made to correct the violation.

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

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

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

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 1.3 of this act** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, **and section 1.3 of this act**, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 1.8. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~to~~, **and section 1.3 of this act**:

(a) Without first obtaining a license therefor; or

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

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

Sec. 1.9. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~to~~, **and section 1.3 of this act**.

Sec. 1.92. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the health authority receives notification from the Department of Health and Human Services pursuant to section 1 of this act that the holder of a permit to operate an ambulance, air ambulance or vehicle of a fire-fighting agency is not in compliance with the requirements of subsection 4 of NRS 439.589, the health authority may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require

corrective action or impose an administrative penalty in an amount established by regulation of the board.

2. The health authority shall not suspend or revoke a permit for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 1.94. 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 **439.581 to 439.595, inclusive, and section 1 of this act,** 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 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. 1.96. 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 439.581 to 439.595, inclusive, and section 1 of this act, 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is

licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 1.98. NRS 603A.100 is hereby amended to read as follows:

603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, do not apply to the maintenance or transmittal of information in accordance with NRS 439.581 to 439.595, inclusive, **and section 1 of this act** and the regulations adopted pursuant thereto.

2. A data collector who is also an operator, as defined in NRS 603A.330, shall comply with the provisions of NRS 603A.300 to 603A.360, inclusive.

3. Any waiver of the provisions of NRS 603A.010 to 603A.290, inclusive, is contrary to public policy, void and unenforceable.

Sec. 2. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each custodian of health care records shall retain the health care records of patients as part of the regularly maintained records of the custodian for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. ~~Health~~ **Health** ~~[Except as otherwise provided in NRS 439.538 and 439.591, health]~~ care records ~~[may]~~ **may** :

(a) Must, except as otherwise provided in subsections 5 and 6 of NRS 439.589, be created, maintained, transmitted and exchanged electronically in a manner that:

~~**(1) Allows patients to electronically access their health records directly from the custodian of health care records and forward such records electronically to other persons and entities;**~~

~~**(2) Allows for the interoperability of health records with the electronic health records and systems of health care facilities and other providers of health care; and**~~

~~**(3) Complies with the applicable provisions of NRS 439.581 to 439.595, inclusive, and any regulations adopted pursuant thereto, as required by subsection 4 of NRS 439.589; and**~~

(b) May be created, authenticated and stored in a [computer system] health information exchange which meets the requirements of NRS 439.581 to 439.595, inclusive, **and section 1 of this act** and the regulations adopted pursuant thereto.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient

a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A custodian of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. *If a health care licensing board receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a provider of health care to which the health care licensing board has issued a license is not in compliance with the requirements of subsection 4 of NRS 439.589, the health care licensing board may, after notice and the opportunity for a hearing in accordance with the provisions of this title, require corrective action or impose an administrative penalty in an amount not to exceed the maximum penalty that the health care licensing board is authorized to impose for other violations. The health care licensing board shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.*

9. The provisions of this section, *except for the provisions of paragraph (a) of subsection 1 ~~10~~ and subsection 8,* do not apply to a pharmacist.

~~10~~ 10. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

11. As used in this section:

(a) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C or 641D of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

(3) The State Board of Health with respect to licenses issued pursuant to chapter 640D or 640E of NRS.

(b) “License” has the meaning ascribed to it in section 1 of this act.

Sec. 2.05. NRS 654.190 is hereby amended to read as follows:

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

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

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

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

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.3 of this act**, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

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

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

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

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

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

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

Sec. 2.1. Chapter 680A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that an insurer is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in

accordance with the provisions of this title, require corrective action or impose an administrative fine in the amount prescribed by NRS 680A.200.

2. The Commissioner shall not suspend or revoke the certificate of authority of an insurer for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.15. NRS 680A.095 is hereby amended to read as follows:

680A.095 1. Except as otherwise provided in subsection 3, an insurer which is not authorized to transact insurance in this State may not transact reinsurance with a domestic insurer in this State, by mail or otherwise, unless the insurer holds a certificate of authority as a reinsurer in accordance with the provisions of NRS 680A.010 to 680A.150, inclusive, and section 2.1 of this act, 680A.160 to 680A.280, inclusive, 680A.320 and 680A.330.

2. To qualify for authority only to transact reinsurance, an insurer must meet the same requirements for capital and surplus as are imposed on an insurer which is authorized to transact insurance in this State.

3. This section does not apply to the joint reinsurance of title insurance risks or to reciprocal insurance authorized pursuant to chapter 694B of NRS.

Sec. 2.2. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that an administrator is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 683A.461.

2. The Commissioner shall not suspend or revoke the certificate of registration of an administrator for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.25. NRS 683A.3683 is hereby amended to read as follows:

683A.3683 A producer of limited lines travel insurance and each travel retailer, or employee or authorized representative of a travel retailer, who offers or disseminates travel insurance under the license of a producer of limited lines travel insurance shall be subject to the provisions of NRS 683A.451 to 683A.520, inclusive, and section 2.2 of this act and chapter 686A of NRS.

Sec. 2.3. NRS 692A.270 is hereby amended to read as follows:

692A.270 The provisions of NRS 683A.321, 683A.331, 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, and section 2.2 of this act and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 2.35. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a health maintenance organization is not in compliance with the requirements of

subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 695C.350.

2. The Commissioner shall not suspend or revoke the certificate of authority of a health maintenance organization for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.4. NRS 719.200 is hereby amended to read as follows:

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

(a) Except as otherwise specifically provided by law, a law governing the creation and execution of wills, codicils or testamentary trusts;

(b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

(c) The provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act and the regulations adopted pursuant thereto.

3. The provisions of this chapter apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. A transaction subject to the provisions of this chapter is also subject to other applicable substantive law.

Sec. 2.45. NRS 720.140 is hereby amended to read as follows:

720.140 1. Except as otherwise provided in this subsection, the provisions of this chapter apply to any transaction for which a digital signature is used to sign an electronic record. The provisions of this chapter do not apply to a digital signature that is used to sign an electronic health record in accordance with NRS 439.581 to 439.595, inclusive, and section 1 of this act and the regulations adopted pursuant thereto.

2. As used in this section, “electronic record” has the meaning ascribed to it in NRS 719.090.

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$3,000,000 for the purpose of awarding grants to providers of health care and medical facilities for the purposes of complying with the requirements of ~~Section 1.3 of this act and paragraph (a) of~~ subsection ~~1.4~~ 4 of NRS ~~629.051, 1~~ 439.589, as amended by section ~~1.2~~ 1.08 of this act. To receive such a grant, a provider of health care or medical facility must have a staff of less than 50 persons or work for an entity that has a staff of less than 50 persons, as applicable.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation

is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

3. As used in this section:

(a) “Medical facility” has the meaning ascribed to it in NRS 449.0151.

(b) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 2.7. 1. On or before July 1, 2023, the Director of the Department shall convene an advisory group to advise the Director of the Department in the adoption of regulations pursuant to NRS 439.589, as amended by section 1.08 of this act. The advisory group shall consist of:

(a) The following ex officio members:

(1) The Director of the Department;

(2) The Administrator of the Division of Public and Behavioral Health of the Department;

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

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

(5) The Commissioner of Insurance;

(6) Each district health officer appointed pursuant to NRS 439.368 or 439.400;

(7) The Executive Officer of the Public Employees’ Benefits Program; and

(8) The Executive Director of the Silver State Health Insurance Exchange; and

(b) The following members appointed by the Director:

(1) Representatives of third parties, as defined in NRS 439.589, as amended by section 1.08 of this act, that provide health coverage in this State;

(2) Representatives of hospitals, as defined in NRS 449.012, other medical facilities, as defined in NRS 449.0151, and facilities for the dependent, as defined in NRS 449.0045;

(3) Representatives of consumers of health care;

(4) Representatives of labor organizations;

(5) Professionals in the field of information privacy and security;

(6) Professionals in the field of health information technology and the interoperability of health information;

(7) Representatives of community-based organizations whose work relates to health information;

(8) Representatives of county and city health departments;

(9) Representatives of social services agencies; and

(10) Representatives of community-based organizations whose work relates to social services.

2. Members appointed to the advisory group pursuant to paragraph (b) of subsection 1 serve at the pleasure of the Director of the Department. If a vacancy occurs, the Director shall appoint a person similarly qualified to replace that member.

3. Members of the advisory group serve without compensation or per diem but are entitled to receive reimbursement for travel expenses in the same amount provided for state officers and employees generally.

4. The Director of the Department shall serve as the Chair of the advisory group.

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

6. Each member of the advisory group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the advisory group and perform any work necessary to carry out the duties of the advisory group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the advisory group to make up the time the officer or employee is absent from work to carry out duties as a member of the advisory group or use annual leave or compensatory time for the absence.

7. The advisory group may establish subcommittees and working groups consisting of members of the advisory group or other persons to assist the advisory group in the performance of its duties.

8. The advisory group shall advise the Director of the Department on the development and implementation of the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act.

9. The Director of the Department shall:

(a) On or before August 1, 2024, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning the progress of the Director in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act; and

(b) On or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report concerning the progress of the Director in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act.

10. As used in this section, "Department" means the Department of Health and Human Services.

Sec. 2.8. 1. Hospitals and physician group practices with more than 20 employees shall comply with the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, on or before July 1, 2024.

2. Notwithstanding the amendatory provisions of sections 1, 1.08, 1.3, 1.92, 1.94, 1.96, 2 and 2.2 of this act:

(a) Persons and entities subject to the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, other than the persons and entities described in paragraph (b) of this subsection and subsection 1 of this section, are not required to comply with those provisions until July 1, 2025.

(b) Physician group practices or other business entities organized for the purpose of practicing a health care profession with 20 or fewer employees, including, without limitation, sole proprietorships, are not required to comply with the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, until January 1, 2030.

3. As used in this section:

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

(b) “Health care profession” means any profession practiced by providers of health care, as defined in NRS 629.031.

(c) “Physician group practice” means any business entity organized for the purpose of the practice of medicine or osteopathic medicine by more than one physician.

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

Sec. 4. 1. This section and sections ~~{1,} 1.09, 1.1 {,} and 1.2 {and 2.5}~~ of this act become effective ~~{on July 1, 2023,} upon passage and approval.~~

2. Sections 2.5 and 2.7 of this act become effective on July 1, 2023.

3. Sections ~~{1.3 to 2,} 1 to 1.08, inclusive, 1.3 to 2.45, inclusive, 2.8~~ and 3 of this act become effective ~~{on January 1, 2028,}.~~

(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 Peters moved that the Assembly concur in the Senate Amendment No. 936 to Assembly Bill No. 7.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 968.

AN ACT relating to health care; requiring the adoption of a framework for the electronic transmittal, maintenance and exchange of certain health information; requiring governmental entities, health care facilities and providers, insurers and insurance administrators to maintain, transmit and exchange health information electronically; authorizing the imposition of certain discipline against a health care provider, insurer or insurance administrator that fails to comply with that requirement; authorizing the Director of the Department of Health and Human Services to contract with multiple health information exchanges to perform certain functions;

~~[prohibiting the transmittal of health information to a health information exchange without the affirmative consent of the patient];~~ expanding immunity from certain liability for health care providers who use a health information exchange; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Health and Human Services to adopt regulations governing health information exchanges and the transmittal, ownership, management, use and confidentiality of electronic health records. (NRS 439.587, 439.589) **Section 1.08** of this bill requires the Director to prescribe by regulation a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions and health-related information. **Section 1.08** requires that framework to establish standards for networks and technologies to be used to maintain, transmit and exchange health information, including standards that require: (1) the ability for patients to access and forward their records; and (2) the interoperability of such networks and technologies. **Section 2.7** of this bill requires the Director to convene an advisory group to advise the Director in the adoption of those standards.

With certain exceptions, **sections 1.08, 1.94, 1.96, 2 and 2.8** of this bill require governmental entities, health care providers, insurers, pharmacy benefit managers and other insurance administrators to maintain, transmit and exchange health information electronically in accordance with those standards and other provisions governing electronic health records, beginning on: (1) July 1, 2024, for hospitals and large physician group practices; (2) July 1, 2025, for governmental entities, other large health care practices, insurers, pharmacy benefit managers and other insurance administrators; and (3) January 1, 2030, for small physician group practices and other small health care practices. **Sections 1.02 and 1.08** of this bill provide that a health care provider, insurer, pharmacy benefit manager or other insurance administrator that fails to comply with that requirement is not guilty of a misdemeanor. Instead, **section 1** of this bill requires the Department to notify any regulatory body that has issued a license, certificate, registration, permit or similar credential to a health care provider, insurer, pharmacy benefit manager or other insurance administrator if the holder of the credential fails to comply with that requirement. After receiving such notice, **sections 1.3, 1.92, 2, 2.2 and 2.35** of this bill authorize a regulatory body to impose corrective action or an administrative penalty on the health care provider, insurer, pharmacy benefit manager or other insurance administrator. **Section 1** of this bill requires the Department to notify the relevant regulatory body if a health care provider, insurer, pharmacy benefit manager or other insurance administrator that was previously out of compliance with the requirement to maintain, transmit and exchange health information electronically comes into compliance with that requirement. **Section 1.06** of this bill removes duplicative requirements concerning the adoption of regulations governing electronic health records. **Sections 1.02-**

1.07, 1.4-1.9, 1.98, 2.05, 2.15, 2.25, 2.3, 2.4 and 2.45 of this bill make conforming changes to indicate the proper placement of **sections 1, 1.3, 2.1 and 2.2** in the Nevada Revised Statutes.

Existing law authorizes the Director of the Department of Health and Human Services to contract with not more than one health information exchange to be responsible for compiling statewide master indexes of patients, health care providers and payers. (NRS 439.587) **Section 1.06** of this bill authorizes the Director to contract with multiple health information exchanges to perform those functions. **Section 1.06** also removes a requirement that the Director encourage the use of health information exchanges.

Existing law requires that, with certain exceptions, a patient consent before his or her electronic health record is retrieved from a health information exchange. (NRS 439.591) **Section 1.09** of this bill ~~[(1)]~~ clarifies that such consent must be affirmative ~~[(1)]~~ and ~~(2) requires that a patient also provide such consent before his or her electronic health record is transmitted to a health information exchange.]~~

Existing law provides that a health care provider who with reasonable care relies upon an apparently genuine electronic health record accessed from a health information exchange to make a decision concerning the provision of health care to a patient is immune from civil or criminal liability for the decision if: (1) the electronic health record is inaccurate; (2) the inaccuracy was not caused by the health care provider; (3) the inaccuracy resulted in an inappropriate health care decision; and (4) the health care decision was appropriate based upon the information contained in the inaccurate electronic health record. (NRS 439.593) **Section 1.1** of this bill expands this immunity from liability to also apply to any health care provider who transmits, accesses, utilizes, discloses, relies upon or provides to the patient any apparently genuine electronic health record in accordance with applicable law and regulations. **Section 1.2** of this bill provides that transmitting, accessing, utilizing or disclosing an electronic health record is not an unfair trade practice.

Section 2.5 of this bill makes an appropriation to the Department to award grants to certain small facilities and providers of health care who work in small business settings to assist in compliance with the requirements of **section 1.08**.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall notify each regulatory body of this State that has issued a current, valid license to a licensed provider or insurer if:

(a) The Department determines that the licensed provider or insurer is not in compliance with the requirements of subsection 4 of NRS 439.589; and

(b) The licensed provider or insurer:

(1) Is not exempt from those requirements pursuant to subsection 5 of NRS 439.589; and

(2) *Has not received a waiver of those requirements pursuant to subsection 6 of NRS 439.589.*

2. *If the Department determines that a licensed provider or insurer for which notice was previously provided pursuant to subsection 1 has come into compliance with the requirements of subsection 4 of NRS 439.589, the Department shall immediately notify the regulatory body that issued the license.*

3. *As used in this section:*

(a) *“License” means any license, certificate, registration, permit or similar type of authorization to practice an occupation or profession or engage in a business in this State issued to a licensed provider or insurer.*

(b) *“Licensed provider or insurer” means:*

(1) *A medical facility licensed pursuant to chapter 449 of NRS;*

(2) *The holder of a permit to operate an ambulance, an air ambulance or a vehicle of a fire-fighting agency pursuant to chapter 450B of NRS;*

(3) *A provider of health care, as defined in NRS 629.031, who is licensed pursuant to title 54 of NRS; or*

(4) *Any person licensed pursuant to title 57 of NRS.*

(c) *“Regulatory body” means any governmental entity that issues a license.*

Sec. 1.02. NRS 439.580 is hereby amended to read as follows:

439.580 1. Any local health officer or a deputy of a local health officer who neglects or fails to enforce the provisions of this chapter in his or her jurisdiction, or neglects or refuses to perform any of the duties imposed upon him or her by this chapter or by the instructions and directions of the Division shall be punished by a fine of not more than \$250.

2. ~~Each~~ **Except as otherwise provided in NRS 439.589, each** person who violates any of the provisions of this chapter or refuses or neglects to obey any lawful order, rule or regulation of the:

(a) State Board of Health or violates any rule or regulation approved by the State Board of Health pursuant to NRS 439.350, 439.366, 439.410 and 439.460; or

(b) Director adopted pursuant to NRS 439.538 or 439.581 to 439.595, inclusive, **and section 1 of this act,**

↪ is guilty of a misdemeanor.

Sec. 1.04. NRS 439.581 is hereby amended to read as follows:

439.581 As used in NRS 439.581 to 439.595, inclusive, **and section 1 of this act,** unless the context otherwise requires, the words and terms defined in NRS 439.582 to 439.585, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.06. NRS 439.587 is hereby amended to read as follows:

439.587 1. The Director is the state authority for health information technology. ~~The Director shall:~~

~~—(a) Ensure that a health information exchange complies with the specifications and protocols for exchanging electronic health records, health~~

~~related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act of 2009, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., and other applicable federal and state law;~~

~~—(b) Encourage the use of a health information exchange by health care providers, payers and patients;~~

~~—(c) Prescribe by regulation standards for the electronic transmittal of electronic health records, prescriptions, health related information, electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law;~~

~~—(d) Prescribe by regulation rules governing the ownership, management and use of electronic health records, health related information and related data retained or shared by a health information exchange; and~~

~~—(e) Prescribe by regulation, in consultation with the State Board of Pharmacy, standards for the electronic transmission of prior authorizations for prescription medication using a health information exchange.}~~

2. The Director may establish or contract with ~~{not more than}~~ **one or more** health information ~~{exchange to serve as the statewide health information exchange}~~ **exchanges** to be responsible for compiling statewide master indexes of patients, health care providers and payers. The Director may by regulation prescribe the requirements for **such a** ~~{statewide}~~ health information exchange, including, without limitation, the procedure by which any patient, health care provider or payer master index created pursuant to any contract is transferred to the State upon termination of the contract.

3. The Director may enter into contracts, apply for and accept available gifts, grants and donations, and adopt such regulations as are necessary to carry out the provisions of NRS 439.581 to 439.595, inclusive, **and section 1 of this act.**

Sec. 1.07. NRS 439.588 is hereby amended to read as follows:

439.588 1. A health information exchange shall not operate in this State without first obtaining certification as provided in subsection 2.

2. The Director shall by regulation establish the manner in which a health information exchange may apply for certification and the requirements for granting such certification, which must include, without limitation, that the health information exchange demonstrate its financial and operational sustainability, adherence to the privacy, security and patient consent standards adopted pursuant to NRS 439.589 and capacity for interoperability with any other health information exchange certified pursuant to this section.

3. The Director may deny an application for certification or may suspend or revoke any certification issued pursuant to subsection 2 for failure to comply with the provisions of NRS 439.581 to 439.595, inclusive, **and section 1 of this act**, or the regulations adopted pursuant thereto or any applicable federal or state law.

4. When the Director intends to deny, suspend or revoke a certification, he or she shall give reasonable notice to all parties by certified mail. The notice

must contain the legal authority, jurisdiction and reasons for the action to be taken. A health information exchange that wishes to contest the action of the Director must file an appeal with the Director.

5. The Director shall adopt regulations establishing the manner in which a person may file a complaint with the Director regarding a violation of the provisions of this section.

6. The Director may impose an administrative fine against a health information exchange which operates in this State without holding a certification in an amount established by the Director by regulation. The Director shall afford a health information exchange so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

7. The Director may adopt such regulations as he or she determines are necessary to carry out the provisions of this section.

Sec. 1.08. NRS 439.589 is hereby amended to read as follows:

439.589 1. The Director, ***in consultation with health care providers, third parties and other interested persons and entities***, shall by regulation prescribe ***a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions, health-related information and electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law. The regulations must:***

(a) Establish standards ~~for~~

~~—(a)—~~ ***for networks and technologies to be used to maintain, transmit and exchange health information, including, without limitation, standards:***

(1) That require:

(I) The use of networks and technologies that allow patients to access electronic health records directly from the health care provider of the patient and forward such electronic health records electronically to other persons and entities; and

(II) The interoperability of such networks and technologies in accordance with the applicable standards for the interoperability of Qualified Health Information Networks prescribed by the Office of the National Coordinator for Health Information Technology of the United States Department of Health and Human Services;

(2) To ensure that electronic health records retained or shared ~~by any health information exchange~~ are secure;

~~[(b)]~~ ***(3) To maintain the confidentiality of electronic health records and health-related information, including, without limitation, standards to maintain the confidentiality of electronic health records relating to a child who has received health care services without the consent of a parent or guardian and which ensure that a child's right to access such health care services is not impaired;***

~~[(c)]~~ ***(4) To ensure the privacy of individually identifiable health information, including, without limitation, standards to ensure the privacy of***

information relating to a child who has received health care services without the consent of a parent or guardian;

~~[(d)]~~ (5) For obtaining consent from a patient before retrieving the patient's health records from a health information exchange, including, without limitation, standards for obtaining such consent from a child who has received health care services without the consent of a parent or guardian;

~~[(e)]~~ (6) For making any necessary corrections to information or records ~~retained or shared by a health information exchange; and~~
~~—(f)—~~ ;

(7) For notifying a patient if the confidentiality of information contained in an electronic health record of the patient is breached ~~[(f)]~~ ;

(8) Governing the ownership, management and use of electronic health records, health-related information and related data; and

(9) For the electronic transmission of prior authorizations for prescription medication;

(b) Ensure compliance with the requirements, specifications and protocols for exchanging, securing and disclosing electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and other applicable federal and state law; and

(c) Be based on nationally recognized best practices for maintaining, transmitting and exchanging health information electronically.

2. The standards prescribed pursuant to this section must include, without limitation:

(a) Requirements for the creation, maintenance and transmittal of electronic health records;

(b) Requirements for protecting confidentiality, including control over, access to and the collection, organization and maintenance of electronic health records, health-related information and individually identifiable health information;

(c) Requirements for the manner in which a patient may, through a health care provider who participates in the sharing of health records using a health information exchange, revoke his or her consent for a health care provider to retrieve the patient's health records from the health information exchange;

(d) A secure and traceable electronic audit system for identifying access points and trails to electronic health records and health information exchanges; and

(e) Any other requirements necessary to comply with all applicable federal laws relating to electronic health records, health-related information, health information exchanges and the security and confidentiality of such records and exchanges.

3. The regulations adopted pursuant to this section must not require any person or entity to use a health information exchange.

4. Except as otherwise provided in subsections 5, 6 and 7, the Department and the divisions thereof, other state and local governmental entities, health care providers, third parties, pharmacy benefit managers and other entities licensed or certified pursuant to title 57 of NRS shall maintain, transmit and exchange health information in accordance with the regulations adopted pursuant to this section, the provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act, and any other regulations adopted pursuant thereto.

5. The Federal Government and employees thereof, a provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq., or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) is not required to but may maintain, transmit and exchange electronic information in accordance with the regulations adopted pursuant to this section.

6. A health care provider may apply to the Department for a waiver from the provisions of subsection 4 on the basis that the health care provider does not have the infrastructure necessary to comply with those provisions, including, without limitation, because the health care provider does not have access to the Internet. The Department shall grant a waiver if it determines that:

(a) The health care provider does not currently have the infrastructure necessary to comply with the provisions of subsection 4; and

(b) Obtaining such infrastructure is not reasonably practicable, including, without limitation, because the cost of such infrastructure would make it difficult for the health care provider to continue to operate.

7. The provisions of subsection 4 do not apply to the Department of Corrections.

8. A violation of the provisions of this section or any regulations adopted pursuant thereto is not a misdemeanor.

9. As used in this section:

(a) “Pharmacy benefit manager” has the meaning ascribed to it in NRS 683A.174.

(b) “Third party” means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.

Sec. 1.09. NRS 439.591 is hereby amended to read as follows:

439.591 1. Except as otherwise provided in subsection 2 of NRS 439.538, a patient must not be required to participate in a health information exchange. Before a patient’s health care records may be ~~transmitted to or~~ retrieved from a health information exchange, the patient must be fully informed and **affirmatively** consent, in the manner prescribed by the Director. **It is the public policy of this State that, except as otherwise provided in NRS 439.538, a patient’s health care records must not be ~~transmitted to or~~**

retrieved from a health information exchange unless the patient provides such affirmative consent.

2. A patient must be notified in the manner prescribed by the Director of any breach of the confidentiality of electronic health records of the patient or a health information exchange.

3. A patient who consents to the ~~transmittal of his or her electronic health record to or the~~ retrieval of his or her electronic health record from a health information exchange may at any time request that a health care provider access and provide the patient with his or her electronic health record in accordance with the provisions of 45 C.F.R. § 164.526.

Sec. 1.1. NRS 439.593 is hereby amended to read as follows:

439.593 A health care provider who with reasonable care **transmits, accesses, utilizes, discloses,** relies upon **or provides to a patient** an apparently genuine electronic health record ~~{accessed from a health information exchange to make a decision concerning the provision of health care to a patient}~~ **in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto** is immune from civil or criminal liability for ~~the~~ **any decision concerning the provision of health care to a patient and any civil or criminal liability resulting from the provision of the record to a patient** if:

1. The electronic health record is inaccurate;
2. The inaccuracy was not caused by the health care provider;
3. The inaccuracy resulted in an inappropriate health care decision; and
4. The health care decision was appropriate based upon the information contained in the inaccurate electronic health record.

Sec. 1.2. NRS 439.595 is hereby amended to read as follows:

439.595 Providing information to , **transmitting, accessing, utilizing or disclosing** an electronic health record or participating in a health information exchange in accordance with NRS 439.581 to 439.595, inclusive, does not constitute an unfair trade practice pursuant to chapter 598A or 686A of NRS.

Sec. 1.3. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Division receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a medical facility licensed pursuant to this chapter is not in compliance with the requirements of subsection 4 of NRS 439.589, the Division may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative penalty in the amount prescribed by NRS 449.163.

2. The Division shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 1.4. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, **and section 1.3 of this act**, unless the context otherwise requires, “medical facility” has the

meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 1.5. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.3 of this act** do not apply to:

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

2. Foster homes as defined in NRS 424.014.

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

Sec. 1.6. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, **and section 1.3 of this act** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.3 of this act** or the standards and regulations adopted by the Board;

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

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

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

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

Sec. 1.7. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.3 of this act** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, **and section 1.3 of this act** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, **and section 1.3 of this act** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

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

(g) Violation of the provisions of NRS 458.112.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 1.75. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 1.3 of this act** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

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

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

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

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

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

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

(2) Improvements are made to correct the violation.

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

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

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

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 1.3 of this act** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, **and section 1.3 of this act**, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 1.8. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~to~~, **and section 1.3 of this act**:

(a) Without first obtaining a license therefor; or

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

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

Sec. 1.9. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~to~~, **and section 1.3 of this act**.

Sec. 1.92. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the health authority receives notification from the Department of Health and Human Services pursuant to section 1 of this act that the holder of a permit to operate an ambulance, air ambulance or vehicle of a fire-fighting agency is not in compliance with the requirements of subsection 4 of NRS 439.589, the health authority may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative penalty in an amount established by regulation of the board.

2. The health authority shall not suspend or revoke a permit for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 1.94. 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 **439.581 to 439.595, inclusive, and section 1 of this act**, 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 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. 1.96. 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 **439.581 to 439.595, inclusive, and section 1 of this act**, 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 1.98. NRS 603A.100 is hereby amended to read as follows:

603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, do not apply to the maintenance or transmittal of information in accordance

with NRS 439.581 to 439.595, inclusive, **and section 1 of this act** and the regulations adopted pursuant thereto.

2. A data collector who is also an operator, as defined in NRS 603A.330, shall comply with the provisions of NRS 603A.300 to 603A.360, inclusive.

3. Any waiver of the provisions of NRS 603A.010 to 603A.290, inclusive, is contrary to public policy, void and unenforceable.

Sec. 2. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each custodian of health care records shall retain the health care records of patients as part of the regularly maintained records of the custodian for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records ~~may~~ :

(a) Must, except as otherwise provided in subsections 5 and 6 of NRS 439.589, be created, maintained, transmitted and exchanged electronically as required by subsection 4 of NRS 439.589; and

(b) May be created, authenticated and stored in a ~~computer system~~ health information exchange which meets the requirements of NRS 439.581 to 439.595, inclusive, **and section 1 of this act** and the regulations adopted pursuant thereto.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A custodian of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained

the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. *If a health care licensing board receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a provider of health care to which the health care licensing board has issued a license is not in compliance with the requirements of subsection 4 of NRS 439.589, the health care licensing board may, after notice and the opportunity for a hearing in accordance with the provisions of this title, require corrective action or impose an administrative penalty in an amount not to exceed the maximum penalty that the health care licensing board is authorized to impose for other violations. The health care licensing board shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.*

9. The provisions of this section , *except for the provisions of paragraph (a) of subsection 1 and subsection 8*, do not apply to a pharmacist.

~~19.1~~ 10. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

11. *As used in this section:*

(a) *“Health care licensing board” means:*

(1) *A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C or 641D of NRS.*

(2) *The Division of Public and Behavioral Health of the Department of Health and Human Services.*

(3) *The State Board of Health with respect to licenses issued pursuant to chapter 640D or 640E of NRS.*

(b) *“License” has the meaning ascribed to it in section 1 of this act.*

Sec. 2.05. NRS 654.190 is hereby amended to read as follows:

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

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

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

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

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1.3 of this act*, as those provisions

pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

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

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

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

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

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

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

Sec. 2.1. Chapter 680A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that an insurer is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this title, require corrective action or impose an administrative fine in the amount prescribed by NRS 680A.200.*

2. *The Commissioner shall not suspend or revoke the certificate of authority of an insurer for failure to comply with the requirements of subsection 4 of NRS 439.589.*

Sec. 2.15. NRS 680A.095 is hereby amended to read as follows:

680A.095 1. Except as otherwise provided in subsection 3, an insurer which is not authorized to transact insurance in this State may not transact reinsurance with a domestic insurer in this State, by mail or otherwise, unless the insurer holds a certificate of authority as a reinsurer in accordance with the provisions of NRS 680A.010 to 680A.150, inclusive, **and section 2.1 of this act**, 680A.160 to 680A.280, inclusive, 680A.320 and 680A.330.

2. To qualify for authority only to transact reinsurance, an insurer must meet the same requirements for capital and surplus as are imposed on an insurer which is authorized to transact insurance in this State.

3. This section does not apply to the joint reinsurance of title insurance risks or to reciprocal insurance authorized pursuant to chapter 694B of NRS.

Sec. 2.2. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that an administrator is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 683A.461.*

2. *The Commissioner shall not suspend or revoke the certificate of registration of an administrator for failure to comply with the requirements of subsection 4 of NRS 439.589.*

Sec. 2.25. NRS 683A.3683 is hereby amended to read as follows:

683A.3683 A producer of limited lines travel insurance and each travel retailer, or employee or authorized representative of a travel retailer, who offers or disseminates travel insurance under the license of a producer of limited lines travel insurance shall be subject to the provisions of NRS 683A.451 to 683A.520, inclusive, **and section 2.2 of this act** and chapter 686A of NRS.

Sec. 2.3. NRS 692A.270 is hereby amended to read as follows:

692A.270 The provisions of NRS 683A.321, 683A.331, 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, **and section 2.2 of this act** and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 2.35. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a health maintenance organization is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 695C.350.*

2. *The Commissioner shall not suspend or revoke the certificate of authority of a health maintenance organization for failure to comply with the requirements of subsection 4 of NRS 439.589.*

Sec. 2.4. NRS 719.200 is hereby amended to read as follows:

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

(a) Except as otherwise specifically provided by law, a law governing the creation and execution of wills, codicils or testamentary trusts;

(b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

(c) The provisions of NRS 439.581 to 439.595, inclusive, **and section 1 of this act** and the regulations adopted pursuant thereto.

3. The provisions of this chapter apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. A transaction subject to the provisions of this chapter is also subject to other applicable substantive law.

Sec. 2.45. NRS 720.140 is hereby amended to read as follows:

720.140 1. Except as otherwise provided in this subsection, the provisions of this chapter apply to any transaction for which a digital signature is used to sign an electronic record. The provisions of this chapter do not apply to a digital signature that is used to sign an electronic health record in accordance with NRS 439.581 to 439.595, inclusive, **and section 1 of this act** and the regulations adopted pursuant thereto.

2. As used in this section, “electronic record” has the meaning ascribed to it in NRS 719.090.

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$3,000,000 for the purpose of awarding grants to providers of health care and medical facilities for the purposes of complying with the requirements of subsection 4 of NRS 439.589, as amended by section 1.08 of this act. To receive such a grant, a provider of health care or medical facility must have a staff of less than 50 persons or work for an entity that has a staff of less than 50 persons, as applicable.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

3. As used in this section:

(a) “Medical facility” has the meaning ascribed to it in NRS 449.0151.

(b) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 2.7. 1. On or before July 1, 2023, the Director of the Department shall convene an advisory group to advise the Director of the Department in the adoption of regulations pursuant to NRS 439.589, as amended by section 1.08 of this act. The advisory group shall consist of:

(a) The following ex officio members:

(1) The Director of the Department;

(2) The Administrator of the Division of Public and Behavioral Health of the Department;

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

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

(5) The Commissioner of Insurance;

(6) Each district health officer appointed pursuant to NRS 439.368 or 439.400;

(7) The Executive Officer of the Public Employees' Benefits Program; and

(8) The Executive Director of the Silver State Health Insurance Exchange; and

(b) The following members appointed by the Director:

(1) Representatives of third parties, as defined in NRS 439.589, as amended by section 1.08 of this act, that provide health coverage in this State;

(2) Representatives of hospitals, as defined in NRS 449.012, other medical facilities, as defined in NRS 449.0151, and facilities for the dependent, as defined in NRS 449.0045;

(3) Representatives of consumers of health care;

(4) Representatives of labor organizations;

(5) Professionals in the field of information privacy and security;

(6) Professionals in the field of health information technology and the interoperability of health information;

(7) Representatives of community-based organizations whose work relates to health information;

(8) Representatives of county and city health departments;

(9) Representatives of social services agencies; and

(10) Representatives of community-based organizations whose work relates to social services.

2. Members appointed to the advisory group pursuant to paragraph (b) of subsection 1 serve at the pleasure of the Director of the Department. If a vacancy occurs, the Director shall appoint a person similarly qualified to replace that member.

3. Members of the advisory group serve without compensation or per diem but are entitled to receive reimbursement for travel expenses in the same amount provided for state officers and employees generally.

4. The Director of the Department shall serve as the Chair of the advisory group.

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

6. Each member of the advisory group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or

her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the advisory group and perform any work necessary to carry out the duties of the advisory group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the advisory group to make up the time the officer or employee is absent from work to carry out duties as a member of the advisory group or use annual leave or compensatory time for the absence.

7. The advisory group may establish subcommittees and working groups consisting of members of the advisory group or other persons to assist the advisory group in the performance of its duties.

8. The advisory group shall advise the Director of the Department on the development and implementation of the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act.

9. The Director of the Department shall:

(a) On or before August 1, 2024, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning the progress of the Director in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act; and

(b) On or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report concerning the progress of the Director in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act.

10. As used in this section, “Department” means the Department of Health and Human Services.

Sec. 2.8. 1. Hospitals and physician group practices with more than 20 employees shall comply with the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, on or before July 1, 2024.

2. Notwithstanding the amendatory provisions of sections 1, 1.08, 1.3, 1.92, 1.94, 1.96, 2 ~~and 2.1~~, 2.2 ~~and 2.35~~ of this act:

(a) Persons and entities subject to the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, other than the persons and entities described in paragraph (b) of this subsection and subsection 1 of this section, are not required to comply with those provisions until July 1, 2025.

(b) Physician group practices or other business entities organized for the purpose of practicing a health care profession with 20 or fewer employees, including, without limitation, sole proprietorships, are not required to comply with the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, until January 1, 2030.

3. As used in this section:

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

(b) “Health care profession” means any profession practiced by providers of health care, as defined in NRS 629.031.

(c) “Physician group practice” means any business entity organized for the purpose of the practice of medicine or osteopathic medicine by more than one physician.

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

Sec. 4. 1. This section and sections 1.09, 1.1 and 1.2 of this act become effective upon passage and approval.

2. Sections 2.5 and 2.7 of this act become effective on July 1, 2023.

3. Sections 1 to 1.08, inclusive, 1.3 to 2.45, inclusive, 2.8 and 3 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 Peters moved that the Assembly concur in the Senate Amendment No. 968 to Assembly Bill No. 7.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 119.

The following Senate amendment was read:

Amendment No. 963.

AN ACT relating to adult maltreatment; creating the Vulnerable Adult Fatality Review Committee; providing for the review of deaths resulting from or relating to adult maltreatment; requiring the Committee to develop certain reports and perform certain other duties relating to the investigation and prevention of adult maltreatment; providing access for the Committee to certain documents; ~~requiring the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General to compile certain reports;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

Section 9 of this bill requires the Committee to review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by certain governmental entities or relatives of the decedent. **Section 9** additionally authorizes the Committee to review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment. **Section 10** of this bill prescribes other duties of the Committee relating to the investigation and prevention of adult maltreatment. **Section 10** requires the Committee to: (1) biennially publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State; and (2) annually submit to the Legislature a separate report containing certain information and recommendations about adult maltreatment. **Section 10** requires a representative of the Committee or the Aging and Disability Services Division of the Department to biennially present such information and recommendations at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. **Section 11** of this bill authorizes the Committee to take certain measures necessary to perform its duties, including consulting with experts and other interested persons and entering into contracts. **Section 12** of this bill entitles the Committee to access certain records it determines necessary to perform its duties and authorizes the Committee to petition the district court for a subpoena to compel the production of such records. **Section 12** also provides that information acquired by and records of the Committee are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. **Sections 12 and 14** of this bill provide that such records are not public records. **Sections 12 and 15** of this bill provide that meetings of the Committee are closed to the public.

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

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

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

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

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

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

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

1. Any facility or other entity licensed or certified pursuant to chapter 435 or 449 of NRS.

2. A provider of emergency medical services.

3. A facility for long-term rehabilitation.

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

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

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

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

2. The Director shall appoint to the Committee:

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

(b) One member who is an attorney and is:

(1) Licensed to practice law in this State; and

(2) Employed by the Office of the Attorney General; and

(c) At least 4 but not more than 10 members who:

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

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

3. The members of the Committee serve:

(a) At the pleasure of the Director; and

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

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

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

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

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

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

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

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

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

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

8. A member of the Committee or an employee, agent or consultant of the Committee is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Committee. For the purposes of this subsection, any act which violates a provision of law concerning the privacy of information shall be deemed to be outside the scope of the duties of the Committee.

9. The Director may:

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

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

Sec. 9. 1. The Committee:

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

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

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

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

(a) Within the limits of available resources:

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

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

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

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

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

(III) Any other variables identified by the Committee.

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

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

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

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

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

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

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

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

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

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

(2) *Submit the report developed pursuant to subparagraph (1) to the Director of the Legislative Counsel Bureau for transmittal to:*

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

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

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

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

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

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

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

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

4. *Within the limits of available resources, the Attorney General may review any case referred to or reviewed by the Committee to determine the need for further investigation of the case.*

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

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

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

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

(b) *Collect, analyze and disseminate information; or*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—(c) Jointly with the district attorney of the county in which the violation occurred;~~

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

~~—(a) A representative of the Unit;~~

~~—(b) Any law enforcement agency that is involved with the case under review;~~

~~—(c) The district attorney's office in the county where the case is under review;~~

~~—(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;~~

~~—(e) A representative of the coroner's office; and~~

~~—(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.~~

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

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

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

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

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

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

~~(2) In even numbered years, the Joint Interim Standing Committee on the Judiciary.~~ **(Deleted by amendment.)**

Sec. 14. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159,

396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 12 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may

be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

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

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 15. NRS 241.016 is hereby amended to read as follows:

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

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

(a) The Legislature of the State of Nevada.

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

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

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

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

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

↪ prevails over the general provisions of this chapter.

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

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

Sec. 16.5. The amendatory provisions of this act apply only to a contract entered into between the Department of Health and Human Services and a district attorney on or after July 1, 2023.

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

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

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 963 Assembly Bill No. 119.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 156.

The following Senate amendment was read:

Amendment No. 938.

AN ACT relating to substance use disorders; providing for the separate accounting of certain money for the purchase of opioid antagonists; establishing the order in which a provider or program is required to prioritize persons for participation in certain publicly funded programs for the treatment of alcohol or other substance use disorders; authorizing a pharmacist to prescribe and dispense drugs for medication-assisted treatment of opioid use disorder and perform certain assessments under certain conditions; requiring certain health plans to include coverage for such drugs and assessments; prescribing certain requirements concerning the diagnosis and treatment of a patient with an opioid use disorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires all gifts or grants of money for a program for alcohol or other substance use disorders which the Division of Public and Behavioral Health of the Department of Health and Human Services is authorized to accept to be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol or Other Substance Use Disorders. (NRS 458.100) **Sections ~~1.1~~ 1.28 and 1.3** of this bill authorize the Division to accept and deposit into a separate account gifts, grants, donations, bequests or money from any other source for the purpose of funding the bulk purchase of opioid antagonists. **Section ~~1.1~~ 1.28** provides that such money is not subject to provisions of law governing budgeting by agencies of the State Government. **Section ~~1.1~~ 1.28** requires the Division to use the money in the account to fund the bulk purchase of opioid antagonists and the distribution of those opioid antagonists.

Existing federal regulations require programs funded by certain federal grants for injection drug users to prioritize persons for participation in such programs in the following order: (1) pregnant injecting drug users; (2) pregnant persons with a substance use disorder; (3) other injecting drug users; and (4) all others. (45 C.F.R. § 96.131) **Section 1.7** of this bill requires any treatment provider, provider of health care or program for the treatment of alcohol or other substance use disorders to prioritize persons to receive services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money in that order, except that **section 1.7** authorizes the State Board of Health to adopt regulations prioritizing additional categories of people for such services.

Existing law defines the term “practice of pharmacy” for the purpose of determining which activities require a person to be registered and regulated by the State Board of Pharmacy as a pharmacist. (NRS 639.0124) **Section 12.3** of this bill requires the Board to prescribe a protocol to allow a pharmacist who registers with the Board to: (1) assess a patient to determine whether the patient has an opioid use disorder and medication-assisted treatment would be appropriate for the patient; and (2) prescribe and dispense a drug for medication-assisted treatment. ~~Without a prescription from a practitioner.~~ **Section 12.6** of this bill provides that the practice of pharmacy includes actions

authorized by the protocol established in **section 12.3**. ~~[Section 16.05 of this bill makes a conforming change to account for the provisions of section 12.3 authorizing a pharmacist to dispense a drug that has not been prescribed by a practitioner.]~~ **Sections 1-1.25 and 12.8 of this bill make additional changes necessary to authorize a pharmacist who registers with the Board to prescribe a drug for medication-assisted treatment.** The Board would be authorized to suspend or revoke the registration of a pharmacist who orders or assesses a patient or prescribes or dispenses drugs under the protocol established pursuant to **section 12.3** without complying with the provisions of the protocol. (NRS 639.210)

~~Sections 3.5, 5.5, 16.1, 16.3, 16.4, 16.48-16.75 and 16.9~~ **Sections 3.5, 4.5, 16.1, 16.3, 16.4, 16.48-16.75 and 16.9** of this bill require public and private health plans, including Medicaid **managed care organizations** and health plans for state and local government employees, to: (1) cover drugs approved by the Food and Drug Administration for medication-assisted treatment; and (2) reimburse assessment, prescribing and dispensing by a pharmacist in accordance with **section 12.3** at a rate equal to that provided to a physician, physician assistant or advanced practice registered nurse for similar services. **Section 5.5 of this bill also requires Medicaid to reimburse those services at such a rate, regardless of whether the services are reimbursed directly or through managed care organizations.** **Sections 2.5 and 16.2** of this bill make conforming changes to indicate the proper placement of **sections 5.5 and 16.1**, respectively, of this bill in the Nevada Revised Statutes. **Sections 6.5, 16.13, 16.16, 16.43 and 16.45** of this bill make conforming changes to indicate that the coverage required by **sections 16.1, 16.3 and 16.4** is in addition to certain coverage for the treatment of substance use disorder that certain insurers are required by existing law to provide. **Section 16.8** of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 16.7** of this bill. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of **sections 16.1, 16.3, 16.48-16.6 or 16.9** of this bill. (NRS 680A.200)

Existing law authorizes a physician, physician assistant or advanced practice registered nurse to prescribe controlled substances if he or she is registered with the State Board of Pharmacy. (NRS 453.126, 453.231, 630.271, 632.237, 633.432) Existing federal law requires a physician, physician assistant or advanced practice registered nurse who prescribes or dispenses narcotic drugs for the treatment of opioid use disorder to register with the Drug Enforcement Administration of the United States Department of Justice for the specific purpose of dispensing such drugs. (21 U.S.C. § 822(a)) **Sections 10-12 and 13-16** of this bill require a physician, physician assistant, advanced practice registered nurse, osteopathic physician or certain providers of behavioral health care who diagnose a patient with an opioid use disorder to counsel and provide information to the patient concerning evidence-based treatment for opioid use disorder, including medication-assisted treatment. If the patient

requests medication-assisted treatment: (1) **sections 10-12** require a physician, physician assistant, advanced practice registered nurse or osteopathic physician who is authorized under federal and state law to prescribe such treatment to offer to issue such a prescription; and (2) **sections 10-12 and 13-16** require all other physicians, physician assistants, advanced practice registered nurses, osteopathic physicians and certain providers of behavioral health care to refer the patient to a physician, physician assistant, advanced practice registered nurse, osteopathic physician or pharmacist who is authorized to issue such a prescription.

Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) **Section 17.5** of this bill requires the Department of Corrections, in collaboration with the Department of Health and Human Services, and each county, city or town that maintains a jail or detention facility to study during the 2023-2024 interim certain issues relating to the provision of medication-assisted treatment to incarcerated persons.

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

Section 1. NRS 453.126 is hereby amended to read as follows:

453.126 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

- (a) Holds a license from the State Board of Osteopathic Medicine; and
- (b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

8. A pharmacist who is registered pursuant to section 12.3 of this act to prescribe and dispense drugs for medication-assisted treatment.

Sec. 1.05. NRS 453.128 is hereby amended to read as follows:

453.128 1. “Prescription” means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse, **pharmacist registered pursuant to section 12.3 of this act** or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 1.1. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations. A person must present proof that he or she is authorized to access the database of the program established pursuant to NRS 453.162 before the Board may issue or renew a registration.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, podiatric physician, **pharmacist registered pursuant to section 12.3 of this act** or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 1.15. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse, **pharmacist registered pursuant to section 12.3 of this act** or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be

punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➤ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device

obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 1.2. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced practice registered nurse, ~~for~~ podiatric physician **or pharmacist registered pursuant to section 12.3 of this act** may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced practice registered nurse, podiatric physician, **pharmacist registered pursuant to section 12.3 of this act** or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced practice registered nurse, podiatric physician, **pharmacist registered pursuant to section 12.3 of this act** or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced practice registered nurse, podiatric

physician, pharmacist or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 1.25. 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 pharmacist who is registered pursuant to section 12.3 of this act to prescribe and dispense drugs for medication-assisted treatment.

~~{Section 1.}~~ **Sec. 1.28.** Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division may accept gifts, grants, donations, bequests or money from any other source for the purpose of funding the bulk purchase of opioid antagonists. Any money so received must be accounted for separately in the State General Fund.

2. Money accepted pursuant to subsection 1 or deposited into the account created pursuant to subsection 1 is not subject to the State Budget Act.

3. Interest and income earned on money in the account created pursuant to subsection 1 must be credited to the account. Any money remaining in the account at the end of a fiscal year does not revert to the State General Fund, and the balance in the account must be carried forward to the next fiscal year.

4. *The money in the account created pursuant to subsection 1 must be used only to fund the bulk purchase of opioid antagonists and pay the costs of the Division to distribute those opioid antagonists.*

5. *As used in this section, “opioid antagonist” has the meaning ascribed to it in NRS 453C.040.*

Sec. 1.3. NRS 458.100 is hereby amended to read as follows:

458.100 1. ~~{A-1}~~ ***Except as otherwise provided in section ~~{1}~~ 1.28 of this act, all*** gifts or grants of money for a program for alcohol or other substance use disorders which the Division is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol or Other Substance Use Disorders which is hereby created in the Department of Health and Human Services’ Gift Fund.

2. Subject to the limitations set forth in NRS 458.094, money in the Account must be used to carry out the provisions of this chapter.

3. All claims must be approved by the Administrator before they are paid.

Sec. 1.7. NRS 458.103 is hereby amended to read as follows:

458.103 1. The Division may accept:

~~{1-1}~~ (a) Money appropriated and made available by any act of Congress for any program for alcohol or other substance use disorder administered by the Division as provided by law.

~~{2-1}~~ (b) Money appropriated and made available by the State of Nevada or by a county, a city, a public district or any political subdivision of this State for any program for alcohol or other substance use disorder administered by the Division as provided by law.

2. ***Except as otherwise provided in any regulations adopted pursuant to subsection 3, a treatment provider, provider of health care or program for alcohol or other substance use disorders shall prioritize persons to receive services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money in accordance with 45 C.F.R. § 96.131(a).***

3. ***To the extent that such regulations do not conflict with federal law or impair an obligation under any existing grant, contract or other agreement, the State Board of Health may adopt regulations prioritizing categories of persons, in addition to the categories prescribed in 45 C.F.R. § 96.131(a), to receive services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money.***

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

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 5.5 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. (Deleted by amendment.)

Sec. 3.5. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, **and section 16.3 of this act**, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, “legal services organization” means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, **and section 16.9 of this act**, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 5. (Deleted by amendment.)

Sec. 5.5. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for the services of a pharmacist described in section 12.3 of this act.*

2. *The State must provide reimbursement for the services of a pharmacist described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.*

Sec. 5.8. ~~{NRS 422.4025 is hereby amended to read as follows:~~

~~422.4025 1. The Department shall:~~

~~(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and~~

~~(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager, health maintenance organization or one or more public or private entities in this State, the District of Columbia or other states or territories of the United States, as appropriate, to negotiate such agreements;~~

~~2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:~~

~~(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus, including, without limitation, antiretroviral medications;~~

~~(b) Antirejection medications for organ transplants;~~

~~(c) Antihemophilic medications; and~~

~~(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.~~

~~3. The regulations must provide that the Board makes the final determination of:~~

~~(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;~~

~~(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from~~

~~any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and~~

~~— (c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.~~

~~4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation:~~

~~— (a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants; [and]~~

~~— (b) Prescription drugs to prevent the acquisition of human immunodeficiency virus [.] ; and~~

~~— (c) All prescription drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone. As used in this paragraph, “medication-assisted treatment” has the meaning ascribed to it in section 12.3 of this act.~~

~~5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.~~

~~6. On or before February 1 of each year, the Department shall:~~

~~— (a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager, contracts with a health maintenance organization and contracts with public and private entities from this State, the District of Columbia and other states and territories of the United States; and~~

~~— (b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~— (1) In odd-numbered years, the Legislature; or~~

~~— (2) In even-numbered years, the Legislative Commission.} (Deleted by amendment.)~~

Sec. 6. (Deleted by amendment.)

Sec. 6.5. NRS 608.156 is hereby amended to read as follows:

608.156 1. ~~{If}~~ **In addition to any benefits required by NRS 608.155, if** an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of alcohol and substance use disorders. The annual benefits provided by the employer must ~~{consist of:}~~ **include, without limitation:**

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of \$2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is \$39,000.

3. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, a physician or physician assistant shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the physician or physician assistant shall:

(a) If the physician or physician assistant is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the physician or physician assistant is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to this chapter or chapter 633 of NRS, advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, “medication-assisted treatment” has the meaning ascribed to it in section 12.3 of this act.

Sec. 11. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, an advanced practice registered nurse shall counsel and provide information to

the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the advanced practice registered nurse shall:

(a) If the advanced practice registered nurse is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the advanced practice registered nurse is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, “medication-assisted treatment” has the meaning ascribed to it in section 12.3 of this act.

Sec. 12. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, an osteopathic physician or physician assistant shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the osteopathic physician or physician assistant shall:

(a) If the osteopathic physician or physician assistant is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the osteopathic physician or physician assistant is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to this chapter or chapter 630 of NRS, advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, “medication-assisted treatment” has the meaning ascribed to it in section 12.3 of this act.

Sec. 12.3. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, a pharmacist who registers with the Board to engage in the activity authorized by this section may, in accordance with the requirements of the protocol prescribed pursuant to subsection 2:

(a) Assess a patient to determine whether:

(1) The patient has an opioid use disorder; and

(2) Medication-assisted treatment would be appropriate for the patient;

(b) Counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment; and

(c) Prescribe and dispense a drug for medication-assisted treatment.

2. The Board shall adopt regulations:

(a) Prescribing the requirements to register with the Board to engage in the activity authorized by this section; and

(b) Establishing a protocol for the actions authorized by this section.

3. As used in this section, “medication-assisted treatment” means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 12.6. NRS 639.0124 is hereby amended to read as follows:

639.0124 1. “Practice of pharmacy” includes, but is not limited to, the:

(a) Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

(b) Interpretation and evaluation of prescriptions or orders for medicine.

(c) Participation in drug evaluation and drug research.

(d) Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

(e) Selection of the source, storage and distribution of a drug.

(f) Maintenance of proper documentation of the source, storage and distribution of a drug.

(g) Interpretation of clinical data contained in a person’s record of medication.

(h) Development of written guidelines and protocols in collaboration with a practitioner which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2629.

(i) Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.

(j) Prescribing, dispensing and administering of drugs for preventing the acquisition of human immunodeficiency virus and ordering and conducting laboratory tests necessary for therapy that uses such drugs pursuant to the protocol prescribed pursuant to NRS 639.28085.

(k) Dispensing a self-administered hormonal contraceptive pursuant to NRS 639.28078.

(l) Assessing a patient and prescribing and dispensing a drug for medication-assisted treatment in accordance with section 12.3 of this act.

2. The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583, 639.28078 and 639.28085.

Sec. 12.8. NRS 639.0125 is hereby amended to read as follows:

639.0125 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

7. A pharmacist who is registered pursuant to section 12.3 of this act to prescribe and dispense drugs for medication-assisted treatment.

Sec. 13. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, a psychologist shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the psychologist shall refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, “medication-assisted treatment” has the meaning ascribed to it in section 12.3 of this act.

Sec. 14. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, a marriage and family therapist or clinical professional counselor shall counsel and provide information to the client concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the marriage and family therapist or clinical professional counselor shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse or

pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, “medication-assisted treatment” has the meaning ascribed to it in section 12.3 of this act.

Sec. 15. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, a clinical social worker shall counsel and provide information to the client concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the clinical social worker shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, “medication-assisted treatment” has the meaning ascribed to it in section 12.3 of this act.

Sec. 16. Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, an alcohol and drug counselor, clinical alcohol and drug counselor or problem gambling counselor shall counsel and provide information to the client concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the alcohol and drug counselor, clinical alcohol and drug counselor or problem gambling counselor shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, “medication-assisted treatment” has the meaning ascribed to it in section 12.3 of this act.

Sec. 16.05. ~~{NRS 683A.179 is hereby amended to read as follows:~~

~~683A.179 1. A pharmacy benefit manager shall not:~~

~~(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning:~~

~~(1) The amount of any copayment or coinsurance for a prescription drug;~~

~~(2) The availability of a less expensive alternative or generic drug including, without limitation, information concerning clinical efficacy of such a drug;~~

~~(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative or generic drug to a covered person;~~

~~(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; or~~

~~(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party.~~

~~2. The provisions of this section:~~

~~(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125, except to the extent authorized by a specific provision of law, including, without limitation, NRS 453C.120, 639.28078 and 639.28085 [.] and section 12.3 of this act.~~

~~(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.~~

~~3. As used in this section, “network plan” means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.] (Deleted by amendment.)~~

Sec. 16.1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:*

(a) *All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and*

(b) *The services described in section 12.3 of this act when provided by a pharmacist ~~who~~ or pharmacy that participates in the network plan of the insurer. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.*

2. *An insurer that offers or issues a policy of health insurance shall reimburse a pharmacist ~~who~~ or pharmacy that participates in the network plan of the insurer for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.*

3. ~~3. Except as otherwise provided in this subsection, an insurer ~~may~~ shall not subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~for~~, other than step therapy. An insurer may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.~~

4. *An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.*

5. *A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.*

6. *As used in this section:*

(a) *“Medical management technique” means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.*

(b) *“Network plan” means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.*

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

Sec. 16.13. NRS 689A.030 is hereby amended to read as follows:

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, domestic partner as defined in NRS 122A.030, dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any child on or before the last day of the month in which the child attains 26 years of age, and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. “Text” includes all printed matter

except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. ~~{The}~~ **Except as otherwise provided by this subsection, the** policy must provide ~~{, at the option of the applicant,}~~ benefits for expenses incurred for the treatment of alcohol or substance use disorder . ~~{, unless}~~ **Except for the benefits required by section 16.1 of this act, such benefits must be provided:**

(a) At the option of the applicant; and

(b) Unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 16.16. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. ~~{The}~~ **In addition to the benefits required by section 16.1 of this act, the** benefits provided by a policy for health insurance for treatment of alcohol or substance use disorder must ~~{consist of:}~~ **include, without limitation:**

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorder which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorder as part of its accredited activities.

Sec. 16.2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~1~~, **and section 16.1 of this act.**

Sec. 16.3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~who~~ or pharmacy that participates in the network plan of the insurer. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. An insurer that offers or issues a policy of group health insurance shall reimburse a pharmacist ~~who~~ or pharmacy that participates in the network plan of the insurer for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~Any~~ Except as otherwise provided in this subsection, an insurer ~~may~~ shall not subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~1~~, other than step therapy. An insurer may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) “Medical management technique” means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) “Network plan” means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

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

Sec. 16.4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~who~~ or pharmacy that participates in the network plan of the carrier. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. A carrier that offers or issues a health benefit plan shall reimburse a pharmacist ~~who~~ or pharmacy that participates in the network plan of the carrier for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~At~~ Except as otherwise provided in this subsection, a carrier ~~may~~ shall not subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~it~~, other than step therapy. A carrier may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. *A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.*

6. *As used in this section:*

(a) *“Medical management technique” means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.*

(b) *“Network plan” means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.*

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

Sec. 16.43. NRS 689C.166 is hereby amended to read as follows:

689C.166 Each group health insurance policy must contain in substance a provision for benefits payable for expenses incurred for the treatment of alcohol or substance use disorder, as provided in NRS 689C.167 ~~and~~ **and section 16.4 of this act.**

Sec. 16.45. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. ~~The~~ **In addition to the benefits required by section 16.4 of this act, the** benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of alcohol or substance use disorders must ~~consist of:~~ **include, without limitation:**

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF

International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 16.48. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, **and section 16.4 of this act**, to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 16.5. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract shall include in the contract coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~who~~ or pharmacy that participates in the network plan of the society. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. A society that offers or issues a benefit contract shall reimburse a pharmacist ~~who~~ or pharmacy that participates in the network plan of the society for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~At~~ Except as otherwise provided in this subsection, a society ~~may~~ shall not subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~it~~, other than step therapy. A society may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

6. As used in this section:

(a) “Medical management technique” means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) “Network plan” means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

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

Sec. 16.6. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~who~~ or pharmacy that participates in the network plan of the hospital or medical services corporation. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse a pharmacist ~~who~~ or pharmacy that participates in the network plan of the hospital or medical services corporation for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~At~~ Except as otherwise provided in this subsection, a hospital or medical services corporation ~~may~~ shall not subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~if~~, other than step therapy. A hospital or medical services corporation may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) “Medical management technique” means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and

categorizing drugs and devices based on cost, type or method of administration.

(b) “Network plan” means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

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

Sec. 16.7. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~who~~ or pharmacy that participates in the network plan of the health maintenance organization. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. A health maintenance organization that offers or issues a health care plan shall reimburse a pharmacist ~~who~~ or pharmacy that participates in the network plan of the health maintenance organization for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~At~~ Except as otherwise provided in this subsection, health maintenance organization ~~may~~ shall not subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~it~~, other than step therapy. A health maintenance organization may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) “Medical management technique” means a practice which is used to control the cost or use of health care services or prescription drugs. The term

includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) “Network plan” means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

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

Sec. 16.75. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children’s Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 **and section 16.7 of this act** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 16.8. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the

provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, **or section 16.7 of this act**, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts,

unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 16.9. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~who~~ or pharmacy that participates in the network plan of the managed care organization. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. A managed care organization that offers or issues a health care plan shall reimburse a pharmacist ~~who~~ or pharmacy that participates in the network plan of the managed care organization for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~At~~ Except as otherwise provided in this subsection, managed care organization ~~may~~ shall not subject the benefits required by subsection 1 to ~~reasonable~~ medical management techniques ~~if~~, other than step therapy. A managed care organization may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) *“Medical management technique” means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.*

(b) *“Network plan” means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.*

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

Sec. 17. 1. Notwithstanding the provisions of subsection 2 of NRS 458.103, as amended by section 1.7 of this act, a treatment provider, provider of health care or program for alcohol or substance use disorders is not, unless otherwise required by federal law, required to terminate services to which the provisions of that subsection would otherwise apply to a person who is receiving such services on or before October 1, 2023, from the treatment provider, provider of health care or program in order to provide such services to a person who would otherwise receive priority under that subsection.

2. The provisions of subsection 2 of NRS 458.103, as amended by section 1.7 of this act, do not apply to treatment for an alcohol or other substance use disorder provided under any grant, contract or other agreement accepted or entered into on or before October 1, 2023, but do apply to any such treatment provided under such a grant, contract or agreement that is renewed or extended.

3. As used in this section:

(a) “Program for alcohol or other substance use disorders” has the meaning ascribed to it in NRS 458.010.

(b) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

(c) “Treatment provider” has the meaning ascribed to it in NRS 458.010.

Sec. 17.5. 1. During the 2023-2024 interim, the Department of Corrections, in collaboration with the Department of Health and Human Services, shall study the provision of medication-assisted treatment to offenders with opioid use disorder. The study must include, without limitation, an examination of:

(a) Barriers to accessing medication-assisted treatment at institutions and facilities of the Department of Corrections and private facilities and institutions, including, without limitation:

(1) A shortage of providers of health care who are authorized and willing to prescribe a drug for medication-assisted treatment to offenders; and

(2) Barriers relating to the licensure, credentialing and regulation of such providers of health care;

(b) The feasibility of forming multidisciplinary review teams consisting of experts on behavioral health care and criminal justice to make informed decisions about the medication-assisted treatment provided to offenders;

(c) The feasibility of establishing medication-assisted treatment programs on the grounds of institutions and facilities of the Department of Corrections and private facilities and institutions to provide medication-assisted treatment to offenders with opioid use disorder to the same extent as other health care provided to offenders;

(d) The feasibility of forming partnerships with providers of health care and agencies, including, without limitation, the Department of Health and Human Services and local agencies that provide social services, to provide medication-assisted treatment inside or nearby institutions and facilities of the Department of Corrections and private facilities and institutions;

(e) The feasibility of forming partnerships with counties, cities and towns that maintain jails or detention facilities to provide medication-assisted treatment to prisoners in such jails or detention facilities;

(f) The feasibility of storing information concerning offenders who are receiving medication-assisted treatment and sharing such information with providers of treatment, providers of community-based services and other interested persons and entities;

(g) Strategies for facilitating the continuation of medication-assisted treatment by an offender upon release, including, without limitation:

(1) Affiliating with providers of community-based services or federally qualified health centers; and

(2) Obtaining a waiver pursuant to 42 U.S.C. § 1315 to provide coverage under Medicaid for services to offenders before they are released;

(h) The funding that would be needed to provide medication-assisted treatment to all offenders with opioid use disorder in each institution or facility of the Department of Corrections and each private facility or institution; and

(i) Opportunities to obtain federal and private funding to defray the costs described in paragraph (h).

2. During the 2023-2024 interim, each county, city or town that maintains a jail or detention facility shall study opioid use disorder among prisoners. Each study must include, without limitation:

(a) An examination of the current prevalence of opioid use disorder among prisoners in the jail or detention facility;

(b) An examination of the treatment prescribed for and provided to prisoners with opioid use disorder, including, without limitation, treatments provided by the staff of the jail or detention facility; and

(c) For a county whose population is 100,000 or more or any city or town within such a county, an examination of the feasibility of:

(1) Establishing a program to provide medication-assisted treatment for prisoners with opioid use disorder that meets national standards of care for the provision of medication-assisted treatment in a correctional setting, including, without limitation, with regard to personnel and funding; and

(2) Forming partnerships with providers of health care and agencies to provide medication-assisted treatment inside or nearby the jail or detention facility and facilitate the continuation of medication-assisted treatment after a prisoner is released.

3. A county whose population is less than 100,000 or a city or town within such a county that maintains a jail or detention facility may:

(a) Conduct the examination described in paragraph (c) of subsection 2; and
(b) Cooperate with the regional behavioral health policy board created by NRS 433.429 for the behavioral health region established by NRS 433.428 in which the county is located for the purpose of conducting that examination.

4. On or before June 30, 2024, the Department of Corrections and each county, city or town that maintains a jail or detention facility shall:

(a) Submit a report of the findings of the study conducted pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on the Judiciary; and

(b) Present the findings of the study conducted pursuant to this section at meetings of the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on the Judiciary.

5. As used in this section:

(a) “Facility” has the meaning ascribed to it in NRS 209.065.

(b) “Federally-qualified health center” has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) “Institution” has the meaning ascribed to it in NRS 209.071.

(d) “Medication-assisted treatment” has the meaning ascribed to it in section 12.3 of this act.

(e) “Offender” has the meaning ascribed to it in NRS 209.081.

(f) “Private facility or institution” has the meaning ascribed to it in NRS 209.083.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

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

Sec. 19. 1. This section becomes effective upon passage and approval.

2. Sections ~~1.1~~ **1.28**, 1.3 and 17.5 of this act becomes effective on July 1, 2023.

3. Sections 1.7 and 17 of this act become effective on October 1, 2023.

4. Sections **1 to 1.25, inclusive**, 2 to 16.9, inclusive, and 18 of this act become effective:

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

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

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 938 Assembly Bill No. 156.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 155.

The following Senate amendment was read:

Amendment No. 961.

AN ACT relating to health care; requiring policies of health insurance to include coverage of biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer in certain circumstances; establishing certain conditions relating to such required coverage; providing for a study of the cost-effectiveness of biomarker testing; making an appropriation and authorizing certain expenditures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2717-422.27248, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194-689C.195, 689C.425, 695A.184-695A.1875, 695B.1901-695B.1949, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) **Sections 13-15, 17, 19, 20, 22-25 and 27** of this bill require certain public and private health plans, including Medicaid and health plans for state and local government employees, to provide coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. **Sections 13-15, 17, 19, 20, 22-25 and 27** require such health plans to: (1) provide the required coverage in a manner that limits disruptions in care and the need for multiple specimens; and (2) establish a process for requesting an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer or appealing a denial of coverage for such biomarker testing. **Sections 13-17, 19, 20, 22-25 and 27** additionally require such health plans to respond to any request for preauthorization for such biomarker testing within: (1) 24 hours for urgent requests; or (2) 72 hours for all other requests. **Sections 13-17, 19, 20, 22-25 and 27** clarify that an insurer is not required to cover biomarker testing for screening purposes or in certain circumstances. **Sections 11, 18 and 21** of this bill make conforming changes to indicate the proper placement of **sections 15, 17 and 20**, respectively, in the Nevada Revised Statutes. **Section 26** of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 24** of this bill. The Commissioner would also be authorized to take such action against other private health insurers who fail to comply with the requirements of **section 17, 19, 20, 22, 23 or 27** of this bill. (NRS 680A.200) **Section 28.5** of this bill appropriates and authorizes the expenditure of money for the Division of Health Care Financing and Policy of the Department of Health and Human

Services to contract with a qualified person to determine the cost-effectiveness of providing coverage for biomarker testing under Medicaid for the diagnosis, treatment, management or ongoing monitoring of diseases or conditions other than cancer. **Section 29.5** of this bill requires the Joint Interim Standing Committee on Health and Human Services, in coordination with the Department of Health and Human Services, to conduct a study during the 2023-2024 interim concerning the cost-effectiveness of biomarker testing.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. (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. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 15 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such

insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, **and section 19 of this act**, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, “legal services organization” means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, **and section 27 of this act**, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 15. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, the Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. The Director shall:

(a) Ensure that the coverage required by subsection 1 is provided in a manner that limits disruptions in care and the need for multiple specimens.

(b) Include in the State Plan for Medicaid a clear and readily accessible process for a recipient of Medicaid or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the Department.

3. If the State Plan for Medicaid requires a recipient of Medicaid to obtain prior authorization for a biomarker test described in subsection 1, the State Plan must require a response to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require the State Plan for Medicaid to include coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience; or

(c) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~for~~

~~(d) Where a more cost effective test is equally capable of meeting the medical needs of the recipient of Medicaid.~~

5. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

~~(2) [Clinically appropriate with regard to type, frequency, extent, location and duration];~~

~~(3) [Not primarily provided for the convenience of the patient or provider of health care];~~

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient]; and~~

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689C.1675, 695A.1856, 695B.1912, 695B.1913, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) ~~[Respond]~~ **Unless a shorter time period is prescribed by a specific statute, including, without limitation, sections 17, 19, 20, 22, 23, 24 and 27 of this act, respond** to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 17. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~or~~

~~(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.~~

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

~~(2) [Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)] Not primarily provided for the convenience of the patient or provider of health care;~~

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient;]; and~~

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “Network plan” means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 18. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~1-3~~, **and section 17 of this act.**

Sec. 19. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of group health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~for~~

~~(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.~~

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

- (1) Made for the purpose of optimizing the outcomes of clinical care;
- (2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;
- (3) Based on scientific evidence; and
- (4) Made using a transparent methodology and reporting procedure.

(d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

~~(2) [Clinically appropriate with regard to type, frequency, extent, location and duration];~~

~~—(3)—~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~—(5) The most clinically appropriate level of health care that may be safely provided to the patient]; and~~

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “Network plan” means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a carrier that issues a health benefit plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker

testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A carrier shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the carrier.

3. If a carrier requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the carrier shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a carrier to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that is not in the applicable network plan of the carrier; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~or~~

~~(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.~~

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

- (1) An interaction between a gene and a drug that is being used by or considered for use by the patient;
- (2) A mutation or characteristic of a gene; and
- (3) The expression of a protein.

(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

- (1) Made for the purpose of optimizing the outcomes of clinical care;
- (2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;
- (3) Based on scientific evidence; and
- (4) Made using a transparent methodology and reporting procedure.

(d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

~~(2) [Clinically appropriate with regard to type, frequency, extent, location and duration];~~

~~—(3)— Not primarily provided for the convenience of the patient or provider of health care;~~

~~—(4)— Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~—(5)— The most clinically appropriate level of health care that may be safely provided to the patient; and~~

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

- (1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and
- (2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, **and section 20 of this act**, to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 22. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a society that issues a benefit contract shall include in the contract coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A society shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the society.

3. If a society requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the society shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a society to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the society; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~for~~

~~—(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.~~

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the benefit contract or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A gene mutation or characteristic; and

(3) The expression of a protein.

(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

~~—(2) Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~—(3) Not primarily provided for the convenience of the patient or provider of health care;~~

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~—(5) The most clinically appropriate level of health care that may be safely provided to the patient;]~~ and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “Network plan” means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 23. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a hospital or medical service corporation that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A hospital or medical service corporation shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the hospital or medical service corporation.

3. If a hospital or medical service corporation requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the hospital or medical service corporation shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a hospital or medical service corporation to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the hospital or medical service corporation; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~for~~

~~—(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.—~~

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

- (1) Made for the purpose of optimizing the outcomes of clinical care;
- (2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

~~(2) [Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient;]~~ ; and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “Network plan” means a policy of health insurance offered by a hospital or medical service corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical service corporation. The term does not include an arrangement for the financing of premiums.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 24. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a health maintenance organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer

when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A health maintenance organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an enrollee or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the health maintenance organization.

3. If a health maintenance organization requires an enrollee to obtain prior authorization for a biomarker test described in subsection 1, the health maintenance organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a health maintenance organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the health maintenance organization; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~For~~

~~(e) Where a more cost effective test is equally capable of meeting the medical needs of the enrollee.~~

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any

provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

~~(2) [Clinically appropriate with regard to type, frequency, extent, location and duration];~~

~~—(3)—~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~—(5) The most clinically appropriate level of health care that may be safely provided to the patient;]; and~~

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “Network plan” means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 25. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children’s Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 **and section 24 of this act** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 26. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the

provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, **and section 24 of this act** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts,

unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 27. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Subject to the limitations prescribed by subsection 4, a managed care organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:*

(a) *The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;*

(b) *The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;*

(c) *A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or*

(d) *Nationally recognized clinical practice guidelines or consensus statements.*

2. *A managed care organization shall:*

(a) *Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.*

(b) *Establish a clear and readily accessible process for an insured or provider of health care to:*

(1) *Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or*

(2) *Appeal a denial of coverage for such biomarker testing; and*

(c) *Make the process described in paragraph (b) available on an Internet website maintained by the managed care organization.*

3. *If a managed care organization requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the managed care organization shall respond to a request for such prior authorization:*

(a) *Within 24 hours after receiving an urgent request; or*

(b) *Within 72 hours after receiving any other request.*

4. The provisions of this section do not require a managed care organization to provide coverage of biomarker testing:

- (a) For screening purposes;
- (b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;
- (c) Conducted by a provider of health care or a facility that does not participate in the network plan of the managed care organization; or
- (d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience. ~~for~~
- ~~(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.~~

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

- (1) An interaction between a gene and a drug that is being used by or considered for use by the patient;
- (2) A mutation or characteristic of a gene; and
- (3) The expression of a protein.

(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) “Consensus statement” means a statement aimed at a specific clinical circumstance that is:

- (1) Made for the purpose of optimizing the outcomes of clinical care;
- (2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;
- (3) Based on scientific evidence; and
- (4) Made using a transparent methodology and reporting procedure.

(d) “Medically necessary” means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

- (1) Provided in accordance with generally accepted standards of medical practice;
- ~~(2) Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~—(3) Not primarily provided for the convenience of the patient or provider of health care;~~

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~—(5) The most clinically appropriate level of health care that may be safely provided to the patient;] ; and~~

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) “Nationally recognized clinical practice guidelines” means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) “Network plan” means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(g) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 28. (Deleted by amendment.)

Sec. 28.5. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services the sum of \$325,000 for the cost of contracting with a qualified person to determine the cost-effectiveness of providing coverage for biomarker testing under Medicaid for the diagnosis, treatment, management or ongoing monitoring of diseases or conditions other than cancer.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

3. Expenditure of \$325,000 not appropriated from the State General Fund or State Highway Fund is hereby authorized during Fiscal Year 2023-2024 and Fiscal Year 2024-2025 by the Division of Health Care Financing and Policy

of the Department of Health and Human Services for the same purpose as set forth in subsection 1.

4. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

Sec. 29. (Deleted by amendment.)

Sec. 29.5. 1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services, in coordination with the Department of Health and Human Services, shall study the cost-effectiveness of biomarker testing, including, without limitation, the cost-effectiveness of biomarker testing:

(a) For the diagnosis, treatment, management or ongoing monitoring of specific diseases or conditions; and

(b) To screen for specific diseases or conditions or traits associated with specific diseases or conditions.

2. The Joint Interim Standing Committee on Health and Human Services shall submit a report of the results of the study, including any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 83rd Session of the Nevada Legislature.

3. As used in this section:

(a) “Biomarker” means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) “Biomarker testing” means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

Sec. 30. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, 12, and 28 to 29.5, inclusive, of this act become effective on July 1, 2023.

3. Sections 11, 13 to 27, inclusive, and 30 of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 961 Assembly Bill No. 155.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 201.

The following Senate amendment was read:

Amendment No. 950.

AN ACT relating to behavioral health; requiring the Department of Health and Human Services to provide certain oversight and make certain recommendations concerning the children's behavioral health system of care; adding certain members to the subcommittee on the mental health of children of the Commission on Behavioral Health; prescribing certain duties of a regional behavioral health policy board; ~~creating a statewide mental health consortium; prescribing the membership, powers and duties of the statewide mental health consortium; authorizing each mental health consortium to request the drafting of not more than one legislative measure for each regular session of the Legislature;~~ **requiring a mental health consortium to submit certain documents to the Administrator of the Division of Child and Family Services of the Department;** clarifying the authority of the State Board of Health to require the licensing of certain facilities; requiring the ~~Joint Interim Standing~~ **Legislative** Committee ~~[on Health and Human Services]~~ **on Senior Citizens, Veterans and Adults With Special Needs** to conduct a study of the feasibility of formulating and operating a comprehensive state plan to provide behavioral health services; ~~for adults and children;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain duties relating to the provision of behavioral health services in this State; and (2) the Division of Child and Family Services of the Department to administer provisions governing mental health services for children. (NRS 433.331-433.374, chapter 433B of NRS) **Section 2** of this bill requires the Department to: (1) track the spending of federal and state money on the children's behavioral health system of care, which consists of certain behavioral health services for children and their families; (2) quantify and track the costs avoided through such expenditures; and (3) perform certain duties to provide oversight for and make recommendations concerning the reinvestment of the money

saved through such avoided costs in the children's behavioral health system of care.

Existing law establishes a regional behavioral health policy board for each of the five behavioral health regions of this State. (NRS 433.428, 433.429) Existing law requires each regional behavioral health policy board to: (1) advise the Department, the Division of Public and Behavioral Health and the Commission on Behavioral Health regarding certain matters relating to behavioral health in the region; and (2) submit an annual report to the Commission concerning the behavioral health needs of the region and certain duties of the policy board. (NRS 433.4295) **Section 8** of this bill additionally requires each regional behavioral health policy board to advise the Division of Child and Family Services regarding behavioral health for children in the region over which the policy board has jurisdiction. **Section 8** also requires a regional behavioral health policy board to additionally submit the annual report to the Division of Public and Behavioral Health and the Division of Child and Family Services.

Existing law establishes a mental health consortium for each county whose population is 100,000 or more (currently Clark and Washoe Counties) and another behavioral health consortium for the jurisdiction consisting of all other counties in this State. (NRS 433B.333) ~~[Section 10.5 of this bill establishes a statewide mental health consortium to represent all mental health consortia established by existing law. Section 10.5 also prescribes the membership of the statewide mental health consortium. Section 11.3 of this bill prescribes the powers and duties of the statewide mental health consortium, which include representing all regional mental health consortia and taking certain other actions related to the mental health of children.]~~

Existing law requires each mental health consortium to: (1) prepare and submit to the Director of the Department a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium; and (2) annually submit to the Director of the Department and the Commission certain reports relating to the long-term strategic plan. (NRS 433B.335) ~~[Section 11 of this bill exempts the statewide mental health consortium from those requirements. Sections 6 and 11.6 of this bill make conforming changes to clarify that only a mental health consortium that represents a particular region is required to submit a long-term strategic plan.]~~ **Section 11** ~~[additionally]~~ **of this bill** requires each mental health consortium ~~[that represents a particular region]~~ to submit the long-term strategic plan and the annual reports to the Administrator of the Division of Child and Family Services.

Existing law requires the Commission to appoint a subcommittee on the mental health of children to review each long-term strategic plan submitted by a mental health consortium that represents a particular region. (NRS 433.317) **Section 6 of this bill** requires that subcommittee to include two members ~~[of the statewide]~~ **recommended by and upon agreement of the** mental health ~~[consortium]~~.

~~Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 12.3 of this bill authorizes the statewide mental health consortium and each regional mental health consortium to request the drafting of not more than one legislative measure for each regular session of the Legislature. Section 12.5 of this bill makes a conforming change to indicate the proper placement of section 12.3 in the Nevada Revised Statutes.~~ **consortia.**

Existing law: (1) requires a medical facility or facility for the dependent to obtain a license from the Division of Public and Behavioral Health; and (2) authorizes the State Board of Health to adopt regulations requiring the licensing of other types of facilities that provide any type of medical care or treatment. (NRS 449.030, 449.0303) **Section 12.8** of this bill clarifies that the authority of the State Board to require such licensing includes the authority to require the licensing of facilities that provide behavioral health care or treatment.

Existing law requires the Division of Public and Behavioral Health to formulate and operate a comprehensive state plan for programs for alcohol or other substance use disorders. (NRS 458.025) **Section 13.5** of this bill requires the ~~Joint Interim Standing~~ **Legislative** Committee on ~~Health and Human Services~~ **Senior Citizens, Veterans and Adults With Special Needs** to study, during the 2023-2024 interim, the feasibility of formulating and operating a similar comprehensive state plan for the provision of behavioral health services ~~(to adults and children)~~ in this State.

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. The Department shall:

(a) Track the spending of federal and state money on the children's behavioral health system of care;

(b) Quantify and track the costs avoided through the expenditures described in paragraph (a) over time;

(c) Solicit, compile and analyze information and hold public hearings concerning:

(1) The use of federal and state money spent on the children's behavioral health system of care; and

(2) Ways to reinvest the money saved through the avoided costs quantified pursuant to paragraph (b) in the children's behavioral health system of care in a manner that addresses the behavioral health needs of children in this State and reduces the involvement of such children in the child welfare and juvenile justice systems;

(d) On or before June 30 of every even-numbered year, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning:

(1) The costs that are projected to be avoided through the expenditure of federal and state money on the children's behavioral health system of care during the immediately following 2 years; and

(2) Recommendations for the reinvestment of such avoided costs in accordance with subparagraph (2) of paragraph (c); and

(e) On or before December 31 of every even-numbered year, submit a report of the information described in paragraph (d) to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means at the beginning of the next regular session of the Legislature.

2. For the purposes of this section, the children's behavioral health system of care consists of:

(a) Respite care for families and caregivers;

(b) Community-based and in-home behavioral health services for children;

(c) Services for children in a behavioral health crisis, including, without limitation, mobile crisis services and services for in-home stabilization;

(d) Services to promote the coordination of behavioral health care between families and providers, including, without limitation, high fidelity wraparound;

(e) Family-to-family peer support services;

(f) Specialty services for children with an emotional disturbance and dual diagnoses;

(g) Behavioral health services identified in the state plan for foster care and adoption assistance established pursuant to 42 U.S.C. § 671; and

(h) Any other services prescribed by regulation of the Division of Child and Family Services of the Department.

3. As used in this section:

(a) "Child with an emotional disturbance" has the meaning ascribed to it in NRS 433B.045.

(b) "High fidelity wraparound" means an evidence-based, structured and team-oriented process for developing and implementing a plan to meet all of the behavioral health needs of a child with complex behavioral health issues in collaboration with the family of the child.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 433.317 is hereby amended to read as follows:

433.317 1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations of each mental health consortium submitted ~~by mental health consortia~~ pursuant to NRS

433B.335 and to create a statewide plan for the provision of mental health services to children. ***The members of the subcommittee must include, without limitation*** ~~†~~

~~—(a) The Chair of the statewide mental health consortium established pursuant to subsection 4 of NRS 433B.333; and~~

~~—(b) A member of the statewide mental health consortium appointed pursuant to subparagraph (2) of paragraph (c) of subsection 4 off , two members recommended by and upon agreement of the mental health consortia established pursuant to NRS 433B.333 . †, other than the Chair of the statewide mental health consortium.†~~

2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 433.4295 is hereby amended to read as follows:

433.4295 1. Each policy board shall:

(a) Advise the Department, ***the Division , the Division of Child and Family Services*** and ***the Commission , as appropriate***, regarding:

(1) The behavioral health needs of adults and children in the behavioral health region;

(2) Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;

(3) Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps;

(4) Any federal, state or local law or regulation that relates to behavioral health which it determines is redundant, conflicts with other laws or is obsolete and any recommendation to address any such redundant, conflicting or obsolete law or regulation; and

(5) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.

(b) Promote improvements in the delivery of behavioral health services in the behavioral health region.

(c) Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, ***the Division , the Division of Child and Family Services*** and ***the Commission*** regarding behavioral health services in the behavioral health region.

(d) Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

(e) To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and

behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community-based organization to establish the repository.

(f) To the extent feasible, track and compile data concerning persons placed on a mental health crisis hold pursuant to NRS 433A.160, persons admitted to mental health facilities and hospitals under an emergency admission pursuant to NRS 433A.162, persons admitted to mental health facilities under an involuntary court-ordered admission pursuant to NRS 433A.200 to 433A.330, inclusive, and persons ordered to receive assisted outpatient treatment pursuant to NRS 433A.335 to 433A.345, inclusive, in the behavioral health region, including, without limitation:

(1) The outcomes of treatment provided to such persons; and

(2) Measures taken upon and after the release of such persons to address behavioral health issues and prevent future mental health crisis holds and admissions.

(g) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.

(h) Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.

(i) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission , ***the Division and the Division of Child and Family Services*** which includes, without limitation:

(1) The specific behavioral health needs of the behavioral health region;

(2) A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;

(3) A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and (h) and the results of those activities; and

(4) The data compiled pursuant to paragraph (f) and any conclusions that the policy board has derived from such data.

2. A report described in paragraph (i) of subsection 1 may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report . ~~[to the Commission.]~~

3. ***As used in this section, “Division of Child and Family Services” means the Division of Child and Family Services of the Department.***

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.5. ~~INRS 433B.333 is hereby amended to read as follows:~~

~~433B.333 1. A mental health consortium is hereby established in each of the following jurisdictions:~~

~~(a) A county whose population is 100,000 or more; and~~

~~(b) The region consisting of all counties whose population are less than 100,000.~~

~~2. In a county whose population is 100,000 or more, such a consortium must consist of at least the following persons appointed by the Administrator:~~

~~(a) A representative of the Division;~~

~~(b) A representative of the agency which provides child welfare services;~~

~~(c) A representative of the Division of Health Care Financing and Policy of the Department;~~

~~(d) A representative of the board of trustees of the school district in the county;~~

~~(e) A representative of the local juvenile probation department;~~

~~(f) A representative of the local chamber of commerce or business community;~~

~~(g) A private provider of mental health care;~~

~~(h) A provider of foster care;~~

~~(i) A parent of a child with an emotional disturbance; and~~

~~(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.~~

~~3. In the region consisting of counties whose population are less than 100,000, such a consortium must consist of at least the following persons appointed by the Administrator:~~

~~(a) A representative of the Division of Public and Behavioral Health of the Department;~~

~~(b) A representative of the agency which provides child welfare services in the region;~~

~~(c) A representative of the Division of Health Care Financing and Policy of the Department;~~

~~(d) A representative of the boards of trustees of the school districts in the region;~~

~~(e) A representative of the local juvenile probation departments;~~

~~(f) A representative of the chambers of commerce or business community in the region;~~

~~(g) A private provider of mental health care;~~

~~(h) A provider of foster care;~~

~~(i) A parent of a child with an emotional disturbance; and~~

~~(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.~~

~~4. A statewide mental health consortium is hereby established to represent all mental health consortia established by subsection 1. The statewide mental health consortium must consist of:~~

~~(a) The Administrator as an ex officio, nonvoting member. The Administrator may designate an alternate who is an employee of the Division or another person to attend any meeting of the consortium in his or her place.~~

~~(b) The following voting members:~~

~~(1) A representative of the Division of Health Care Financing and Policy of the Department, appointed by the Administrator of that Division;~~

~~(2) A representative of the Department of Education, appointed by the Superintendent of Public Instruction; and~~

~~(3) A representative of the Division of Child and Family Services of the Department, appointed by the Administrator.~~

~~(c) The following voting members, appointed by the mental health consortium established by subsection 1 of which they are a member:~~

~~(1) Not more than three members from each mental health consortium established by subsection 1; and~~

~~(2) In addition to the members appointed pursuant to subparagraph (1), one parent or legal guardian of a child with an emotional disturbance from each mental health consortium established by subsection 1.~~

~~5. The statewide mental health consortium established pursuant to subsection 4 shall annually elect a Chair from among its voting members.~~
(Deleted by amendment.)

Sec. 11. NRS 433B.335 is hereby amended to read as follows:

433B.335 1. Each mental health consortium established ~~pursuant to by~~ ~~subsection 1 of~~ NRS 433B.333 shall prepare and submit to the Director of the Department **and the Administrator** a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after the date of submission, and each consortium shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium ~~established by subsection 1 of NRS 433B.333~~ must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium ~~established by subsection 1 of NRS 432B.333~~ shall submit to the Director of the Department , **the Administrator** and the Commission:

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities and any request

for an allocation submitted pursuant to subsection 4 by each mental health consortium ~~, established by subsection 1 of NRS 433B.333.~~ On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium ~~established by subsection 1 of NRS 433B.333~~ a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department;

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion; and

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each ~~mental health~~ consortium ~~established by subsection 1 of NRS 433B.333~~ shall submit to the Director of the Department, *the Administrator* and the Commission:

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) A report of all expenditures made from an account maintained pursuant to NRS 433B.339, if any.

Sec. 11.3. ~~NRS 433B.337 is hereby amended to read as follows:~~

~~433B.337 1. A mental health consortium established by subsection 1 of NRS 433B.333 may:~~

~~(a) Participate in activities within the jurisdiction of the consortium to:~~

~~(1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to NRS 433B.335; and~~

~~(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation, advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.~~

~~(b) Take other action to carry out its duties set forth in this section and NRS 433B.335 and 433B.339.~~

~~2. The statewide mental health consortium established by subsection 4 of NRS 433B.333 shall:~~

~~(a) Represent all mental health consortia established by subsection 1 of NRS 433B.333 before the Legislature, Commission and Department.~~

~~(b) Review, make recommendations for and approve programs proposed by the Division to prevent placing children in facilities located outside of the home or home state of the child for the treatment of emotional disturbance, substance use disorders or co-occurring disorders.~~

~~—(c) Evaluate the future needs of this State concerning the treatment of children with emotional disturbance, substance use disorders or co-occurring disorders and develop ways to improve the treatment currently provided.~~

~~—(d) Take any other action necessary to promote the mental health of children in this State.~~

~~—3. The statewide mental health consortium established by subsection 4 of NRS 433B.333 may:~~

~~—(a) Create a document that consolidates the strategies, goals and services in the long-term strategic plan prepared by each mental health consortium pursuant to NRS 433B.335.~~

~~—(b) Take such other action as is necessary to represent all mental health consortia established by subsection 1 of NRS 433B.333.~~

~~—4. To the extent practicable, a mental health consortium established by subsection 1 of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of NRS 433B.333 shall coordinate with the Department to avoid duplicating or contradicting the efforts of the Department to provide mental health services to children with emotional disturbance and their families. (Deleted by amendment.)~~

Sec. 11.6. ~~[NRS 433B.339 is hereby amended to read as follows:~~

~~433B.339 1. A mental health consortium established by subsection 1 of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of NRS 433B.333 may:~~

~~—(a) Enter into contracts and agreements to carry out the provisions of this section, [and] NRS [433B.335 and] 433B.337 [;] and, if applicable, NRS 433B.335; and~~

~~—(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of this section, [and] NRS [433B.335 and] 433B.337 [;] and, if applicable, NRS 433B.335.~~

~~—2. Any money collected pursuant to subsection 1:~~

~~—(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and~~

~~—(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended, under the direction of the consortium which deposited the money, to carry out the provisions of this section, [and] NRS [433B.335 and] 433B.337 [;] and, if applicable, NRS 433B.335.~~

~~—3. The Administrator shall administer the account maintained for each consortium.~~

~~—4. Any interest or income earned on the money in an account maintained pursuant to this section must be credited to the account and does not revert to the State General Fund at the end of a fiscal year.~~

~~—5. Any claims against an account maintained pursuant to this section must be paid as other claims against the State are paid. (Deleted by amendment.)~~

Sec. 12. (Deleted by amendment.)

Sec. 12.3. ~~{Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. For a regular session, the statewide mental health consortium established by subsection 4 of NRS 433B.333 and each mental health consortium established by subsection 1 of NRS 433B.333 may request the drafting of not more than one legislative measure which relates to matters within the scope of the consortium.~~

~~2. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding a regular session.~~

~~3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding a regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn. }~~ (Deleted by amendment.)

Sec. 12.5. ~~{NRS 218D.100 is hereby amended to read as follows:~~

~~218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, apply to requests for the drafting of legislative measures for a regular session.~~

~~2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:~~

~~(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, and section 12.3 of this act for the requester; or~~

~~(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, and section 12.3 of this act but is not in a subject related to the function of the requester.~~

~~3. The Legislative Counsel shall not:~~

~~(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.~~

~~(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution. }~~

(Deleted by amendment.)

Sec. 12.8. NRS 449.0303 is hereby amended to read as follows:

449.0303 The Board may adopt regulations requiring the licensing of a facility other than those required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive, if the:

1. Facility provides any type of medical care or treatment ~~{;}~~ **, including, without limitation, behavioral health care or treatment;** and

2. Regulation is necessary to protect the health of the general public.

Sec. 13. (Deleted by amendment.)

Sec. 13.5. 1. During the 2023-2024 interim, the ~~{Joint Interim Standing}~~ **Legislative** Committee on ~~{Health and Human Services}~~ **Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750** shall study the feasibility of formulating and operating a comprehensive plan to provide behavioral health services ~~{for adults and children}~~ in this State. In

conducting the study, the ~~Joint Interim Standing~~ Committee may collaborate with:

- (a) The Commission on Behavioral Health;
- (b) ~~Any mental health consortium established by NRS 433B.333, as amended by section 10.5 of this act;~~
- ~~(c)~~ Personnel of the Department of Health and Human Services or any division thereof;
- ~~(d)~~ **(c)** Any regional behavioral health policy board created by NRS 433.429; and
- ~~(e)~~ **(d)** Any other state or local governmental entity that provides or performs duties relating to behavioral health services in this State.

2. On or before September 1, 2024, the ~~Joint Interim Standing~~ **Legislative** Committee on ~~Health and Human Services~~ **Senior Citizens, Veterans and Adults With Special Needs** shall submit a report of the results of the study conducted pursuant to subsection 1 and recommendations for legislation resulting from the study to:

- (a) The Governor; and
- (b) The Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. (Deleted by amendment.)

Sec. 16. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 950 to Assembly Bill No. 201.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 243.

The following Senate amendment was read:

Amendment No. 976.

Legislative Counsel's Digest:

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

Existing law establishes various legislative interim committees that are created or authorized to conduct studies or investigations or perform other legislative business during the interim between legislative sessions, and existing law provides for the appointment or designation of chairs and vice chairs of such interim committees. (Chapter 218E of NRS, NRS 232B.210-232B.250) Existing law also contains provisions that apply exclusively to such interim committees without applying to any session committees. (NRS 218E.105-218E.140)

~~Under the term-limit provisions of the Nevada Constitution, Legislators are subject to limitations on the number of years that they may serve in each House~~

~~of the Legislature. (Nev. Const. Art. 4, §§ 3, 4) Section 2 of this bill amends the statutory provisions that apply to interim committees in order to provide, with certain exceptions, that if a Legislator is serving the final term in his or her current House under the term limit provisions, the Legislator is not eligible for the position of chair or vice chair of an interim committee during the legislative interim period that: (1) begins immediately after adjournment sine die of the last regular session in which the Legislator is eligible to serve in his or her current House; and (2) ends at the expiration of the Legislator's current term of office in that House. However, section 2 contains an exception for the position of Chair or Vice Chair of the Legislative Commission. Sections 3, 7, 8, 11-14 and 49 of this bill make conforming changes.]~~

Under existing common-law principles of parliamentary law, the chair of a committee serves as the presiding officer of the committee and may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee. In addition, if a vacancy occurs in the position of chair, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise unavailable or unable to carry out the position for any reason, the vice chair of the committee serves as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled or the chair is eligible, available or able to carry out the position again, as applicable. (*Mason's Manual of Legislative Procedure* §§ 575-579, 608-611 (2020); Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* §§ 287, 308, 313, 314, 1910 (1856); *Hicks v. Long Branch Comm'n*, 55 A. 250, 250-51 (N.J. 1903)) To assist interim committees in conducting their legislative business consistently with existing common-law principles of parliamentary law, **sections 4-6** of this bill codify those existing common-law principles into the statutory provisions that apply to interim committees. (*Welfare Div. v. Maynard*, 84 Nev. 525, 529 (1968) ("A statutory enactment can be simply a legislative pronouncement of already existing law."); *State Gaming Comm'n v. Southwest Sec.*, 108 Nev. 379, 383-84 (1992))

Existing law: (1) establishes Joint Interim Standing Committees of the Legislature that may evaluate and review issues within the jurisdiction of the corresponding standing committees from the preceding regular session of the Legislature, exercise certain investigative powers and, under certain circumstances, conduct studies directed by the Legislature or the Legislative Commission; (2) provides for the appointment of regular members and ~~alternative~~ **alternate** members to each Joint Interim Standing Committee; and (3) requires the Legislative Commission to select a Chair and a Vice Chair for each Joint Interim Standing Committee. (NRS 218E.320, 218E.330)

Sections 8-10 of this bill clarify and revise various requirements governing the Joint Interim Standing Committees. **Section 8** of this bill renames the Joint Interim Standing Committee on Natural Resources as the Joint

Interim Standing Committee on Natural Resources and Public Lands. Sections 1, 15-17, 43 and 47.5 of this bill make conforming changes.

Section 8 additionally requires the appointing authorities to appoint the committee members ~~for each Joint Interim Standing Committee,~~ along with the Chairs and Vice Chairs, not later than August 31 following the adjournment of each regular session. **Section 8** also clarifies the length of the terms that the committee members and the Chairs and Vice Chairs serve while qualified.

Section 9 of this bill authorizes the Joint Interim Standing Committees to begin holding their meetings on September 1 after the adjournment of each regular session, instead of November 1 under existing law. **Section 9** provides that if a regular member cannot attend a meeting of the Committee, an alternate member must ~~be, to the extent practicable,~~ be of the same political party as the regular member, and **section 9** clarifies that, when acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.

Existing law requires that any recommended legislation proposed by a Joint Interim Standing Committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly serving on the Committee. (NRS 218E.325) **Section 9** changes this requirement by providing that any recommended legislation proposed by a Committee must be approved by a vote in favor of such legislation by at least five members of the eight-member Committee, regardless of their House.

Existing law requires the Joint Interim Standing Committee on Legislative Operations and Elections to evaluate and review issues relating to governmental purchasing. (NRS 218E.330) **Section 10** of this bill transfers such duties to the Joint Interim Standing Committee on Government Affairs. **Section 44** of this bill makes a conforming change to require that the biennial report on recommendations for legislation relating to government purchasing be submitted to the Joint Interim Standing Committee on Government Affairs.

Existing law creates the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources and prescribes the Subcommittee's powers and duties. (NRS 218E.500-218E.525, NRS 321.7355) **Sections 15-17, 43 and 51** of this bill eliminate the Subcommittee and transfer its powers and duties to the renamed Joint Interim Standing Committee on Natural Resources ~~and Public Lands.~~ **Section 16 of this bill requires the renamed Joint Interim Standing Committee on Natural Resources and Public Lands to hold at least three meetings during each legislative interim where the primary physical location of the meeting is located in a different county for each such meeting other than Clark County, Washoe County or Carson City. However, section 16 does not prohibit the use of authorized remote-technology systems for each such meeting, including when necessary to connect the primary physical location of the meeting to additional physical locations for the meeting in Clark County, Washoe County or Carson City.**

Existing law creates: (1) the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System; and (2) the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. (NRS 218E.550-218E.570, 218E.745-218E.760) **Sections 18 and 19** of this bill revise the membership, organization and operations of each Legislative Committee.

Existing law creates the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) **Sections 33-40** of this bill: (1) rename the Sunset Subcommittee as the Sunset Committee of the Legislature; and (2) revise the membership, organization and operations of the Sunset Committee.

Existing law authorizes Joint Interim Standing Committees and other interim committees to request the drafting of a certain number of legislative measures for each regular session. (NRS 218D.160) **Section 1** of this bill revises the number of such requests that may be made by ~~I: (1) the Joint Interim Standing Committee on Health and Human Services; (2) the Joint Interim Standing Committee on the Judiciary; (3) the Joint Interim Standing Committee on Natural Resources; and (4) the Sunset Committee of the Legislature.~~

Existing law requires the Joint Interim Standing Committee on Health and Human Services to review certain regulations that are proposed or adopted by certain licensing boards and that are related to health care. (NRS 439B.225) **Section 51** of this bill repeals the requirement that the Joint Interim Standing Committee on Health and Human Services review such regulations. **Sections 41 and 42** of this bill make conforming changes to eliminate the requirement that such regulations be submitted to the Joint Interim Standing Committee on Health and Human Services.

Existing law requires a teacher who wishes to serve on the Nevada State Teacher Recruitment and Retention Advisory Task Force to submit an application to the Joint Interim Standing Committee on Education on or before January 15 of an even-numbered year. (NRS 391.494) **Section 46** of this bill moves the due date of the application from January 15 of an even-numbered year to December 1 of an odd-numbered year.

Existing law requires various reports, documents and other information to be compiled by state or local governmental agencies and then reported to certain legislative committees or staff. (NRS 193.309, 209.192, 209.461, 209.4818, 332.215, 388.887, 449.242) **Sections 29-32, 44, 45 and 47** of this bill revise those reporting requirements.

Under existing law, the Nevada Lobbying Disclosure and Regulation Act (Lobbying Act) prohibits, with certain exceptions, Legislators, legislative officers and legislative staff members from knowingly or willfully soliciting or accepting any gift from a lobbyist, whether or not the Legislature is in a regular or special session. (NRS 218H.060, 218H.090, 218H.930) Under existing exceptions to the gift prohibitions, if Legislators or members of their households receive anything of value from a lobbyist to undertake or attend

any educational or informational meetings, events or trips, such meetings, events or trips are excluded from the term “gift” under the Lobbying Act, but the Legislators are required to report the educational or informational meetings, events or trips on their financial disclosure statements under the Nevada Financial Disclosure Act (Financial Disclosure Act). (NRS 218H.045, 218H.060, 281.5583, 281.571)

Sections 20-27 of this bill create exceptions for legislative committee investigative meetings, events or trips. **Section 22** of this bill defines a “legislative committee investigative meeting, event or trip” to include any meetings, events or trips that the chair of a legislative committee authorizes as official meetings, events or trips of the committee in order for the members of the committee and legislative staff members to investigate or otherwise receive any education or information on matters that are pertinent to the committee’s legislative business or possible future legislative action. Based on the exceptions in **sections 24 and 26** of this bill, such legislative committee investigative meetings, events or trips are not required to be reported on financial disclosure statements under the Financial Disclosure Act. (NRS 281.5583, 281.5585)

Sections 24 and 26 also make the existing exceptions for educational or informational meetings, events or trips applicable to: (1) legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly; and (2) legislative staff members but only if such staff members have the approval of their chief administrative supervisors to undertake or attend the educational or informational meetings, events or trips. Because the Financial Disclosure Act applies to legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly, and to certain senior staff members of the Legislative Counsel Bureau, such as the Director and the chiefs of the divisions, they are required to report the educational or informational meetings, events or trips on financial disclosure statements. By contrast, if rank-and-file legislative staff members have the approval of their chief administrative supervisors to undertake or attend any educational or informational meetings, events or trips, they are not required to report the educational or informational meetings, events or trips on financial disclosure statements, unless they qualify as a public officer or candidate or a member of a public officer’s or candidate’s household for the purposes of the Financial Disclosure Act. (NRS 281.005, 281.558, 281.5583, 281.5587)

Section 1 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Section 1. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) ~~{Except as otherwise provided in paragraphs (b), (c) and (d), a}~~ A Joint Interim Standing Committee may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the Committee ~~f~~.

~~—(b) The~~ , unless another provision in this subsection authorizes a different number of requests for a specific Joint Interim Standing Committee.

~~(b)~~ In addition to the number of requests authorized pursuant to paragraph (a), the Joint Interim Standing Committee on Health and Human Services may also request the drafting of not more than {15} 5 legislative measures {which relate to matters within the scope of the Committee, at least 5 of which must relate to matters} relating to child welfare.

~~(c) {The , unless another provision in this subsection authorizes a different number of requests for a specific Joint Interim Standing Committee.~~

~~—(b)}~~ In addition to the number of requests authorized pursuant to paragraph (a), the Joint Interim Standing Committee on the Judiciary may also request the drafting of not more {15} than 5 legislative measures {which relate to matters within the scope of the Committee, at least 5 of which must relate to matters relating to child welfare and not more than 5 legislative measures} relating to juvenile justice.

~~(d) {The}~~ In addition to the number of requests authorized pursuant to paragraph (a), the Joint Interim Standing Committee on Natural Resources and Public Lands may also request the drafting of not more than {14} 4 legislative measures {which relate to matters within the scope of the Committee, at least 4 of which must relate to matters} relating to public lands . {based on the recommendations for legislation submitted by the Subcommittee on Public Lands pursuant to NRS 218E.525.}

~~(e) {(e)}~~ Any legislative committee created by a statute, other than the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 , **the Sunset Committee of the Legislature created by NRS 232B.210** or an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

~~(f) {(d)}~~ The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 may request the drafting of not more than 6 legislative measures which relate to matters within the scope of the Committee.

(g) ~~[(e)]~~ *The Sunset Committee of the Legislature created by NRS 232B.210 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the Committee, except that the Committee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.*

~~[(f)]~~ (h) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

~~[(h)-(g)]~~ (i) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

↪ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Section 2 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 2. ~~[Chapter 218E of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—1. Except as otherwise provided in this section, if at the expiration of a Legislator's current term of office, the Legislator will be prohibited from serving again in his or her current House because of the limitations on the number of years of service pursuant to Section 3 or 4 of Article 4 of the Nevada Constitution, as applicable, the Legislator is not eligible to be appointed, designated or selected as the chair or vice chair of a committee, or serve in either position, during the legislative interim period that:~~

~~—(a) Begins immediately after adjournment sine die of the last regular session in which the Legislator is eligible to serve in his or her current House; and~~

~~—(b) Ends at the expiration of the Legislator's current term of office in that House.~~

~~—2. The provisions of this section apply to a Legislator whether or not the Legislator is eligible to serve in or becomes a candidate for a seat in the other House during his or her current term of office, except that the provisions of this section do not apply to a Legislator who is appointed to fill a vacancy in the other House before the expiration of his or her current term of office.~~

~~—3. The provisions of this section do not apply to the position of Chair or Vice Chair of the Legislative Commission. (Deleted by amendment.)~~

Section 3 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 3. ~~NRS 218E.105 is hereby amended to read as follows:~~
~~218E.105 As used in NRS 218E.105 to 218E.140, inclusive, and section 2 of this act, unless the context otherwise requires, the words and terms defined in NRS 218E.110, 218E.115 and 218E.120 have the meanings ascribed to them in those sections.~~ **(Deleted by amendment.)**

Section 5 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 5. NRS 218E.125 is hereby amended to read as follows:

218E.125 1. The provisions of NRS 218E.105 to 218E.140, inclusive, ~~and section 2 of this act,~~ are intended to supplement the other provisions of this chapter and any other ~~law~~ **laws or rules** governing the legislative proceedings of a committee, **including, without limitation, any applicable principles of parliamentary law**, and the provisions of NRS 218E.105 to 218E.140, inclusive, ~~and section 2 of this act,~~ do not limit the application of such other ~~provisions,~~ **legal authorities.**

2. The powers, privileges and immunities granted by the provisions of NRS 218E.105 to 218E.140, inclusive, ~~and section 2 of this act,~~ are in addition to any other powers, privileges and immunities recognized by ~~law,~~ **any other laws or rules, including, without limitation, any applicable principles of parliamentary law**, and all such powers, privileges and immunities are cumulative, so that the application or attempted application of any one does not bar the application or attempted application of any other.

Section 6 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 6. NRS 218E.130 is hereby amended to read as follows:

218E.130 1. A committee may conduct investigations and hold hearings regarding any matter which is pertinent to its legislative business or possible future legislative action and may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, ~~and section 2 of this act.~~

2. The secretary of the committee or any member of the committee may administer oaths to witnesses who appear before the committee.

3. The chair of the committee, or the secretary of the committee on behalf of the chair, may cause the deposition of witnesses to be taken, whether the witnesses reside within or without the State, in the manner prescribed by court rules for taking depositions in civil actions in the district court.

4. **The chair of the committee may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee, including, without limitation, any applicable principles of parliamentary law.**

5. **If a vacancy occurs in the position of chair of the committee, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise**

unavailable or unable to carry out the position for any reason, the vice chair of the committee shall serve as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled or the chair is eligible, available or able to carry out the position again, as applicable.

Section 7 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 7. ~~NRS 218E.240 is hereby amended to read as follows:~~
~~218E.240 1. There is hereby created an Audit Subcommittee of the Legislative Commission consisting of five members.~~
~~2. The Chair of the Legislative Commission shall:~~
~~(a) Appoint the members of the Audit Subcommittee from among the members of the Legislative Commission and the Interim Finance Committee; and~~
~~(b) [Designate] Except as otherwise provided in section 2 of this act, designate one of the members of the Audit Subcommittee as Chair.~~
~~3. The Chair of the Legislative Commission shall designate five Legislators from among the members of the Legislative Commission and the Interim Finance Committee to serve as alternates for the members of the Audit Subcommittee.~~
~~4. The Legislative Auditor or a member of the staff of the Audit Division appointed by the Legislative Auditor shall serve as Secretary of the Audit Subcommittee.~~
~~5. The Audit Subcommittee shall meet at the times and places specified by a call of the Chair.~~
~~6. Three members of the Audit Subcommittee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Audit Subcommittee.] (Deleted by amendment.)~~

Section 8 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 8. NRS 218E.320 is hereby amended to read as follows:
218E.320 1. There are hereby created the following Joint Interim Standing Committees of the Legislature:
(a) Commerce and Labor;
(b) Education;
(c) Government Affairs;
(d) Growth and Infrastructure;
(e) Health and Human Services;
(f) Judiciary;
(g) Legislative Operations and Elections;
(h) Natural Resources, ~~and~~ **and Public Lands;** and
(i) Revenue.
2. Each Joint Interim Standing Committee consists of eight regular members and five alternate members. As soon as is practicable after the

adjournment of each regular session ~~{-}~~ **and not later than August 31 immediately following such adjournment:**

(a) The Speaker of the Assembly shall appoint three members of the Assembly as regular members of each Committee and two members of the Assembly as alternate members of each Committee.

(b) The Minority Leader of the Assembly shall appoint two members of the Assembly as regular members of each Committee and one member of the Assembly as an alternate member of each Committee.

(c) The Majority Leader of the Senate shall appoint two Senators as regular members of each Committee and one Senator as an alternate member of each Committee.

(d) The Minority Leader of the Senate shall appoint one Senator as a regular member of each Committee and one Senator as an alternate member of each Committee.

3. Before making their respective appointments, the Speaker of the Assembly, the Majority Leader of the Senate and the Minority Leaders of the Senate and Assembly shall consult so that, to the extent practicable:

(a) At least five of the regular members appointed to each Joint Interim Standing Committee served on the corresponding standing committee or committees during the preceding regular session.

(b) Not more than five of the regular members appointed to each Joint Interim Standing Committee are members of the same political party.

4. ~~The {Except as otherwise provided in section 2 of this act, the}~~ Legislative Commission shall ~~{select}~~ **appoint** the Chair and Vice Chair of each Joint Interim Standing Committee from among the members of the Committee ~~{-}~~ **and shall make such appointments as soon as is practicable after the adjournment of each regular session and not later than August 31 immediately following such adjournment.** The Chair must be appointed from one House of the Legislature and the Vice Chair from the other House. The position of Chair must alternate each biennium between the Houses of the Legislature. ~~{Each of those officers}~~

5. ~~Except as otherwise provided in this section, {and section 2 of this act,}~~ **each Chair and Vice Chair** holds the position, **while qualified**, until a successor is appointed after the next regular session. If a vacancy occurs in the position of Chair or Vice Chair, the vacancy must be filled in the same manner as the original ~~{selection}~~ **appointment** for the remainder of the unexpired term.

~~{5-}~~ 6. **Except as otherwise provided in this subsection, a member of a Joint Interim Standing Committee holds his or her membership on the Committee, while qualified, until a successor is appointed after the next regular session.** The membership of any member of a Joint Interim Standing Committee who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as

the case may be, may appoint a member to fill the vacancy for the remainder of the unexpired term.

~~{6.}~~ 7. Vacancies on a Joint Interim Standing Committee must be filled in the same manner as original appointments.

Section 9 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 9. NRS 218E.325 is hereby amended to read as follows:

218E.325 1. Except as otherwise ordered by the Legislative Commission, the members of a Joint Interim Standing Committee shall meet not earlier than ~~{November 1 of each odd-numbered year}~~ **September 1 immediately following the adjournment of each regular session** and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair ~~{ }~~ or a majority of the Committee.

2. The Director or his or her designee shall act as the nonvoting recording Secretary of each Joint Interim Standing Committee.

3. Five members of a Joint Interim Standing Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee, except that any recommended legislation proposed by ~~{a}~~ **the** Committee must be approved by a ~~{majority of the members of the Senate and a majority of the members of the Assembly serving on}~~ **vote in favor of such legislation by at least five members of** the Committee.

4. **All requests for the drafting of recommended legislation approved by a Joint Interim Standing Committee must be made in accordance with NRS 218D.160.**

5. **If an alternate member of a Joint Interim Standing Committee attends a meeting of the Committee in place of a regular member who cannot attend the meeting, the alternate member who attends the meeting must ~~{, to the extent practicable,}~~ be of the same political party as the regular member. When acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.**

6. Except during a regular or special session, for each day or portion of a day during which a member of a Joint Interim Standing Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

~~{ }~~

7. The compensation, per diem allowances and travel expenses of the members of a **Joint Interim Standing** Committee must be paid from the Legislative Fund.

Section 10 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 10. NRS 218E.330 is hereby amended to read as follows:

218E.330 1. A Joint Interim Standing Committee may:

(a) Evaluate and review issues within the jurisdiction of the corresponding standing committee or committees from the preceding regular session;

(b) Exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive : ~~it, and section 2 of this act;~~ and

(c) Within the limits of the Committee's budget, conduct studies directed by the Legislature or the Legislative Commission.

2. In addition to the authorized scope of issues set forth in paragraph (a) of subsection 1:

(a) The Joint Interim Standing Committee on Health and Human Services shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to child welfare.

(b) The Joint Interim Standing Committee on the Judiciary shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to ~~child welfare and~~ juvenile justice.

(c) ~~(b)~~ The Joint Interim Standing Committee on ~~Legislative Operations and Elections~~ Government Affairs may evaluate and review issues relating to governmental purchasing, including, without limitation, recommendations submitted to the Joint Interim Standing Committee by the Commission to Study Governmental Purchasing pursuant to NRS 332.215.

3. The Legislative Commission shall review and approve the budget and work program of each Joint Interim Standing Committee and any changes to the budget or work program.

4. A Joint Interim Standing Committee shall prepare a comprehensive report of the Committee's activities in the interim and its findings and any recommendations for proposed legislation. The report must be submitted to the Director for distribution to the next regular session.

Section 11 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

~~Sec. 11. NRS 218E.400 is hereby amended to read as follows:~~

~~218E.400 1. There is hereby created in the Legislative Counsel Bureau an Interim Finance Committee. Except as otherwise provided in this section, the Interim Finance Committee is composed of the members of the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during the current or immediately preceding regular session.~~

~~2. Except as otherwise provided in [this subsection, the] subsections 3 and 4:~~

~~(a) The immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Finance Committee for the period ending with the convening of each even-numbered regular session [.] ;~~

~~(b) The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Finance Committee during the next legislative interim [.] and the [.] ; and~~

~~—(c) The position of Chair of the Interim Finance Committee alternates between the Houses according to this pattern.~~

~~—3. Except as otherwise provided in subsection 4, if the immediate past Chair of the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means, as applicable, is not eligible to serve as the Chair of the Interim Finance Committee pursuant to section 2 of this act, the position of Chair of the Interim Finance Committee must be appointed as follows:~~

~~—(a) If the position is entitled to be filled by the Senate for that legislative interim, the Majority Leader of the Senate shall appoint an eligible immediate past member of the Senate Standing Committee on Finance as the Chair of the Interim Finance Committee.~~

~~—(b) If the position is entitled to be filled by the Assembly for that legislative interim, the Speaker of the Assembly shall appoint an eligible immediate past member of the Assembly Standing Committee on Ways and Means as the Chair of the Interim Finance Committee.~~

~~—4. The term of the Chair of the Interim Finance Committee terminates if a new Chair of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as the case may be, is designated for the next regular session, in which case that person so designated serves as the Chair of the Interim Finance Committee until the convening of that regular session.~~

~~—[3.] 5. If any regular member of the Interim Finance Committee informs the Secretary that the member will be unable to attend a particular meeting, the Secretary shall notify the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, to appoint an alternate for that meeting from the same House and political party as the absent member.~~

~~—[4.] 6. Except as otherwise provided in subsection [5.] 7, the term of a member of the Interim Finance Committee expires upon the convening of the next regular session unless the member is replaced by the appointing authority. If the Speaker designate of the Assembly or the Majority Leader designate of the Senate designates members of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as applicable, for the next regular session, the designated members become members of the Interim Finance Committee. A member may be reappointed.~~

~~—[5.] 7. The membership of any member who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, shall appoint an alternate to fill the vacancy on the Interim Finance Committee. Except as otherwise provided in this subsection, each alternate serves on the Interim Finance Committee.~~

~~—(a) If the alternate is a member of the Assembly, until the Speaker designate of the Assembly designates the members of the Assembly Standing Committee~~

~~on Ways and Means for the next regular session or appoints a different alternate.~~

~~—(b) If the alternate is a member of the Senate, until the Majority Leader designate of the Senate designates the members of the Senate Standing Committee on Finance for the next regular session or appoints a different alternate.~~

~~—[6.] 8. The Director shall act as the Secretary of the Interim Finance Committee.~~

~~—[7.] 9. A majority of the members of the Assembly Standing Committee on Ways and Means and a majority of the members of the Senate Standing Committee on Finance, jointly, may call a meeting of the Interim Finance Committee if the Chair does not do so.~~

~~—[8.] 10. In all matters requiring action by the Interim Finance Committee, the vote of the Assembly members and the Senate members must be taken separately. No action may be taken unless it receives the affirmative vote of a majority of the Assembly members and a majority of the Senate members.~~

~~—[9.] 11. The Interim Finance Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive [10.], and section 2 of this act.~~

~~—12. Except during a regular or special session, for each day or portion of a day during which a member of the Interim Finance Committee and appointed alternate attends a meeting of the Interim Finance Committee or is otherwise engaged in the business of the Interim Finance Committee, the member or appointed alternate is entitled to receive:~~

~~—(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~—(b) The per diem allowance provided for state officers and employees generally; and~~

~~—(c) The travel expenses provided pursuant to NRS 218A.655.~~

~~—[11.] 13. All such compensation, per diem allowances and travel expenses must be paid from the Contingency Fund in the State Treasury. (Deleted by amendment.)~~

Section 12 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 12. ~~[NRS 218E.405 is hereby amended to read as follows:~~

~~218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, subsection 3 of NRS 349.073, NRS 353.220, 353.224, 353.2705~~

~~to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 429.375, 433.732, 439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.~~

~~3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:~~

~~(a) [The] **Except as otherwise provided in section 2 of this act, the** Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;~~

~~(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and~~

~~(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.] **(Deleted by amendment.)**~~

Section 13 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 13. ~~[NRS 218E.420 is hereby amended to read as follows:~~

~~218E.420 1. There is hereby created an Interim Retirement and Benefits Committee of the Legislature to:~~

~~(a) Review the operation of the Public Employees' Retirement System, the Judicial Retirement System established pursuant to chapter 1A of NRS and the Public Employees' Benefits Program; and~~

~~(b) Make recommendations to the Public Employees' Retirement Board and the Board of the Public Employees' Benefits Program, the Legislative Commission and the Legislature.~~

~~2. The Interim Retirement and Benefits Committee consists of six members appointed as follows:~~

~~(a) Three members of the Senate, one of whom is the **immediate past** Chair of the **Senate Standing** Committee on Finance during the preceding regular session and two of whom are appointed by the Majority Leader of the Senate.~~

~~(b) Three members of the Assembly, one of whom is the **immediate past** Chair of the **Assembly Standing** Committee on Ways and Means during the preceding regular session and two of whom are appointed by the Speaker of the Assembly.~~

~~3. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

~~4. Except as otherwise provided in subsection 5:~~

~~(a) The immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Retirement and Benefits Committee for the period ending with the convening of each odd-numbered regular session [.];~~

~~(b) The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Retirement and Benefits Committee during the next legislative interim [, and the]; and~~

~~(c) The position of Chair of the Interim Retirement and Benefits Committee alternates between the Houses according to this pattern.~~

~~5. If the immediate past Chair of the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means, as applicable, is not eligible to serve as the Chair of the Interim Retirement and Benefits Committee pursuant to section 2 of this act, the position of Chair of the Interim Retirement and Benefits Committee must be appointed as follows:~~

~~(a) If the position is entitled to be filled by the Senate for that legislative interim, the Majority Leader of the Senate shall appoint an eligible immediate past member of the Senate Standing Committee on Finance as the Chair of the Interim Retirement and Benefits Committee.~~

~~(b) If the position is entitled to be filled by the Assembly for that legislative interim, the Speaker of the Assembly shall appoint an eligible immediate past member of the Assembly Standing Committee on Ways and Means as the Chair of the Interim Retirement and Benefits Committee.~~

~~6. The Interim Retirement and Benefits Committee may exercise the powers conferred on it by law only when the Legislature is not in a regular or special session and shall meet at the call of the Chair.~~

~~[6.] 7. The Interim Retirement and Benefits Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive [.~~

~~7.], and section 2 of this act.~~

~~8. The Director shall provide a Secretary for the Interim Retirement and Benefits Committee.~~

~~[8.] 9. For each day or portion of a day during which members of the Interim Retirement and Benefits Committee attend a meeting of the Interim Retirement and Benefits Committee or are otherwise engaged in the business of the Interim Retirement and Benefits Committee, the members are entitled to receive:~~

~~(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~(b) The per diem allowance provided for state officers and employees generally; and~~

~~(c) The travel expenses provided pursuant to NRS 218A.655.~~

~~[9.] 10. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.] (Deleted by amendment.)~~

Section 14 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 14. ~~[NRS 218E.440 is hereby amended to read as follows:~~
~~218E.440 1. If:~~
~~(a) The Legislature, by concurrent resolution, during a regular session; or~~
~~(b) The Interim Finance Committee, by resolution, while the Legislature is not in a regular session,~~
~~↗ determines that the performance of a fundamental review of the base budget of a particular agency is necessary, the Interim Finance Committee shall create a legislative committee for the fundamental review of the base budgets of state agencies;~~
~~2. The Interim Finance Committee:~~
~~(a) May create more than one such committee if the number of agencies designated for review warrants additional committees; and~~
~~(b) If more than one such committee is created, shall determine which agencies are to be reviewed by the respective committees.~~
~~3. For each such committee, the Interim Finance Committee shall:~~
~~(a) Appoint all the members;~~
~~(b) Appoint an equal number of members from the Senate and the Assembly;~~
~~(c) Appoint at least a majority of the members from the Interim Finance Committee; and~~
~~(d) [Designate] Except as otherwise provided in section 2 of this act, designate the chair.~~
~~4. Any member of a committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.~~
~~5. Vacancies on a committee must be filled in the same manner as original appointments.~~
~~6. A majority of the members appointed to a committee constitutes a quorum.~~
~~7. The Director shall assign employees of the Legislative Counsel Bureau to provide such technical, clerical and operational assistance to a committee as the functions and operations of the committee may require.] (Deleted by amendment.)~~

Section 15 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 15. NRS 218E.500 is hereby amended to read as follows:
218E.500 The Legislature finds and declares that:
1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this State.
2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely

to have extensive effects within the State and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the State and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and benefit from such interstate activities, it is appropriate that ~~the Subcommittee on matters relating to public lands~~ **the Joint Interim Standing Committee on Natural Resources and Public Lands** be assigned primary responsibility for participating in them.

Section 16 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 16. NRS 218E.520 is hereby amended to read as follows:

218E.520 1. ~~The Subcommittee~~ **During each legislative interim, the Joint Interim Standing Committee on Natural Resources and Public Lands must hold at least three meetings where the primary physical location for the meeting is:**

(a) Located in a different county for each such meeting; and

(b) Not located in Clark County, Washoe County or Carson City for each such meeting.

↪ except that this subsection does not prohibit any additional physical locations for such a meeting from being located in Clark County, Washoe County or Carson City and connected to the primary physical location for the meeting through the use of any authorized remote-technology system or otherwise prohibit the use of any authorized remote-technology system for such a meeting. As used in this subsection, "authorized remote-technology system" has the meaning ascribed to it in NRS 218A.806.

2. In addition to any other powers or duties, the Committee may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including, but not limited to, investigating the effect on the State, its citizens, political subdivisions, businesses and industries of those policies, rules,

regulations and related laws, and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ; ~~and section 2 of this act;~~

(c) Consult with and advise the State Land Use Planning Agency on matters concerning federal land use, policies and activities in this State;

(d) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;

(e) Recommend to the Legislature as a result of its review any appropriate state legislation or corrective federal legislation;

(f) Advise the Attorney General if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the State pursuant to the Constitution of the United States;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the ~~{Subcommittee}~~ **Committee** and the State Land Use Planning Agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this State which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this State;

(h) Apply for any available grants and accept any gifts, grants or donations to assist the ~~{Subcommittee}~~ **Committee** in carrying out its duties; and

(i) Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chair of the ~~{Subcommittee}~~ **Committee** or by a majority of the members of the ~~{Subcommittee}~~ **Committee**.

~~2.3.~~ Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

Section 17 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 17. NRS 218E.525 is hereby amended to read as follows:

218E.525 1. ~~{The Subcommittee}~~ **In addition to any other powers or duties, the Joint Interim Standing Committee on Natural Resources and Public Lands** shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

2. ~~[[The Subcommittee:]]~~ **In addition to any other powers or duties, the Committee:**

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof; **and**

(b) ~~[[Shall submit recommendations for legislation to the Joint Interim Standing Committee on Natural Resources;~~

~~—(c) Shall, on or before January 15 of each odd numbered year, submit to the Joint Interim Standing Committee on Natural Resources for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); and~~

~~—(d)]~~ May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

Section 39 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 39. NRS 232B.240 is hereby amended to read as follows:

232B.240 1. The Sunset ~~[[Subcommittee of the Legislative Commission]]~~ **Committee** shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative Counsel Bureau to submit reports on, the need for the termination, modification, consolidation or continued operation of a board or commission.

2. The ~~[[Sunset Subcommittee]]~~ **Committee** shall consider any report submitted to it by the Legislative Counsel Bureau.

3. **The Committee may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.**

4. A board or commission has the burden of proving that there is a public need for its continued existence.

Section 43 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 43. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The State Land Use Planning Agency may prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the administration of lands in the State of Nevada that are under federal

management. The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

2. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council and ~~the Subcommittee on Public Lands of~~ the Joint Interim Standing Committee on Natural Resources and Public Lands; and

(c) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

3. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or statements of policy to the Governor, the Legislature, ~~the Subcommittee on Public Lands of~~ the Joint Interim Standing Committee on Natural Resources and Public Lands or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council; and

(b) The ~~Subcommittee on Public Lands of the~~ Joint Interim Standing Committee on Natural Resources and Public Lands.

4. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

NEW section 47.5 of Assembly Bill No. 243 First Reprint is hereby added as follows:

Sec. 47.5. NRS 459.0094 is hereby amended to read as follows:

459.0094 The Executive Director shall:

1. Appoint, with the consent of the Commission, an Administrator of each Division of the Agency.

2. Advise the Commission on matters relating to the potential disposal of radioactive waste in this State.

3. Evaluate the potentially adverse effects of a facility for the disposal of radioactive waste in this State.

4. Consult frequently with local governments and state agencies that may be affected by a facility for the disposal of radioactive waste and appropriate legislative committees.

5. Assist local governments in their dealings with the Department of Energy and its contractors on matters relating to radioactive waste.

6. Carry out the duties imposed on the State by 42 U.S.C. §§ 10101 to 10226, inclusive, as those sections existed on July 1, 1995.

7. Cooperate with any governmental agency or other person to carry out the provisions of NRS 459.009 to 459.0098, inclusive.

8. Provide semiannual written reports to the Joint Interim Standing Committees on Government Affairs, Growth and Infrastructure, Health and Human Services and Natural Resources ~~and~~ **and Public Lands.** The reports must contain:

(a) A summary of the status of the activities undertaken by the Agency since the previous report;

(b) A description of all contracts the Agency has with natural persons or organizations, including, but not limited to, the name of the recipient of each contract, the amount of the contract, the duties to be performed under the contract, the manner in which the contract assists the Agency in achieving its goals and responsibilities and the status of the performance of the terms of the contract;

(c) The status of any litigation relating to the goals and responsibilities of the Agency to which the State of Nevada is a party; and

(d) Any other information requested by any of the Committees.

Section 49 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 49. ~~[The provisions of section 2 of this act apply to any Legislator who, at the expiration of his or her current term of office, will be prohibited from serving again in his or her current House because of the limitations on the number of years of service pursuant to Section 3 or 4 of Article 4 of the Nevada Constitution, as applicable, whether or not the Legislator's current term of office began before the effective date of this act.]~~ **(Deleted by amendment.)**

Section 50 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 50. 1. If the provisions of any other statute or any other act or resolution passed by the Legislature conflict with the provisions of this act because they assign a power, duty or legislative study or investigation to a legislative committee, subcommittee or other body abolished by the provisions of this act or because they require the submission of a report, document or other information to a legislative committee, subcommittee or other body abolished by the provisions of this act:

(a) The conflicting provisions of the other statute, act or resolution are superseded and abrogated by the provisions of this act; and

(b) The power, duty or legislative study or investigation shall be deemed assigned to, or the report, document or other information shall be deemed required to be submitted to, the appropriate Joint Interim Standing Committee created by NRS 218E.320 which has jurisdiction over the subject matter, except that if the subject matter falls within the jurisdiction of more than one Joint Interim Standing Committee, the Legislative Commission shall decide and resolve the matter in a manner that is consistent with the intent of the Legislature as determined by the Legislative Commission.

2. The Legislative Counsel shall, in preparing the reprint and supplements to the Nevada Revised Statutes ~~to~~ **and supplements to the Nevada Administrative Code:**

(a) Make any revisions that are necessary to carry out the provisions of this section; and

(b) Change any references to a legislative committee, subcommittee or other body which has been abolished by the provisions of this act, or whose name has been changed or whose responsibilities have been transferred by the provisions of this act, so that such references refer to the appropriate legislative committee, subcommittee or other body.

3. As used in this section, “legislative study or investigation” includes, without limitation:

(a) Any interim legislative study or investigation; or

(b) Any legislative study or investigation assigned to a statutory legislative committee, subcommittee or other body.

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 976 to Assembly Bill No. 243.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 72.

The following Senate amendment was read:

Amendment No. 931.

AN ACT relating to education; creating the Advisory Committee on the Safety and Well-Being of Public School Staff; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes various requirements governing educational personnel, including requirements governing the licensing, qualifications, employment, powers, duties, supervision and evaluation of such personnel. (Chapter 391 of NRS) **Section 3** of this bill creates the Advisory Committee on the Safety and Well-Being of Public School Staff, and **section 2** of this bill defines the term “Advisory Committee” to refer to that Advisory Committee. **Section 3** prescribes the membership of the Advisory Committee and establishes procedures governing the operation of the Advisory Committee. **Section 4** of this bill requires the Advisory Committee, **on or before June 30, 2025,** to review, investigate and make recommendations concerning: (1) any issue relating to the safety and well-being of public school staff, including provisions of law or regulations that affect the safety and well-being of public school staff; and (2) the consistent implementation of discipline of pupils.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in sections 3 and 4 of this act, unless the context otherwise requires, “Advisory Committee” means the Advisory Committee on the Safety and Well-Being of Public School Staff created by section 3 of this act.*

Sec. 3. 1. *The Advisory Committee on the Safety and Well-Being of Public School Staff is hereby created within the Department.*

2. *The Advisory Committee consists of the following members:*

(a) Five members appointed by the Governor who are licensed pursuant to this chapter and employed by a school district in this State, at least four of whom must teach in the classroom;

(b) Three members appointed by the Majority Leader of the Senate, as follows:

(1) One member of the Senate;

(2) One education support professional who is employed by a school district in this State and works primarily at a single public school; and

(3) One administrator of an elementary school in this State;

(c) Three members appointed by the Speaker of the Assembly, as follows:

(1) One member of the Assembly;

(2) One education support professional who is employed by a school district in this State, works primarily for the school district and is assigned to multiple public schools; and

(3) One administrator of a high school in this State; and

(d) The following ex officio members:

(1) The Superintendent of Public Instruction or his or her designee; and

(2) The Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to NRS 388.1323.

~~3. After the initial terms, each member appointed pursuant to paragraph (a), (b) or (c) of subsection 2 serves for a term of 3 years and continues in office until his or her successor is appointed. Members may be reappointed for additional terms of 3 years in the same manner as the original appointments.~~ Any vacancy occurring in the membership of the Advisory Committee must be filled ~~for the remainder of the unexpired term~~ in the same manner as the original appointment.

4. Any legislative member of the Advisory Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election ~~until the next regular or special session of the Legislature convenes.~~

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

6. At its first meeting ~~_, [and annually thereafter,]~~ the Advisory Committee shall elect a Chair from among its members ~~_who shall serve until the next Chair is elected._~~

7. The Advisory Committee shall meet at least once in the first calendar year after its creation and thereafter at the call of the Chair as frequently as is required to perform its duties.

8. The members of the Advisory Committee serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.

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

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

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

10. As used in this section, “education support professional” means a person that is employed by a school district in this State and not required, as a condition of his or her employment, to hold a license issued pursuant to this chapter. The term includes, without limitation, school secretaries, paraprofessionals, custodial staff, food service workers and bus drivers.

Sec. 4. ~~¶The~~ On or before June 30, 2025, the Advisory Committee shall review, investigate and make recommendations to the Legislature, any offices of this State and any political subdivisions of this State as may be appropriate concerning:

1. Any issue relating to the safety and well-being of public school staff, including, without limitation, provisions of law or regulations that affect the safety and well-being of public school staff; and

2. The consistent implementation of discipline of pupils.

Sec. 5. ~~¶1. Notwithstanding any other provision of this act, as soon as is practicable after July 1, 2023:~~

~~—(a) The Governor shall appoint to the Advisory Committee:~~

~~—(1) Two of the members described in paragraph (a) of subsection 2 of section 3 of this act to terms that expire on July 1, 2024;~~

~~—(2) One of the members described in paragraph (a) of subsection 2 of section 3 of this act to a term that expires on July 1, 2025; and~~

~~—(3) Two of the members described in paragraph (a) of subsection 2 of section 3 of this act to terms that expire on July 1, 2026.~~

~~—(b) The Majority Leader of the Senate shall appoint to the Advisory Committee the members described in paragraph (b) of subsection 2 of section 3 of this act to terms that expire on July 1, 2025.~~

~~(c) The Speaker of the Assembly shall appoint to the Advisory Committee:~~

~~(1) The member described in subparagraph (1) of paragraph (c) of subsection 2 of section 3 of this act to a term that expires on July 1, 2024; and~~

~~(2) The members described in subparagraphs (2) and (3) of paragraph (c) of subsection 2 of section 3 of this act to terms that expire on July 1, 2026.~~

~~2. As used in this section, "Advisory Committee" means the Advisory Committee on the Safety and Well-Being of Public School Staff created by section 3 of this act.~~ **(Deleted by amendment.)**

Sec. 6. This act becomes effective on July 1, 2023, and expires by limitation on June 30, 2025.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 931 to Assembly Bill No. 72.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 378.

The following Senate amendment was read:

Amendment No. 977.

AN ACT relating to public employees; revising certain provisions relating to the negotiation, mediation and arbitration of collective bargaining agreements with the Executive Department of the State Government; **making an appropriation**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain groups of employees in the classified service of the Executive Department of the State Government to engage in collective bargaining with the Executive Department concerning wages, hours and other terms and conditions of employment for such employees. (NRS 288.400-288.630) In general, a collective bargaining agreement for such a group of employees must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. (NRS 288.550)

Existing law requires the Governor to designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department and requires negotiations between the representative of the Executive Department and the exclusive representative of a bargaining unit to begin within 60 days after one party notifies the other party of the desire to negotiate or November 1 of each even-numbered year, whichever is earlier. (NRS 288.565) **Section 1** of this bill requires such negotiations to begin on or before October 1, rather than November 1, of each even-numbered year.

Existing law authorizes either the representative of the Executive Department or the exclusive representative of a bargaining unit to request a mediator if the parties do not reach a collective bargaining agreement within 120 days after beginning negotiations or February 1 of an odd-numbered year, whichever is earlier, unless the parties agree on a later date. (NRS 288.570) **Section 1** requires the representative of the Executive Department and the exclusive representative of a bargaining unit, before engaging in collective

bargaining, to: (1) select a mediator and an arbitrator for the purposes of potential mediation and arbitration; and (2) to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.

If the representative of the Executive Department and the exclusive representative of a bargaining unit do not reach a collective bargaining agreement through mediation within 21 days after the appointment of a mediator, mediation is required to cease and the parties are required to begin arbitration proceedings on or before March 1 unless the parties agree on a later date. The arbitrator is then required to render a decision on or before March 15 unless the parties agree on a later date. (NRS 288.575) If the parties do not reach a collective bargaining agreement through mediation, **section 3** of this bill requires mediation to cease and the parties to begin arbitration proceedings within 10 days, rather than 21 days, after the appointment of a mediator.

Section 3: (1) requires arbitration proceedings to begin on or before February 15, rather than March 1; and (2) requires the arbitrator to render a decision on or before March 5, rather than March 15. **Section 3.5 of this bill makes an appropriation to the Division of Human Resource Management of the Department of Administration for costs relating to the prescheduling of arbitrations and mediations.**

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

Section 1. NRS 288.565 is hereby amended to read as follows:

288.565 1. The Governor shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department. The representative may, with the approval of the Governor, delegate the responsibility to conduct such negotiations to another person.

2. A representative designated pursuant to subsection 1 and an exclusive representative shall ~~begin~~ **begin** :

(a) *Begin* negotiations concerning a collective bargaining agreement within 60 days after one party notifies the other party of the desire to negotiate or on or before ~~November~~ **October** 1 of each even-numbered year, whichever is earlier ~~[-]~~ ; and

(b) *Before beginning negotiations concerning a collective bargaining agreement pursuant to paragraph (a), select a mediator and arbitrator for the purposes of mediation and arbitration pursuant to NRS 288.570 and 288.575, respectively, and, to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.*

3. As soon as practicable after the Board designates an exclusive representative of an unrepresented bargaining unit pursuant to NRS 288.400

to 288.630, inclusive, the exclusive representative shall engage in collective bargaining with the representative designated pursuant to subsection 1 as required by NRS 288.540 to establish a collective bargaining agreement with a term ending on June 30 of the next odd-numbered year.

Sec. 2. NRS 288.570 is hereby amended to read as follows:

288.570 1. Either party may request a mediator ~~{from the Federal Mediation and Conciliation Service}~~ **selected pursuant to NRS 288.565** if the parties do not reach a collective bargaining agreement:

(a) Within 120 days after the date on which the parties began negotiations or on or before February 1 of an odd-numbered year, whichever is earlier; or

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

2. The mediator shall bring the parties together as soon as possible after ~~{his or her appointment}~~ **a request is made pursuant to subsection 1** and shall attempt to settle each issue in dispute within ~~{21}~~ **10** days after his or her appointment or any later date set by agreement of the parties.

Sec. 3. NRS 288.575 is hereby amended to read as follows:

288.575 1. If a mediator ~~{selected}~~ **requested** pursuant to NRS 288.570 determines that his or her services are no longer helpful or if the parties do not reach a collective bargaining agreement through mediation within ~~{21}~~ **10** days after ~~{the appointment of the mediator}~~ **a request made pursuant to NRS 288.570** or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall ~~{attempt to agree upon an impartial arbitrator.}~~ **engage in arbitration.** Any proposal that conflicts or is otherwise inconsistent with any provision of state law, other than the provisions of chapters 284 and 287 of NRS, shall be considered withdrawn by the proposing party when mediation is discontinued.

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

~~{3.}~~ The arbitrator shall begin arbitration proceedings on or before ~~{March 1}~~ **February 15 of an odd-numbered year** or any later date set by agreement of the parties.

~~{4.}~~ **3.** The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

~~{5.}~~ **4.** The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection ~~{7.}~~

6, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

~~{6-}~~ 5. The arbitrator shall render a decision on or before March ~~{15}~~ 5 of *an odd-numbered year* or any later date set by agreement of the parties.

~~{7-}~~ 6. The Executive Department and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Division of Human Resource Management of the Department of Administration the sum of \$20,000 for costs relating to the prescheduling of arbitrations and mediations as required pursuant to the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 4. ~~{This}~~

1. This section and sections 1, 2 and 3 of this act ~~{becomes}~~ become effective on July 1, 2023.

2. Section 3.5 of this act becomes effective on July 1, 2024.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 977 to Assembly Bill No. 378.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Brittney Miller moved that the Assembly do not recede from its action on Senate Bill No. 35, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Brittney Miller, Considine, and Hardy as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 35.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Bilbray-Axelrod moved that the Assembly do not recede from its action on Senate Bill No. 196, that a conference be requested, and that

Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Taylor and Koenig as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 196.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved to suspend Assembly Standing Rule No. 115 for the purpose of reconsidering the vote on Senate Bill No. 301.

Motion carried.

Assemblywoman Jauregui moved that having voted on the prevailing side the Assembly reconsider the action whereby Senate Bill No. 301 was passed.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 511 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 511.

Bill read third time.

Roll call on Senate Bill No. 511:

YEAS—28.

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

Senate Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 430.

The following Senate amendment was read:

Amendment No. 946.

AN ACT relating to taxation; ~~revising the definition of “vapor product”;~~ revising provisions governing the excise tax on cannabis; requiring the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~Existing law imposes a tax upon the receipt, purchase or sale of other tobacco products by a customer in this State at a rate of 30 percent of the wholesale price of those products. (NRS 370.450) Under existing law, vapor products, including electronic cigarettes, cigars, cigarillos, pipes, hookahs, vape pens and similar products or devices and their components are taxed as~~

~~other tobacco products. (NRS 370.0318, 370.450) Sections 1 and 1.7 of this bill revise the definition of “vapor product” to exclude cannabis vaporizers which are products that: (1) are solely designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing cannabis or cannabis products into the human body; and (2) include a clear and conspicuous label that includes certain information. Section 1.3 makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.]~~

Existing law imposes an excise tax at the rate of 15 percent of the fair market value at wholesale upon each wholesale sale of cannabis by a medical cannabis cultivation facility or an adult-use cannabis cultivation facility to another cannabis establishment. (NRS 372A.290) Existing law imposes an excise tax at the rate of 10 percent of the sales price of each retail sale of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge. (NRS 372A.290) **Section 7** of this bill revises the excise tax on the wholesale sale of cannabis to apply the tax only to the first wholesale sale and to provide that the tax is at the rate of 15 percent of: (1) the fair market value at wholesale for sales made to an affiliate of the medical cannabis cultivation facility or adult-use cannabis cultivation facility; or (2) the sales price, if the sale is made to a cannabis establishment that is not an affiliate of the medical cannabis cultivation facility or adult-use cannabis cultivation facility.

~~[Section 4 of this bill revises the definition of “sales price” to exclude the amount of any excise tax on cannabis or cannabis products.]~~

Existing law requires the Department of Taxation to adopt regulations to establish procedures to determine the fair market value at wholesale of cannabis. (NRS 678B.640) **Section 9** of this bill establishes certain additional requirements for the regulations adopted by the Department. **Section 9** requires the Cannabis Compliance Board to ensure that any computer software used for the seed-to-sale tracking of cannabis adopted by the Board includes a method to denote transfers of cannabis between affiliates.

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

Section 1. ~~[Chapter 370 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~**1. “Cannabis vaporizer” means a product that:**
(a) Is solely designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing cannabis, as defined in NRS 678A.085, or any cannabis product into the human body; and
(b) Includes a clear and conspicuous label which identifies the product as a cannabis vaporizer and states that the product is not for tobacco, nicotine, e-liquid or any synthetic nicotine substance.
2. The term does not include a product that may also be used for vaporizing, ingesting, inhaling or otherwise introducing nicotine into the human body.] (Deleted by amendment.)~~

Sec. 1.3. ~~[NRS 370.007 is hereby amended to read as follows:
370.007 As used in NRS 370.007 to 370.430, inclusive, and section 1 of
this act, and 370.505 to 370.530, inclusive, unless the context otherwise
requires, the words and terms defined in NRS 370.008 to 370.055, inclusive,
and section 1 of this act, have the meanings ascribed to them in those
sections.] (Deleted by amendment.)~~

Sec. 1.7. ~~[NRS 370.054 is hereby amended to read as follows:
370.054 “Vapor product”:
1. Means any noncombustible product containing nicotine or any other
substance that employs a heating element, power source, electronic circuit or
other electronic, chemical or mechanical means, regardless of the shape or size
thereof, that can be used to produce vapor from nicotine or any other substance
in a solution or other form, the use or inhalation of which simulates smoking.
2. Includes, without limitation:
(a) An electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a
similar product or device; and
(b) The components of such a product or device, whether or not sold
separately, including, without limitation, vapor cartridges or other container of
nicotine or any other substance in a solution or other form that is intended to
be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape
pen, or a similar product or device, atomizers, cartomizers, digital displays,
clearomizers, tank systems, flavors, programmable software or other similar
products or devices. As used in this paragraph, “component” means a product
intended primarily or exclusively to be used with or in an electronic cigarette,
cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device.
3. Does not include any product:
(a) Regulated by the United States Food and Drug Administration pursuant
to subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§
351 et seq.
(b) Subject to the excise tax on cannabis or cannabis products pursuant to
NRS 372A.200 to 372A.380, inclusive.
(c) Purchased by a person who holds a current, valid medical cannabis
establishment license pursuant to chapter 678B of NRS.
(d) Which is a cannabis vaporizer.] (Deleted by amendment.)~~

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[NRS 372A.247 is hereby amended to read as follows:
372A.247 1. “Sales price” means the total amount for which tangible
property is sold, valued in money, whether paid in money or otherwise, without
any deduction on account of any of the following:
(a) The cost of the property sold.
(b) The cost of materials used, labor or service cost, interest charged, losses
or any other expenses.
(c) The cost of transportation of the property before its purchase.~~

~~2. The total amount for which property is sold includes all of the following:~~

- ~~(a) Any services that are a part of the sale.~~
- ~~(b) Any amount for which credit is given to the purchaser by the seller.~~

~~3. “Sales price” does not include any of the following:~~

- ~~(a) Cash discounts allowed and taken on sales.~~
- ~~(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit, except that this exclusion does not apply in any instance when the customer, to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.~~
- ~~(c) The amount of any tax, not including any manufacturers’ or importers’ excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.~~

~~(d) The amount of any tax imposed pursuant to NRS 372A.200 to 372A.380, inclusive. (Deleted by amendment.)~~

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on ~~each~~ **the first** wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of ~~the~~ :

(a) The fair market value at wholesale of the cannabis ~~it~~, if the sale is made to an affiliate of the medical cannabis cultivation facility; or

(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the medical cannabis cultivation facility.

↪ The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on ~~each~~ **the first** wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of ~~the~~ :

(a) The fair market value at wholesale of the cannabis ~~it~~, if the sale is made to an affiliate of the adult-use cannabis cultivation facility; or

(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the adult-use cannabis cultivation facility.

↪ The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the seller of the cannabis or cannabis product ~~it~~ but may be recovered from the purchaser.

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of \$5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. As used in this section:

(a) “Adult-use cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.025.

(b) *“Affiliate” means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with, a specified person.*

(c) “Cannabis product” has the meaning ascribed to it in NRS 678A.120.

~~[(c)]~~ (d) “Local government” has the meaning ascribed to it in NRS 360.640.

~~[(d)]~~ (e) “Medical cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.170.

~~[(e)]~~ (f) “Medical cannabis establishment” has the meaning ascribed to it in NRS 678A.180.

~~[(f)]~~ (g) “Wholesale sale” means ~~[(a)]~~ *the first* sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term

does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 678B.640 is hereby amended to read as follows:

678B.640 **1.** The Department of Taxation shall adopt regulations to establish procedures to determine the fair market value at wholesale of cannabis. ***The regulations shall:***

(a) Provide that the fair market value of cannabis:

(1) Will be calculated and published by the Department on a quarterly basis not more than 30 days after the end of each calendar quarter; and

(2) Is the median sales price for wholesale sales between cannabis cultivation facilities and cannabis establishments that are not affiliates, per pound or each, during the period specified in subparagraph (1).

(b) Prescribe any information required by the Department to determine the fair market value at wholesale of cannabis.

2. ***The Board shall ensure that any computer software used for the seed-to-sale tracking of cannabis adopted by the Board includes a method to denote transfers of cannabis between affiliates.***

3. The Board shall furnish the Department with such information as the Department determines to be necessary to adopt the regulations required by this section.

4. ***As used in this section, “affiliate” has the meaning ascribed to it in NRS 372A.290.***

Sec. 10. **1.** This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

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

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

Assemblywoman Backus moved that the Assembly concur in the Senate Amendment No. 946 Assembly Bill No. 430.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 11 of the 82nd Session.

Governor’s message stating his objections read.

OFFICE OF THE GOVERNOR

June 3, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 11 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 11 (“AB 11”), which is titled as follows:

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

Although protecting patients is an important priority, AB 11 does not accomplish that goal. This bill prohibits hospitals from directly employing physicians. In Nevada, we are unfortunately already facing a shortage of healthcare providers.

This bill would decrease access to care for Nevadans by placing significant burdens on the ability to recruit physicians to Nevada. Most states allow hospitals to employ physicians and most physicians prefer being involved in an employment relationship with their hospital. By eliminating hospitals’ ability to directly employ physicians, we may exacerbate current recruitment shortfalls by disincentivizing both experienced and young physicians from coming to Nevada to seek employment. Not to mention, this bill would potentially serve as an incentive for current Nevada physicians who prefer employment to independent contracting to leave Nevada altogether.

Moreover, access to physicians is critical to maintaining the health and wellness of Nevadans. This bill would remove long-standing policies which have incentivized physicians to accept employment at 501(c)(3) not-for-profit hospitals and various government employers. In this regard, AB 11 would eliminate the ability for physicians to qualify for student loan forgiveness upon accepting such employment, thereby decreasing access to quality physicians in those hospitals - which currently serve over 35% of Medicaid inpatients.

Since this bill would only serve to increase critical healthcare shortages across the state, specifically those in disadvantaged communities, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 11 be placed on the Chief Clerk’s Desk.

Motion carried.

Vetoed Assembly Bill No. 97 of the 82nd Session.

Governor’s message stating his objections read.

OFFICE OF THE GOVERNOR

June 3, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada
Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 97 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 97 (“AB 97”), which is titled as follows:

AN ACT relating to government administration; providing, with certain exceptions, that governmental entities shall not prohibit the use of certain refrigerants; and providing other matters properly relating thereto.

AB 97 was aimed at addressing an important goal for Nevada - to curb the use of certain refrigerants which have been associated with negative environmental impacts. This bill would have enabled the State to execute refrigerant replacement efforts.

That said, this bill unfortunately goes one step too far in its aim to limit such refrigerant use. Currently, many large-scale buildings provide cool air throughout the facility using evaporative cooling mechanisms. This bill would not only allow a government entity to prohibit the use of such systems in the future, as is already done in Clark County, but would potentially require the removal of such a system already in place. An ordinance requiring that sort of removal would place an outrageous cost-burden on many recreational, governmental, and business facilities throughout the state.

The language of concern from Section 1, Subsection 2 is as follows:

*2. The governing body of any city or county or any other governmental entity may adopt a building code, ordinance or take any other action to prohibit the construction **or use of** an evaporative cooling mechanism or restrict water service to properties that utilize such a mechanism.* (Emphasis added).

The use of the phrase “*or use of*” in this section codifies an unprecedented ability for any city, county, or other governmental entity to enact an ordinance restricting the use of existing evaporative cooling systems in their jurisdiction, placing a significant financial burden on schools, hospitals, offices, hotels, casinos, and many other facility types that continue to use these systems for indoor climate control.

Since AB 97 places a potentially extreme and unfounded cost-burden on large-scale cooling systems across Nevada, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 97 be placed on the Chief Clerk’s Desk.

Motion carried.

Vetoed Assembly Bill No. 250 of the 82nd Session.

Governor’s message stating his objections read.

OFFICE OF THE GOVERNOR

June 5, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 250 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 250 (“AB 250”), which is titled as follows:

AN ACT relating to health care; prohibiting certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions; and providing other matters properly relating thereto.

AB 250 inappropriately relies on Medicare’s Maximum Fair Price (“MFP”) - a concept created in the federal Inflation Reduction Act (“IRA”) and signed into law a mere eight months ago. AB 250 prohibits purchases or reimbursements above the MFP. That said, MFPs are not reference prices or objective external benchmarks; rather, they are prices that manufacturers are compelled to make available with respect to Medicare beneficiaries because failure to do so will result in an

excise tax, really a penalty, of an amount up to 1900% of daily sales and, potentially, an exclusion from doing business with Medicare and Medicaid in the future.

State reliance on the MFP would upend the balance that Congress struck when it carefully determined the scope and breadth of transactions subject to an MFP. The more states and commercial entities treat the MFP as a benchmark, the less likely certain manufacturers may be to participate in federal healthcare programs or to continue seriously investing in marketing to Nevadans in need of care. This is undoubtedly why Congress explicitly restricted the obligation to provide access to the MFP to units furnished or dispensed to Medicare beneficiaries.

Critically, AB 250 would set arbitrary price caps in Nevada based on federal decisions with no review or consideration from state stakeholders. These caps could restrict patients' access to medicines and result in less innovative treatments for patients:

Patient access to medication and treatment is critical, but even more important is research and development into medical innovation. Though price-setting policies are often aimed at the admirable goal of increasing access to care, the unintended consequence of many, if not most, related pricing regulations has been a decrease in innovation as bureaucratic entities tend to focus their investments into on the policies or diseases they determine to be the most worthy of support—not on patient-outcomes.

Moreover, AB 250 ignores existing and potentially ongoing issues with the prescription drug supply chain. Many pharmacies and hospitals purchase medicines through national or regional buying groups, or national contracts based on national pricing indexes. Though those transactions would be subject to the price limits in this bill, in-state providers would still only be able to charge patients for the maximum in-state price. Effectively, this means providers would be forced to charge less than they actually pay for those products—an untenable result which would require providers to choose whether to continue providing certain medications or to discontinue purchasing those medications altogether. These circumstances would detrimentally impact both our patients and providers.

Since AB 250 would ultimately lead to higher costs and less accessibility to certain forms of care, I cannot support it

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

GENERAL FILE AND THIRD READING

Senate Bill No. 301.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 949.

AN ACT relating to public works; revising provisions governing the circumstances under which a worker is deemed to be employed on a public work; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that mechanics and workers employed on certain public works be paid, at minimum, the prevailing wage for the type of work that the mechanic or worker performs in the region in which the public work is located. (NRS 338.020) With certain exceptions, existing law deems a worker to be employed on a public work if the worker is: (1) employed at the site of a public work; and (2) necessary in the execution of the contract for the public work. (NRS 338.040) **Section 1** of this bill provides that a worker who is: (1) employed by delivering or removing construction material or structures

to or from the site of a public work; and (2) necessary in the execution of the contract for the public work is also deemed to be employed on the public work for purposes of the payment of prevailing wages. **Section 1** further defines “construction material or structures” to mean aggregate, asphalt and concrete.

Section 1.3 of this bill makes an appropriation to the Office of the Labor Commissioner in the Department of Business and Industry for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this bill.

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

Section 1. NRS 338.040 is hereby amended to read as follows:

338.040 1. Except as otherwise provided by specific statute, workers who are:

(a) Employed at the site of a public work ~~[-:]~~ **or employed by delivering or removing construction material or structures to or from the site of a public work;** and

(b) Necessary in the execution of the contract for the public work,
↪ are deemed to be employed on public works.

2. The Labor Commissioner shall adopt regulations to define the circumstances under which a worker is:

(a) Employed at the site of a public work ~~[-:]~~ **or employed by delivering or removing construction material or structures to or from the site of a public work;** and

(b) Necessary in the execution of the contract for the public work.

3. **For the purposes of this section, “construction material or structures” means aggregate, asphalt and concrete.**

Sec. 1.3. 1. There is hereby appropriated from the State General Fund to the Office of the Labor Commissioner in the Department of Business and Industry **the sum of \$144,576** for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this act. ~~[-] the following sums:~~

~~For the Fiscal Year 2023-2024.....\$86,357~~

~~For the Fiscal Year 2024-2025.....\$144,576]~~

2. Any **remaining** balance of the ~~[-] sums appropriated~~ **appropriation made** by subsection 1 ~~[-] remaining at the end of the respective fiscal years~~ must not be committed for expenditure after June ~~[-] 30 of the respective fiscal years~~ **30, 2025,** by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after ~~[-] September 20, 2024, and~~ September 19, 2025, ~~[-] respectively,~~ by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before ~~[-] September 20, 2024, and~~ September 19, 2025. ~~[-] respectively,~~

Sec. 2. Any regulations adopted by the Labor Commissioner that conflict with NRS 338.040, as amended by section 1 of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the date on which this section becomes effective.

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

2. Section 1.3 of this act becomes effective on July 1, ~~2023~~ 2024.

3. ~~Section~~ Sections 1 and 2 of this act ~~becomes~~ become effective ~~for~~
~~—(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.~~ on July 1, 2025.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

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

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 301 be taken from its position on the General File and placed at the top of General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 301.

Bill read third time.

Roll call on Senate Bill No. 301:

YEAS—25.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Newby, O'Neill, Summers-Armstrong, Taylor, Yurek—17.

Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Backus, Considine, and Hafen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 444.

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

Assembly in recess at 4:43 p.m.

ASSEMBLY IN SESSION

At 8:40 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Senate Bill No. 277, 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. 341, 375, 412, 419, 505, 510, 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, June 5, 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. 139, 140, 279, 400, 515, 516, 517, 518, 523, 524, 528.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 454, 457, 461, 462, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 481, 482, 483, 484, 485, 486, 487, 488, 489, 491, 492, 493, 494, 495, 496, 498, 500, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 147, Amendment No. 947; Assembly Bill No. 399, Amendment No. 922, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 147.

The following Senate amendment was read:

Amendment No. 947.

AN ACT relating to dentistry; requiring dental hygienists and dental therapists to comply with certain requirements governing the provision of health care; requiring providers of dental care to receive training on teledentistry before providing services through teledentistry; prescribing certain requirements relating to the secure storage of electronic records; providing for the issuance of special endorsements for a dentist, dental hygienist or dental therapist to administer immunizations; imposing certain requirements relating to the administration of immunizations by the holder of such an endorsement; requiring a dentist or dental hygienist to refer a minor to a dental home when appropriate; deeming certain conduct by a provider of dental care to be unprofessional conduct; authorizing the imposition of disciplinary action against a dentist, dental hygienist or dental therapist for certain violations; requiring hospitals and issuers of Medicaid managed care

plans to take certain measures to ensure access by recipients of Medicaid to teledentistry; imposing certain requirements relating to the provision of services through teledentistry; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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

Section 7 of this bill requires a person who provides services through teledentistry to a patient located in this State to be licensed in this State as a dentist, dental hygienist or dental therapist, to have completed certain training and to adhere to the applicable laws, regulations and standards of care to the same extent as when providing services in person. **Section 8** of this bill requires a dentist, dental hygienist or dental therapist who provides services through teledentistry to patients in this State to be insured against liabilities arising from dental services provided through teledentistry. **Section 9** of this bill authorizes the use of teledentistry for certain purposes relating to the provision of a diagnosis. **Section 10** of this bill requires a dentist, dental hygienist or dental therapist to establish a bona fide relationship with a patient, confirm certain facts about a patient and obtain informed consent before providing services through teledentistry. **Section 10 also requires a dentist, dental hygienist or dental therapist to provide certain information to a patient receiving services through teledentistry concerning the license and practice of the dentist, dental hygienist or dental therapist before providing the services and upon request of a patient.** **Section 11** of this bill requires a dentist, dental hygienist or dental therapist to: (1) use communications technology that complies with certain federal requirements relating to the privacy of information relating to patients when providing services through teledentistry; and (2) create a complete record of each encounter with a patient through teledentistry. **Section 12** of this bill imposes

certain requirements to ensure that adequate, in-person care is available to a patient who receives services through teledentistry, if needed. **Section 13** of this bill requires the Board of Dental Examiners of Nevada to adopt regulations governing teledentistry. **Section 40.5 of this bill requires the Board to report to the Joint Interim Standing Committee on Commerce and Labor on or before January 1, 2024, concerning the adoption of those regulations.**

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

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

Section 25 of this bill provides that it is unprofessional conduct for which the Board is authorized to impose disciplinary action if a dentist, dental hygienist or dental therapist: (1) fails to actively involve a patient in decisions relating to his or her treatment; ~~for~~ (2) requires a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board; ~~for~~; **(3) fails to review certain radiographs before an initial diagnosis and correction of malpositions of teeth or the initial use of orthodontic appliances; or (4) fails to provide the information required by section 10.**

Sections 30, 38 and 39 of this bill require hospitals and issuers of plans that provide coverage to recipients of Medicaid, including managed care plans, to take certain measures to improve the access of recipients of Medicaid to teledentistry. **Sections 31-37** of this bill make conforming changes to indicate the proper placement of **section 30** in the Nevada Revised Statutes and provide for the enforcement of the requirements of **section 30**. **Section 19.5** of this bill requires a dentist, dental therapist or dental hygienist performing an initial dental examination, screening or assessment on a minor to refer the minor or his or her parent or guardian to a dental home if appropriate.

Existing law authorizes, in general, a dental hygienist or dental therapist to perform only the tasks authorized by a licensed dentist. (NRS 631.310, 631.3122) **Section 15** of this bill requires the Board to issue to a licensed dentist, dental hygienist or dental therapist a special endorsement to administer immunizations only if the licensed dentist, dental hygienist or dental therapist completes a course of training in the administration of immunizations that is approved by the Board. **Section 24** prescribes the continuing education required to maintain such an endorsement.

Section 17 of this bill requires a dentist who holds a special endorsement to administer immunizations issued pursuant to **section 15** and who administers immunizations, or under whose authorization a dental hygienist or dental therapist administers immunizations, to: (1) issue or obtain from certain persons a standing order for the administration of the immunizations; (2)

establish certain policies and procedures relating to the administration of immunizations; and (3) comply with the instructions of the manufacturer of an immunization and certain federal guidelines for administering immunizations.

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

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

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

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

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) **A dental therapist;**

(e) A dental hygienist;

(f) A licensed nurse;

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

~~[(f)]~~ **(h)** A dispensing optician;

~~[(g)]~~ **(i)** An optometrist;

~~[(h)]~~ **(j)** A speech-language pathologist;

~~[(i)]~~ **(k)** An audiologist;

~~[(j)]~~ **(l)** A practitioner of respiratory care;

~~[(k)]~~ **(m)** A licensed physical therapist;

~~[(l)]~~ **(n)** An occupational therapist;

~~[(m)]~~ **(o)** A podiatric physician;

~~[(n)]~~ **(p)** A licensed psychologist;

~~[(o)]~~ **(q)** A licensed marriage and family therapist;

~~{{p}}~~ (r) A licensed clinical professional counselor;
~~{{q}}~~ (s) A music therapist;
~~{{t}}~~ (t) A chiropractic physician;
~~{{s}}~~ (u) An athletic trainer;
~~{{t}}~~ (v) A perfusionist;
~~{{u}}~~ (w) A doctor of Oriental medicine in any form;
~~{{v}}~~ (x) A medical laboratory director or technician;
~~{{w}}~~ (y) A pharmacist;
~~{{x}}~~ (z) A licensed dietitian;
~~{{y}}~~ (aa) An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
~~{{z}}~~ (bb) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
~~{{aa}}~~ (cc) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;
~~{{bb}}~~ (dd) A behavior analyst, assistant behavior analyst or registered behavior technician; or
~~{{cc}}~~ (ee) A medical facility as the employer of any person specified in this subsection.

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

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

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

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

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

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

Sec. 5. *“Teledentistry” means the use of telehealth by a licensee described in subsection 1 of section 7 of this act who is located at a distant site to facilitate the diagnosis, treatment, education, care management and self-management of or consultation with a patient who is located at an originating site. The term includes, without limitation:*

1. *Real-time interactions between a patient at an originating site and a licensee at a distant site;*

2. *The asynchronous transmission of medical and dental information concerning a patient from an originating site to a licensee at a distant site;*

3. *Interaction between a licensee who is providing dental services to a patient at an originating site and another licensee at an originating site; and*

4. *Monitoring of a patient at an originating site by a licensee at a distant site.*

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

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

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

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

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

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

4. A licensee shall not:

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

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

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

6. As used in this section:

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

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

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

Sec. 9. 1. A licensee may:

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

(b) Collaborate in real time through teledentistry with a person who is not licensed pursuant to this chapter, including, without limitation, a community health worker, provider of health care or student who is enrolled in a

program of study in dentistry, dental therapy or dental hygiene, to provide diagnostic services or plan treatment for a dental emergency.

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

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

(a) For the purpose of emergent care ~~for in~~ ;
(b) In connection with a public health program ~~for~~ ; or
(c) To make an initial diagnosis of a malposition of teeth and a determination of the need for an orthodontic appliance. Such an initial diagnosis and determination must be confirmed through an in-person visit before the patient begins using the orthodontic appliance.

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

(a) Confirm the identity of the patient;
(b) If the patient is a minor who is not authorized by law to consent to the services, confirm that the parent or legal guardian of the patient is present;
(c) Confirm that the patient is located in a jurisdiction where the licensee is licensed or otherwise authorized to practice and document the location of the patient in the record of the patient;
(d) Obtain:

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

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

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

3. Before providing services through teledentistry and upon the request of a patient to whom services are provided through teledentistry, a licensee or any partnership, corporation or other entity through which a licensee provides services shall make available to the patient proof of the identity of the licensee, the telephone number of the licensee, the address at which the licensee practices, the license number of the licensee and any other relevant information concerning the qualifications of the licensee ~~for~~ and any other licensee who will be involved in providing the services through teledentistry.

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

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

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

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

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

5. *As used in this section:*

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

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

(1) *The Department of Health and Human Services;*

(2) *A health district; or*

(3) *A school district.*

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

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

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

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

(b) *NRS 629.051 to 629.069, inclusive;*

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

(d) *Section 14 of this act.*

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

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

(a) *Provide the services in person;*

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

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

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

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

- (a) The issuance of a prescription through teledentistry;*
- (b) The maintenance of records concerning patients to whom services are provided through teledentistry and the protection of the privacy of such patients;*
- (c) The use of teledentistry for collaboration between:*
 - (1) Licensees and the office of a physician, physician assistant or advanced practice registered nurse; and*
 - (2) Licensees who practice in different specialty areas; and*
- (d) Interaction between licensees using teledentistry, including, without limitation:*
 - (1) The supervision of a dental therapist who has not completed the hours of clinical practice set forth in NRS 631.3122 or of a dental hygienist by a dentist using teledentistry; and*
 - (2) Interaction between different licensees who are providing care to the same patient.*

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

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

- 1. Store and share such information using a secure server; and*
- 2. Ensure that any electronic device on which such information is stored or that may be used to access such information is encrypted and requires a password.*

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

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

- (a) Provides participants with practical training and written instructional materials concerning the administration of immunizations;*
- (b) Includes an evaluation of the technique of participants in the administration of immunizations; and*
- (c) Includes instruction consistent with the guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning:*
 - (1) Practices for administering immunizations to children, adolescents and adults;*

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

(3) *Diseases that are preventable through immunizations;*

(4) *Storage and management of immunizations;*

(5) *Recommended schedules for immunization;*

(6) *Informed consent to immunization;*

(7) *Physiology and techniques for administering immunizations;*

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

(9) *Maintenance of records relating to immunizations; and*

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

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

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

Sec. 16. (Deleted by amendment.)

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

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

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

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

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

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

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

(b) *To the extent that such guidelines do not conflict with the instructions of the manufacturer, any applicable guidelines issued by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, including, without limitation, guidelines for storing, handling and administering immunizations, guidelines for documenting the administration of an immunization and contraindications and precautions for immunizations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. *As used in this section:*

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

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

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

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

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

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

- (a) File an application with the Board.
- (b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.
- (c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121, submit with the application proof satisfactory that the applicant passed the examination.

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

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

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

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

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

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

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

631.260 Except as otherwise provided in subsection ~~{3.}~~ 4 of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental

hygiene, dental therapy or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 23. (Deleted by amendment.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

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

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

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

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

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

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

(1) The Board;

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

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

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

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

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

(7) Any hospital accredited by The Joint Commission.

7. As used in this section:

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

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

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

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

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

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

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

1. Malpractice;

2. Professional incompetence;

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

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

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

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the

United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—15.1~~ 17. *Administering an immunization if the dentist, dental hygienist or dental therapist does not hold a special endorsement issued pursuant to section 15 of this act;*

18. *Failure to comply with:*

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

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

19. *Failure to review diagnostic digital or conventional radiographs for orthodontia before:*

(a) Making an initial diagnosis of or taking any action to correct malpositions of teeth; or

(b) The initial use of an orthodontic appliance;

20. *Failure to comply with the requirements of subsection 3 of section 10 of this act; or*

21. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

- (a) The license of the facility is suspended or revoked; or
- (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

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

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

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

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

1. Posting signs on the premises of the hospital that include the list of providers who offer services through teledentistry submitted to the hospital pursuant to NRS 695C.1708 or 695G.162, as applicable, or which direct patients to an Internet website on which such lists are available; or

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

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

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

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

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

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

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS

449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

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

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

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

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

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

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

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

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

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

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

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

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

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

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

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

(g) Violation of the provisions of NRS 458.112.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Improvements are made to correct the violation.

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

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

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

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

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, **and section**

30 of this act, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

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

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

- (a) Without first obtaining a license therefor; or
- (b) After his or her license has been revoked or suspended by the Division.

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

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

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~1-1~~, **and section 30 of this act**.

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

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

2. A health maintenance organization shall not:

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

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

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

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

(2) The technology used to provide the services;

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

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

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person.

Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

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

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

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

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

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

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

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

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

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

~~§5.1~~ 7. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~§6.1~~ 8. As used in this section:

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

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

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

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

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

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

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured

through telehealth to the same extent as though provided in person or by other means.

2. A managed care organization shall not:

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

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

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

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

(2) The technology used to provide the services;

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

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

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

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

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

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

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

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

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

- (a) Ensure that covered services are available to an insured through telehealth at a particular originating site;
- (b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
- (c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

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

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

- (a) “Distant site” has the meaning ascribed to it in NRS 629.515.
- (b) “Originating site” has the meaning ascribed to it in NRS 629.515.
- (c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.
- (d) *“Teledentistry” has the meaning ascribed to it in section 5 of this act.*
- (e) “Telehealth” has the meaning ascribed to it in NRS 629.515.

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

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

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

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

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

Sec. 40.5. Not later than January 1, 2024, the Board of Dental Examiners of Nevada shall:

1. Compile a report concerning the adoption of regulations pursuant to section 13 of this act. The report must include, without limitation:

- (a) A summary of the progress of the Board in adopting those regulations; and**
- (b) A copy of any such regulations that have been adopted or proposed to be adopted, the reasons for the content of those regulations and a**

summary of any comment received by the Board concerning those regulations.

2. Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Commerce and Labor.

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

2. Sections 1 to ~~140.1~~ **40.5**, inclusive, of this act become effective:

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

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

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 947 to Assembly Bill No. 147.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 399.

The following Senate amendment was read:

Amendment No. 922.

AN ACT relating to education; creating and establishing the membership, powers and duties of the Subcommittee on Education Accountability of the Interim Finance Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Interim Finance Committee to exercise certain fiscal duties when the Legislature is not in a regular or special session. (NRS 218E.400, 218E.405) **Section 2** of this bill creates the Subcommittee on Education Accountability of the Interim Finance Committee, consisting of five members of the Assembly and three members of the Senate.

Section 3 of this bill: (1) requires the Subcommittee to meet at least ~~once every 6 months;~~ **twice annually;** and (2) provides that the general objectives and functions of the Subcommittee are to discuss, evaluate and make recommendations relating to accountability in public education in this State in order to improve the educational achievements and outcomes for pupils. **Section 3** further provides that the Subcommittee may study, without limitation: (1) fiscal policy, school finance or similar or related financial activities; (2) the sufficiency of current revenue and expenditures relating to public education in this State and the anticipated revenue and expenditures that are necessary to improve educational achievements and outcomes for pupils; (3) administrative support and policies; (4) corrective action plans for public schools to improve educational achievements and outcomes; and (5) the rules, regulations and policies of individual school districts or public schools.

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

Section 1. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *There is hereby created the Subcommittee on Education Accountability of the Interim Finance Committee, consisting of the following members:*

(a) Five members of the Assembly appointed by the Speaker of the Assembly, three of whom must be members of the majority political party and two of whom must be members of the minority political party; and

(b) Three members of the Senate appointed by the Majority Leader of the Senate, two of whom must be members of the majority political party and one of whom must be a member of the minority political party.

2. The Director of the Legislative Counsel Bureau shall act as Secretary of the Subcommittee.

3. If any regular member of the Subcommittee informs the Secretary that the member will be unable to attend a particular meeting, the Secretary shall notify the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, to appoint an alternate for the meeting from the same House and political party as the absent member.

4. The Chair of the Interim Finance Committee shall appoint a Chair of the Subcommittee from one House and a Vice Chair of the Subcommittee from the other House.

5. Except as otherwise provided in subsection 6, the term of a member of the Subcommittee expires upon the convening of the next regular legislative session, unless the member is replaced by the appointing authority.

6. The membership of any member of the Subcommittee described in subsection 1 who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

7. Vacancies on the Subcommittee must be filled in the same manner as original appointments.

Sec. 3. 1. *The members of the Subcommittee on Education Accountability of the Interim Finance Committee shall meet at least ~~once every 6 months~~ twice annually at the times and places specified by a call of the Chair of the Subcommittee or a majority of the Subcommittee.*

2. A meeting held jointly by the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during a regular session that has agenda items similar to subsection 4 constitutes a meeting of the Subcommittee.

3. A majority of the members of the Subcommittee constitutes a quorum.

4. The general objectives and functions of the Subcommittee are to discuss, evaluate and make recommendations relating to accountability in public education in this State to improve the educational achievements and outcomes for pupils. The Subcommittee may study, without limitation:

(a) Fiscal policy, school finance or similar or related financial activities;

(b) The sufficiency of current revenue and expenditures relating to public education in this State and the anticipated revenue and expenditures that are necessary to improve educational achievements and outcomes for pupils;

(c) Administrative support and policies;

(d) Corrective action plans for public schools to improve educational achievements and outcomes; and

(e) The rules, regulations and policies of individual school districts or public schools.

5. *The Subcommittee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, including, without limitation, compelling the attendance at any meeting of the Subcommittee of:*

(a) The Superintendent of Public Instruction;

(b) Any member of the State Board of Education;

(c) Any member of a board of trustees of a school district in this State;

(d) Any superintendent or chief financial officer of a school district in this State; or

(e) The Executive Director of the State Public Charter School Authority.

6. *Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of the Subcommittee or appointed alternate attends a meeting of the Subcommittee or is otherwise engaged in the business of the Subcommittee, the member or appointed alternate, as applicable, is entitled to receive:*

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

7. *All such compensation, per diem allowances and travel expenses of a member or appointed alternate of the Subcommittee must be paid from the Contingency Fund in the State Treasury.*

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 922 to Assembly Bill No. 399.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Senate Bill No. 58.

Bill read third time.

Roll call on Senate Bill No. 58:

YEAS—42.

NAYS—None.

Senate Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 99.

Bill read third time.

Roll call on Senate Bill No. 99:

YEAS—42.

NAYS—None.

Senate Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 189.

Bill read third time.

Roll call on Senate Bill No. 189:

YEAS—42.

NAYS—None.

Senate Bill No. 189 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. 412 and 233 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 191.

Bill read third time.

Roll call on Senate Bill No. 191:

YEAS—42.

NAYS—None.

Senate Bill No. 191 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 221.

Bill read third time.

Roll call on Senate Bill No. 221:

YEAS—42.

NAYS—None.

Senate Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 225.

Bill read third time.

Roll call on Senate Bill No. 225:

YEAS—42.

NAYS—None.

Senate Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 241.

Bill read third time.

Roll call on Senate Bill No. 241:

YEAS—42.

NAYS—None.

Senate Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 266.

Bill read third time.

Roll call on Senate Bill No. 266:

YEAS—40.

NAYS—Orentlicher, Summers-Armstrong—2.

Senate Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 368.

Bill read third time.

Roll call on Senate Bill No. 368:

YEAS—38.

NAYS—DeLong, Dickman, Gurr, Hansen—4.

Senate Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 385.

Bill read third time.

Roll call on Senate Bill No. 385:

YEAS—33.

NAYS—DeLong, Dickman, Gray, Gurr, Hafen, Hansen, Kasama, McArthur, O'Neill—9.

Senate Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 450.

Bill read third time.

Roll call on Senate Bill No. 450:

YEAS—28.

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

Senate Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 451.

Bill read third time.

Roll call on Senate Bill No. 451:

YEAS—42.

NAYS—None.

Senate Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

Roll call on Senate Bill No. 395:

YEAS—28.

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

Senate Bill No. 395 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 226.

Bill read third time.

Roll call on Senate Bill No. 226:

YEAS—28.

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

Senate Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 10.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 991.

AN ACT relating to the Nevada State Infrastructure Bank; requiring the Bank to keep confidential certain information; removing the Bank from the Department of Transportation and placing the Bank in the Office of the State Treasurer; expanding the types of projects for which the Bank may provide loans and other financial assistance; revising provisions relating to the Board of Directors of the Bank; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada State Infrastructure Bank within the Department of Transportation, the purpose of which is to provide loans and other financial assistance to qualified borrowers for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of certain transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, social infrastructure and other infrastructure related to economic development. (NRS 408.111, 408.55048-408.55088) Under existing law, the Bank is administered by and operates under the direction of a Board of Directors. (NRS 408.55069)

Sections 1.3, 9.3 and 10 of this bill authorize the Bank to provide loans and other financial assistance for K-12 school facilities in counties with a population of less than 100,000. **Section 11.5** of this bill provides that, for the purpose of providing a loan or other financial assistance: (1) the anticipated useful life of a K-12 school facility must not be deemed to be longer than 50 years; and (2) the Bank may offer a school district a rate of interest on a loan of 0 percent under certain circumstances. **Section 9.7** of this bill adds workforce housing to the types of social infrastructure projects for which the Bank is authorized to provide loans and other financial assistance. **Sections 9.3, 9.5, 11.3 and 11.7** of this bill make conforming changes to ensure the administration of loans or other financial assistance for K-12 school facilities are consistent with provisions of existing law governing other loans or financial assistance provided by the Bank.

Sections 1.7 and 15 of this bill require the Bank to keep confidential certain information which is submitted or disclosed to the Bank, except under certain circumstances. **Section 10** authorizes the Board of Directors to hold a closed meeting or to close a portion of a meeting to receive, examine or consider information which the Bank is required to keep confidential. **Section 16** of this bill makes a conforming change to reflect that the Board of Directors is authorized to hold such closed meetings. **Sections 9, 12 and 13** of this bill make conforming changes to indicate the proper placement of **sections 1.3 and 1.7** in the Nevada Revised Statutes.

Section 10: (1) provides that the State Treasurer or his or her designee serves as the Chair of the Board of Directors and removes the requirement that the Board of Directors annually elect a Chair; (2) revises the membership of the

Board of Directors; and (3) prohibits a member of the Legislature from being appointed to the Board of Directors.

Sections 2 and 10 of this bill remove the Bank from the Department of Transportation and establish the Bank within the Office of the State Treasurer. **Sections 3-8** of this bill make conforming changes to reflect that the Bank is no longer within the Department. **Sections 11 and 14** of this bill make conforming changes relating to the staffing of the Bank.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto ~~a new section to read~~ the provisions set forth as ~~follows:~~ sections 1.3 and 1.7 of this act.

Sec. 1.3. *“K-12 school facility” means buildings and related assets, in a county whose population is less than 100,000, that are used primarily for educational instruction of pupils in kindergarten or in any grades 1 to 12, inclusive, and activities that directly support instruction. The term does not include facilities that are not used for educational instruction, including, without limitation, stand-alone athletic facilities, auditoriums and administrative buildings.*

Sec. 1.7. 1. *Except as otherwise provided in subsections 2 and 3, the Bank shall keep confidential any information that is required to be submitted or disclosed to the Bank:*

(a) In an application for a loan or other financial assistance and which has not already been made public or is not otherwise publicly available, other than:

- (1) The amount of the loan or other financial assistance being sought;*
- (2) The name of each person in any submission or disclosure;*
- (3) The basis for the loan or other financial assistance being sought;*
- (4) The terms or proposed terms of the loan or other financial assistance being sought;*

(5) Any information asserted in the submission or disclosure that is, or which the Bank asserts to be, necessary or relevant to the decision of the Bank to grant or deny the loan or other financial assistance; and

(6) The amount of the loan or other financial assistance granted; or
(b) Which the Bank is required to keep confidential pursuant to federal law.

2. *The Bank shall disclose the information set forth in subsection 1:*

- (a) Upon the lawful order of a court of competent jurisdiction;*
- (b) To any person upon the request of the person who is the subject of the information;*
- (c) Upon the completion of the loan or other financial assistance, excluding any proprietary information; or*
- (d) In the course of the necessary administration of this chapter.*

3. *The Bank may disclose the information set forth in subsection 1 to an authorized agent of an agency of the United States Government, a state, a political subdivision of a state, a foreign government or a political subdivision of a foreign government which finances infrastructure projects.*

4. *A person seeking an order of a court of competent jurisdiction for the disclosure of information described in subsection 1 must submit a motion in writing to the court requesting the information. At least 10 days before submitting the motion, the person must provide notice to the Bank, the Attorney General and all persons who may be affected by the disclosure of the information. The notice must:*

(a) Include, without limitation, a copy of the motion and all documents in support of the motion that are to be filed with the court; and

(b) Be delivered in person or by certified mail to the last known address of each person to whom notice must be provided.

5. *As used in this section:*

(a) “Confidential business information” means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including, without limitation, data relating to cost or price submitted to the Bank in support of a proposal. The term does not include the amount of a bid or proposal.

(b) “Proprietary information” means any trade secret or confidential business information that is contained in a proposal submitted to the Bank.

Sec. 2. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, three Deputy Directors, a Chief Engineer and the following:

(a) Administrative Division.

(b) Operations Division.

(c) Engineering Division.

(d) Planning Division.

~~[(e) Nevada State Infrastructure Bank.]~~

2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 3. NRS 408.116 is hereby amended to read as follows:

408.116 ~~Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive;~~

1. All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chair of the Board or, in the absence of the Director and the Chair of the Board, the process must be served personally upon both the Secretary of State and one of the Deputy Directors.

2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.

3. This section is not a consent on the part of the Department to be sued.

Sec. 4. NRS 408.131 is hereby amended to read as follows:

408.131 ~~{Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, the}~~ **The** Board shall:

1. Consider, at its meetings, all questions relating to the general policy of the Department and transact such business as properly comes before it.
2. Receive and consider, at such time as the Board selects, an annual report by the Director.
3. Except as otherwise provided in NRS 408.203, act for the Department in all matters relating to recommendations, reports and such other matters as the Board finds advisable to submit to the Legislature.
4. Maintain a record of all proceedings of the Board.
5. Execute or approve all instruments and documents in the name of the State or the Department necessary to carry out the provisions of this chapter.
6. Except as otherwise provided in NRS 408.389, delegate to the Director such authority as it deems necessary under the provisions of this chapter.
7. Act by resolution, vote or order entered in its records.

Sec. 5. NRS 408.172 is hereby amended to read as follows:

408.172 1. Subject to the approval of the Board, the Attorney General shall, immediately upon request by the Board, appoint an attorney at law as the Chief Counsel of the Department, and such assistant attorneys as are necessary. Attorneys so appointed are deputy attorneys general.

2. ~~{Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, the}~~ **The** Chief Counsel shall act as the attorney and legal adviser of the Department in all actions, proceedings, hearings and all matters relating to the Department and to the powers and duties of its officers.

3. Under the direction of or in the absence of the Chief Counsel, the assistant attorneys may perform any duty required or permitted by law to be performed by the Chief Counsel.

4. The Chief Counsel and assistant attorneys are in the unclassified service of the State.

5. ~~{Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, all}~~ **All** contracts, instruments and documents executed by the Department must be first approved and endorsed as to legality and form by the Chief Counsel.

Sec. 6. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department.

(d) ~~Except as otherwise provided in NRS 408.55071, employ~~ **Employ** such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 7. NRS 408.215 is hereby amended to read as follows:

408.215 1. The Director has charge of all the records of the Department, keeping records of all proceedings pertaining to the Department and keeping on file information, plans, specifications, estimates, statistics and records prepared by the Department, ~~except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, and~~ except those financial statements described in NRS 408.333 and the financial or proprietary information described in paragraph (c) of subsection 6 of NRS 408.3886, which must not become matters of public record.

2. The Director may photograph, film, place an image of on microfilm, save as an image in an electronic recordkeeping system or dispose of the records of the Department referred to in subsection 1 as provided in NRS 239.051, 239.080 and 239.085.

3. The Director shall maintain an index or record of deeds or other references of title or interests in and to all lands or interests in land owned or acquired by the Department.

4. The Director shall adopt such regulations as may be necessary to carry out and enforce the provisions of this chapter.

Sec. 8. NRS 408.389 is hereby amended to read as follows:

408.389 1. Except as otherwise provided in subsection 2, ~~and NRS 408.55048 to 408.55088, inclusive,~~ the Department shall not purchase any equipment which exceeds \$50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds \$50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds \$50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 9. NRS 408.55048 is hereby amended to read as follows:

408.55048 As used in NRS 408.55048 to 408.55088, inclusive, **and sections 1.3 and 1.7 of this act**, unless the context otherwise requires, the words and terms defined in NRS 408.55049 to 408.550685, inclusive, **and section 1.3 of this act**, have the meanings ascribed to them in those sections.

Sec. 9.3. NRS 408.55053 is hereby amended to read as follows:

408.55053 “Eligible project” means the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, **K-12 school facility**, social infrastructure and other infrastructure related to economic development.

Sec. 9.5. NRS 408.550615 is hereby amended to read as follows:

408.550615 “Other infrastructure related to economic development” means infrastructure that:

1. Supports a public purpose while promoting economic development for a local, regional or state purpose; and

2. Is not a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, **K-12 school facility** or social infrastructure.

Sec. 9.7. NRS 408.550647 is hereby amended to read as follows:

408.550647 “Social infrastructure” means any infrastructure which:

1. Is used or useful for the construction, development and maintenance of facilities and systems that support social services, including, without limitation, those services related to health care, education, affordable housing, **workforce housing**, homelessness and food security; and

2. Augments existing services, including, without limitation, the services provided pursuant to chapters 319 and 387 of NRS.

Sec. 10. NRS 408.55069 is hereby amended to read as follows:

408.55069 1. The Nevada State Infrastructure Bank is hereby created within the ~~Department~~ **Office of the State Treasurer**.

2. The purpose of the Bank is to provide loans and other financial assistance to qualified borrowers for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, **K-12 school facilities**, social

infrastructure and other infrastructure related to economic development as necessary for public purposes.

3. The Bank is administered by and operates under the direction of a Board of Directors consisting of:

(a) ~~The Director of the Department of Transportation or his or her designee;~~

~~—(b)—~~ The State Treasurer or his or her designee ~~};~~, **who shall serve as Chair of the Board of Directors;**

(b) ~~The following members appointed by the State Treasurer:~~

~~—(1) One member who has knowledge, skill and experience in banking; and~~

~~—(2) One member who represents the interests of rural Nevada;~~ **Director of the Department of Business and Industry or his or her designee;**

(c) **The Executive Director of the Office of Economic Development or his or her designee;**

~~(d) The~~ ~~Director of~~ ~~The~~ **the following members appointed by the** ~~{Department of Business and Industry or his or her designee;}~~ **Majority Leader of the Senate:**

(1) One member who has knowledge, skill and experience relating to ~~transportation infrastructure;~~ **the housing or the hospitality industry; and**

(2) One member who ~~has knowledge, skill and experience relating to water infrastructure; and~~

~~—(3) One member who~~ **represents the interests of {K-12 public education, selected after consulting with one or more organizations that represent teachers;}**

~~—(d) The Executive Director of~~ **organized labor within the building trades;**

(e) The following members appointed by the ~~{Office of Economic Development or his or her designee;}~~ **Speaker of the Assembly:**

(1) One member who has knowledge, skill and experience ~~relating to public utility infrastructure;~~ **in banking; and**

(2) One member who represents the interests of Native Americans, selected after consulting with Indian tribes and tribal organizations; and

~~{(e) The Director of the Office of Energy or his or her designee; and}~~

~~(f) Two {representatives of}~~ **members who represent the general public, at least one of whom must reside in a county whose population is {700,000 or more;}** **less than 100,000,** appointed by the Governor. ~~{One member who represents the interests of organized labor within the building trades, appointed by the Legislative Commission;}~~

4. Each member of the Board of Directors who is appointed pursuant to subsection 3 serves at the pleasure of the appointing authority. **A person must not be appointed to the Board of Directors if he or she is currently serving as a Legislator.**

5. A vacancy on the Board of Directors in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

6. The Board of Directors shall elect annually from among its members ~~to~~ ~~Chair and~~ a Vice Chair.

7. ~~Four~~ **Five** members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least ~~four~~ **five** members of the Board of Directors is required to take action.

8. The members of the Board of Directors are public officers and are subject to all applicable provisions of law, including, without limitation, the provisions of chapter 281A of NRS.

9. A meeting of the Board of Directors must be conducted in accordance with the provisions of chapter 241 of NRS ~~§~~ , ***except that the Board of Directors may hold a closed meeting or close a portion of a meeting to receive, examine or consider information which the Bank is required to keep confidential pursuant to section 1.7 of this act.***

10. Each member of the Board of Directors who is not otherwise an officer or employee of this State is entitled:

(a) To receive \$100 for each full day of attending a meeting of the Board of Directors; and

(b) While engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be paid by the state agency or political subdivision that employs him or her.

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

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

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

Sec. 11. NRS 408.55071 is hereby amended to read as follows:

408.55071 1. The Board of Directors may:

(a) Make, and from time to time amend and repeal, bylaws not inconsistent with NRS 408.55048 to 408.55088, inclusive, ***and sections 1.3 and 1.7 of this act***, to carry into effect the powers and purposes of NRS 408.55048 to 408.55088, inclusive ~~§~~ , ***and sections 1.3 and 1.7 of this act.***

(b) Sue and be sued in the name of the Bank.

(c) Have a seal and alter the same at the pleasure of the Board of Directors, but the failure to affix the seal does not affect the validity of an instrument executed on behalf of the Bank.

(d) Make loans to qualified borrowers to finance all or part of the eligible costs of a qualified project.

(e) Provide qualified borrowers with other financial assistance necessary to defray all or part of the eligible costs of a qualified project.

(f) Acquire, hold and sell loan obligations at such prices and in such a manner as the Board of Directors deems advisable.

(g) Enter into contracts, arrangements and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to carry out the powers and duties of the Board of Directors.

(h) Enter into agreements with a department, agency or instrumentality of the United States or governmental unit of this State or another state for the purpose of providing for the financing of qualified projects.

(i) Establish:

(1) Policies and procedures to govern the selection of qualified projects and the issuance and administration of loans and other financial assistance provided by the Bank; and

(2) Fiscal controls and accounting procedures to ensure proper accounting and reporting by the Bank and qualified borrowers.

(j) Acquire, by purchase, lease, donation or other lawful means, real or personal property and any interest therein.

(k) Sell, convey, pledge, lease, exchange, transfer and dispose of all or any part of the property and assets of the Bank.

(l) Procure insurance, guarantees, letters of credit and other forms of collateral or security or credit support for the payment of bonds or other securities issued by the Bank and the payment of premiums or fees on such insurance, guarantees, letters of credit and other forms of collateral or security or credit support.

(m) Collect or authorize the trustee under any trust indenture that secures any bonds or other securities issued by the Bank to collect amounts due from a qualified borrower under any loan obligation owned by the Bank, including, without limitation, taking any lawful action required to obtain payment of any sums in default.

(n) Unless restricted by the terms of an agreement with the holders of bonds or other securities issued by the Bank, consent to any modification of the terms of any loan obligations owned by the Bank, including, without limitation, the rate of interest, period of repayment and payment of any installment of principal or interest.

(o) Borrow money through the issuance of bonds and other securities as provided in NRS 408.55048 to 408.55088, inclusive ~~{-}~~, **and sections 1.3 and 1.7 of this act.**

(p) Incur expenses to obtain accounting, management, legal or financial consulting and other professional services necessary to the operations of the Bank.

(q) To the extent that money is available from public or private sources of administrative costs, pay any costs incurred for the administration of the operations of the Bank.

(r) Establish advisory committees, which may include persons from the private sector with civil engineering, banking and financial expertise.

(s) Procure insurance against losses in connection with the Bank's property, assets or activities, including, without limitation, insurance against liability for any act of the Bank or its employees or agents, or establish cash reserves to enable the Bank to act as a self-insurer against such losses.

(t) Impose and collect fees and charges in connection with the activities of the Bank.

(u) Apply for, receive and accept from any source aid grants or contributions of money, property, labor or other things of value to be used to carry out the statutory purposes and powers of the Bank.

(v) Enter into contracts, arrangements or agreements for the servicing and processing of financial agreements.

(w) Accept and hold, with payment of interest, money deposited with the Bank.

(x) Request technical advice, support and assistance ~~from the divisions of the Department.~~ **pursuant to NRS 408.55088.**

(y) Do all other things necessary or convenient to exercise any power granted or reasonably implied by NRS 408.55048 to 408.55088, inclusive ~~1.1~~, **and sections 1.3 and 1.7 of this act.**

2. Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, **and sections 1.3 and 1.7 of this act**, the Bank may exercise any fiscal power granted to the Bank in NRS 408.55048 to 408.55088, inclusive, **and sections 1.3 and 1.7 of this act** without the review or approval of any other department, division or agency of the State or any political subdivision thereof, except for the Board of Directors.

3. In exercising the powers and performing the functions set forth in NRS 408.55048 to 408.55088, inclusive, **and sections 1.3 and 1.7 of this act**, the members of the Board of Directors:

(a) Must act in a commercially reasonable manner and in the interests of this State. For the purposes of this paragraph, the interests of this State include, without limitation, the public welfare and economy of this State and the long-term and short-term interests of this State.

(b) May, unless a member of the Board of Directors has knowledge concerning a matter in question that would cause reliance thereon to be unwarranted, rely on information, opinions, reports, books of account or statements, including, without limitation, financial statements and other financial data, that are prepared or presented by:

(1) One or more members of the Board of Directors or officers or employees of the Bank reasonably believed to be reliable and competent in the matters prepared or presented;

(2) Counsel, public accountants, financial advisers, valuation advisers, investment bankers, engineers, architects or other persons as to matters reasonably believed to be within the professional or expert competence of the preparer or presenter; or

(3) A committee on which the director or officer relying thereon does not serve, as to matters within the designated authority of the committee and matters on which the committee is reasonably believed to merit confidence.

4. This section does not authorize the Bank to be or conduct business as a:

(a) Bank or trust company within the jurisdiction of chapters 657 to 671, inclusive, of NRS or under the control of an agency of the United States or this State; or

(b) Bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' laws of the United States or of this State.

5. The Bank must, before accepting a deposit from any person or governmental unit, provide a notice to the depositor stating that the deposit is not insured by the Federal Deposit Insurance Corporation.

6. The provisions of titles 55 and 57 of NRS do not apply to the Bank.

Sec. 11.3. NRS 408.55073 is hereby amended to read as follows:

408.55073 1. The Nevada State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.

2. The Fund is administered by the Board of Directors.

3. The Board of Directors may establish accounts and subaccounts within the Fund and shall ensure that accounting for the Fund is performed in accordance with all applicable laws and regulations governing the use of funds.

4. Except as otherwise provided in subsection 7, all money received by the Bank pursuant to NRS 408.55048 to 408.55088, inclusive, **and sections 1.3 and 1.7 of this act** must be deposited in the Fund.

5. The Bank may accept for deposit into the Fund:

(a) Any money appropriated by the Legislature or authorized for allocation by the Interim Finance Committee;

(b) Federal funds made available to the State;

(c) Gifts, grants, donations and contributions from a governmental unit, private entity or any other source;

(d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money pursuant to NRS 408.55076;

(e) Proceeds from the issuance of bonds or other securities pursuant to NRS 408.55071; and

(f) Any other lawful source of money that is made available to the Bank and is not already dedicated for another purpose.

6. The Bank shall comply with all applicable federal laws governing the use of federal funds, including, without limitation, statutes and regulations governing:

- (a) Any conditions or limitations on expenditures;
- (b) Reporting; and
- (c) The commingling of federal funds.

7. Earnings on balances in any federal accounts must be credited and invested in accordance with federal law. Earnings on any state and local accounts must be deposited in the Fund to the credit of the account that generates the earnings.

8. Money in the Fund may be used only:

- (a) For the capitalization of the Bank; and
- (b) To carry out the statutory purposes and powers of the Bank.

9. A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, repairing, improving, operating, maintaining, decommissioning or owning a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, **K-12 school facility**, social infrastructure or other infrastructure related to economic development or for any other purpose set forth in NRS 408.55048 to 408.55088, inclusive, **and sections 1.3 and 1.7 of this act** to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 11.5. NRS 408.55074 is hereby amended to read as follows:

408.55074 1. A qualified borrower that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, repair, improve, operate, maintain, decommission or own an eligible project must apply to the Bank in the manner prescribed by the Bank.

2. The Executive Director shall:

- (a) Review each application and determine whether the application is for an eligible project; and
- (b) At the request of the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the qualified project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project. **For purposes of this subsection, the anticipated useful life of a K-12 school facility must not be deemed to be longer than 50 years.**

5. The Bank shall determine the form and content of a loan application, financing agreement or loan obligation, including, without limitation:

- (a) The period for repayment and the rate or rates of interest on a loan; and
- (b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

➔ Such form and content must substantially conform with the documents typically used for such transactions.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank using money from a federal account must comply with all applicable federal requirements.

7. *If a loan is made to a school district, the Bank may fix the rate of interest of the loan at 0 percent if the school district demonstrates to the Board of Directors that the school district has financial constraints that would not allow the school district to repay a loan with a rate of interest fixed according to the standards otherwise used by the Bank.*

Sec. 11.7. NRS 408.55079 is hereby amended to read as follows:

408.55079 1. Except as otherwise provided in this section, if a qualified borrower that has obtained a loan or other financial assistance from the Bank fails to remit in full any amount due to the Bank on the date on which the amount is due under the terms of any note or other loan obligation given to the Bank by the qualified borrower, the Bank shall notify the appropriate state agencies or officers, including, without limitation, the State Controller, who shall withhold all or a portion of any state money or other money administered by the State and its agencies, boards and instrumentalities that is allotted or appropriated to the qualified borrower and apply an amount necessary to the payment of the amount due.

2. This section does not authorize the State or an agency, board or instrumentality thereof, or the State Controller, to withhold any money allocated or appropriated to a qualified borrower if to do so would violate the terms of:

- (a) An appropriation by the Legislature;
- (b) Any federal law;
- (c) A contract to which the State is a party;
- (d) A contract to which a governmental unit or qualified borrower is a party;

~~for~~

- (e) A judgment of a court that is binding upon the State ~~for~~ ; or

(f) *The provisions of NRS 387.121 to 387.12468, inclusive, governing apportionments and allowances from the State Education Fund.*

Sec. 12. NRS 408.55081 is hereby amended to read as follows:

408.55081 The Board of Directors and any member thereof, and any officer, employee, agent or committee member of the Bank is not liable in a civil action for any act performed on behalf of the Bank in good faith and within the scope of their duties or the exercise of their authority pursuant to

NRS 408.55048 to 408.55088, inclusive ~~[-]~~, **and sections 1.3 and 1.7 of this act.**

Sec. 13. NRS 408.55086 is hereby amended to read as follows:

408.55086 1. To the extent possible, the provisions of NRS 408.55048 to 408.55088, inclusive, **and sections 1.3 and 1.7 of this act** are intended to supplement other statutory provisions governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, **K-12 school facilities**, social infrastructure or other infrastructure related to economic development and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of NRS 408.55048 to 408.55088, inclusive ~~[-]~~, **and sections 1.3 and 1.7 of this act.** If there is a conflict between such other provisions and the provisions of NRS 408.55048 to 408.55088, inclusive, **and sections 1.3 and 1.7 of this act**, the provisions of NRS 408.55048 to 408.55088, inclusive, **and section 1.3 and 1.7 of this act** control.

2. The provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. The Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.

Sec. 14. NRS 408.55088 is hereby amended to read as follows:

408.55088 Any division of the Department of Transportation, the Department of Business and Industry, the Office of Economic Development, the State Department of Conservation and Natural Resources, ~~the Office of the State Treasurer,~~ the Office of Energy or any other governmental unit may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank ~~[-]~~, **including, without limitation, the Board of Directors.**

Sec. 15. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130,

125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,

625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 1.7 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

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

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 16. NRS 241.016 is hereby amended to read as follows:

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

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

- (a) The Legislature of the State of Nevada.
- (b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.
- (c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, **408.55069**, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

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

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

↪ prevails over the general provisions of this chapter.

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

Sec. 16.5. (Deleted by amendment.)

Sec. 16.7. The terms of the members of the Board of Directors of the Nevada State Infrastructure Bank who were appointed pursuant to paragraph (f) of subsection 3 of NRS 408.55069, as that section existed before July 1, 2023, expire on June 30, 2023. Those members may be appointed to the Board of Directors of the Nevada State Infrastructure Bank pursuant to NRS 408.55069, as amended by section 10 of this act, to a position on the Board of Directors for which that person satisfies the qualifications for appointment.

Sec. 17. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 505 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 277 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 505.

Bill read third time.

Roll call on Senate Bill No. 505:

YEAS—28.

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

Senate Bill No. 505 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 11.

Bill read third time.

Roll call on Senate Bill No. 11:

YEAS—40.

NAYS—Peters, Summers-Armstrong—2.

Senate Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 454.

Bill read third time.

Roll call on Senate Bill No. 454:

YEAS—42.

NAYS—None.

Senate Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 490.

Bill read third time.

Roll call on Senate Bill No. 490:

YEAS—42.

NAYS—None.

Senate Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 506.

Bill read third time.

Roll call on Senate Bill No. 506:

YEAS—42.

NAYS—None.

Senate Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

Roll call on Senate Bill No. 341:

YEAS—28.

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

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 375.

Bill read third time.

Roll call on Senate Bill No. 375:

YEAS—42.

NAYS—None.

Senate Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Jauregui moved that the Assembly stand in a five minute recess.

Motion carried.

Assembly in recess at 9:13 p.m.

ASSEMBLY IN SESSION

At 9:54 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 24, 246, and 274 Chief Clerk's Desk to top of General File

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 24.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 952.

SUMMARY—Revises provisions relating to ~~the Office of Small Business Advocacy within the Office of the Lieutenant Governor;~~ **governmental administration.** (BDR 18-404)

AN ACT relating to ~~the Office of the Lieutenant Governor;~~ **governmental administration;** revising provisions governing the funding of the Office of Small Business Advocacy within the Office of the Lieutenant Governor; extending the prospective expiration of the Office of Small Business Advocacy; **moving the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates within the Office of the Lieutenant Governor the Office of Small Business Advocacy; (2) eliminates the Office on June 30, 2023; and (3) authorizes the Lieutenant Governor to employ personnel as necessary to perform the functions and duties of the Office of Small Business Advocacy within the limits of money available from sources other than from the State General Fund. (NRS 224.160) **Section 2** of this bill extends the prospective expiration of the Office on July 1, 2023, to July 1, 2025. (Chapter 240, Statutes of Nevada 2021, at page 1147) **Section 1** of this bill: (1) eliminates the prohibition on employing personnel for the Office of Small Business Advocacy with money from the State General Fund; and (2) authorizes the Lieutenant Governor to employ personnel for the Office of Small Business Advocacy within the limits of money appropriated or authorized for such purposes.

Existing law creates the Keep Nevada Working Task Force within the Office of the Lieutenant Governor. (NRS 224.320) Existing law further prescribes the duties of the Task Force, which include, without limitation: (1) developing strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State; (2) conducting research on methods to strengthen career pathways for immigrants and creating enhanced partnerships with projected growth industries; (3) supporting the efforts of certain groups and entities to provide predictability and stability to the workforce of this State; (4) recommending approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities; and (5) entering into a contract with a consultant to perform research necessary to carry out the duties of the Task Force. (NRS 224.340)

Sections 1.3-1.7 of this bill: (1) move the Task Force from the Office of Lieutenant Governor to the Office of the Secretary of State; (2) set forth the membership of the Task Force; and (3) set forth the duties of the Task Force, which are the same duties of the current Task Force. Sections 1.8, 1.9 and 2.7 of this bill make conforming changes related to moving the Task Force into the Office of the Secretary of State.

Section 2.3 of this bill provides that members of the existing Task Force continue to serve until the new members are appointed pursuant to section 1.5 of this bill.

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

Section 1. NRS 224.160 is hereby amended to read as follows:

224.160 1. The Office of Small Business Advocacy is hereby created within the Office of the Lieutenant Governor.

2. The Lieutenant Governor may, within the limits of money ~~{available other than from the State General Fund}~~ **appropriated or authorized** for such purpose, employ such personnel as are necessary to perform the functions and duties of the Office of Small Business Advocacy set forth in NRS 224.100 to 224.250, inclusive. To be employed by the Lieutenant Governor pursuant to this section, a person must have the necessary training and experience to perform the duties for which he or she is hired. An employee of the Office of Small Business Advocacy is in the unclassified service of the State and serves at the pleasure of the Lieutenant Governor.

3. A state agency may cooperate with and assist the Office of Small Business Advocacy in the performance of its duties and functions.

Sec. 1.2. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 1.7, inclusive, of this act.

Sec. 1.3. Sections 1.3 to 1.7, inclusive, of this act may be cited as the Keep Nevada Working Act.

Sec. 1.4. As used in sections 1.3 to 1.7, inclusive, of this act, “Task Force” means the Keep Nevada Working Task Force created by section 1.5 of this act.

Sec. 1.5. 1. The Keep Nevada Working Task Force is hereby created within the Office of the Secretary of State.

2. The Task Force consists of:

- (a) The Secretary of State, or his or her designee;
- (b) Seven members appointed by the Secretary of State; and
- (c) One member appointed jointly by the Governor and the Office for New Americans created by NRS 223.910.

3. Every member appointed to the Task Force shall represent at least one of the following:

- (a) An immigrant advocacy group;
- (b) A professional association representing business;
- (c) A labor organization with a statewide presence;
- (d) A workforce or economic development interest;
- (e) A bar association or like association of lawyers which is involved in the advocacy of immigrants;
- (f) A faith-based, nonprofit organization;
- (g) An advocacy group which focuses on immigration and criminal justice;
- (h) An institution of higher education; or
- (j) A state or local law enforcement agency.

4. The members of the Task Force shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

5. The members of the Task Force serve without compensation.

Sec. 1.6. 1. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and Vice Chair.

2. The Task Force shall meet at least once each quarter and hold meetings at various locations throughout the State.

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

Sec. 1.7. 1. The Task Force may:

(a) Develop strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State;

(b) Conduct research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries;

(c) Support the efforts of business leadership, civic groups, government and immigrant advocacy groups to provide predictability and stability to the workforce in this State;

(d) Recommend approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities; and

(e) Enter into a contract with a consultant to perform research necessary to carry out the duties of the Task Force.

2. On or before July 1, 2024, and on or before July 1 of each subsequent year, the Task Force shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.

3. The Secretary of State may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 1.3 to 1.7, inclusive, of this act.

4. The Office of the Secretary of State shall provide personnel, facilities, equipment, funding and supplies as required by the Task Force to carry out its duties.

5. Each agency, board, commission, department, officer, employee or agent of this State, or a political subdivision thereof, shall provide the Task Force with such assistance as the Task Force may reasonably require in discharging its duties.

Sec. 1.8. NRS 228.206 is hereby amended to read as follows:

228.206 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~NRS 224.220, 1~~ section 1.5 of this act, publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. The model policies must prioritize guidance and training recommendations which:

(a) Foster trust between the community and state or local law enforcement agencies; and

(b) Limit, to the fullest extent practicable and consistent with any applicable law, the engagement of state or local law enforcement agencies with federal immigration authorities for the purpose of immigration enforcement.

2. Each state or local law enforcement agency shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General.

3. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the state or local law enforcement agency.

4. As used in this section, “state or local law enforcement agency” means:

(a) The sheriff’s office of a county;

- (b) A metropolitan police department;
- (c) A police department of an incorporated city;
- (d) Any entity authorized to operate a prison, jail or detention facility, including, without limitation, any facility for the detention of juveniles;
- (e) The Division of Parole and Probation of the Department of Public Safety;
- (f) Any department of alternative sentencing; and
- (g) Any other state or local agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:
 - (1) Has a duty to enforce the law; and
 - (2) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 1.9. NRS 228.208 is hereby amended to read as follows:

228.208 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~NRS 224.320,1~~ **section 1.5 of this act,** publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at public schools, institutions of higher education, health care facilities and courthouses to ensure that such places remain safe and accessible to residents of this State regardless of the immigration status or citizenship of such persons.

2. Each public school, institution of higher education, health care facility and courthouse in this State shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General.

3. Any organization that provides services relating to physical or mental health and wellness, education or access to justice is encouraged to adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1.

4. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the public school, institution of higher education, health care facility or courthouse, as applicable.

5. A policy adopted pursuant to this section must comply with:

(a) Any applicable law;

(b) Any policy, grant, waiver or other requirement necessary to maintain the funding of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable; and

(c) Any agreement related to the operation and functions of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable.

6. As used in this section:

(a) “Health care facility” means a facility licensed pursuant to chapter 449 of NRS and which is operated by this State or a political subdivision thereof.

(b) “Institution of higher education” has the meaning ascribed to it in NRS 179D.045.

(c) “Public school” means any school described in NRS 388.020.

Sec. 2. Section 20 of chapter 240, Statutes of Nevada 2021, at page 1154, is hereby amended to read as follows:

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

2. Sections 1 to 19, inclusive, of this act:

(a) Become effective:

(1) 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

(2) On July 1, 2021, for all other purposes.

(b) Expire by limitation on June 30, ~~2023,~~ 2025.

Sec. 2.3. 1. The persons who are members of the Keep Nevada Working Task Force created by NRS 224.320, as that section existed on the effective date of this act, on July 1, 2023, continue to serve as members until the Secretary of State, Governor and the Office for New Americans appoint members to the Task Force pursuant to section 1.5 of this act.

2. Nothing in this act prohibits the Secretary of State from appointing a person who was appointed to the Task Force by the Lieutenant Governor pursuant to NRS 224.320, as that section existed on June 30, 2023, if the person meets the qualifications for appointment pursuant to section 1.5 of this act.

Sec. 2.4. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 2.5. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the

enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 2.7. NRS 224.300, 224.310, 224.320, 224.330 and 224.340 are hereby repealed.

Sec. 3. 1. This ~~act becomes~~ section and sections 1, 2 and 2.4 of this act become effective upon passage and approval.

2. Sections 1.2 to 1.9, inclusive, 2.3, 2.5 and 2.7 of this act become effective:

(a) Upon passage and approval for the purpose of appointing members of the Keep Nevada Working Task Force created by section 1.5 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) Only July 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

224.300 Short title.

224.310 “Task Force” defined.

224.320 Creation; membership; terms and reappointment of members; vacancies; service without compensation.

224.330 Election of Chair and Vice Chair; frequency and location of meetings; quorum.

224.340 Powers; annual report to Legislative Commission; acceptance of gifts, grants and donations; operational support; assistance from public agencies.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 246.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 966.

AN ACT relating to governmental administration; requiring the City Councils of the City of Las Vegas and the City of North Las Vegas to establish a workforce development program; requiring the City Councils to receive updates on the programs and post information about the programs; requiring every public utility which is owned or operated by the City of Las Vegas or the City of North Las Vegas to include certain information in utility bills; requiring that certain information be posted in each building owned by the City

of Las Vegas or the City of North Las Vegas; requiring the City Councils to submit an annual report to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau relating to the workforce development program; revising provisions relating to the Charter Committee, City Clerk and City Manager of the City of North Las Vegas; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of Las Vegas authorizes the City Council of the City to exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provisions of programs relating to employment and training. (Las Vegas City Charter § 3.300) **Section 1** of this bill requires the City Council to establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. **Section 1** further requires: (1) the City Council to receive an update to the program on a quarterly basis; (2) the City Council to post information about the program in a conspicuous place on the Internet website of the City; (3) every public utility owned or operated by the City to include certain information regarding opportunities available in workforce development in each utility bill; (4) each building that is owned in the City to have posted in a clear and conspicuous place all job openings that are available in the building; and (5) the City Council to provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau relating to the workforce development program. **Section 3** of this bill sets forth the same requirements for the City of North Las Vegas.

Section 2 of this bill creates an exception to the provision that authorizes but does not require the City Council of the City of Las Vegas to exercise powers and enact ordinances relating to programs relating to employment and training.

The existing Charter of the City of North Las Vegas provides for the establishment of a Charter Committee by the City Council and requires the Charter Committee to meet at least once every 2 years before the beginning of each regular session of the Legislature. (North Las Vegas City Charter §§ 1.100, 1.110) **Section 3.2** of this bill requires each member of the Charter Committee to ~~report any abuse of power by the City Council or City Manager to the Legislature or the Joint Interim Standing Committee on Government Affairs if the Legislature is not in session.~~ complete certain training. **Section 3.2** also prohibits the City Council, officers and employees of the City ~~[Manager]~~ from interfering with the duties of the Charter Committee or committing any abuses of power with respect to the duties of the Charter Committee. **Section 3.2** further requires the Charter Committee to meet at least ~~[quarterly.]~~ four times between regular sessions of the Legislature.

The existing Charter of the City of North Las Vegas sets forth certain duties of the City Clerk. (North Las Vegas City Charter § 3.040) **Section 3.4** of this bill ~~[prohibits]~~ **requires** the City Clerk ~~[from committing any violation of law relating to his or her duties and provides that the City Clerk may be subject to civil and criminal liability for any such violation. Section 3.4 also prohibits the City Council and City Manager of the City of North Las Vegas from threatening, coercing or harassing or conspiring to threaten, coerce or harass the City Clerk to violate any provision of law.]~~ **to take and subscribe the constitutional oath of office before entering upon the duties of the office.**

Section 3.6 of this bill requires the City Manager of the City of North Las Vegas to submit an annual report to the Committee on Local Government Finance that contains certain information relating to special revenue funds of the City. **Section 3.8** of this bill requires the City Manager to submit, on or before January 1, 2024, a similar report to the Committee for the period beginning July 1, 2013, and ending on June 30, 2024.

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

Section 1. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 3.310, immediately following section 3.300, to read as follows:

Sec. 3.310 Workforce development.

1. The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:

(a) Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty;

(b) Must not prioritize any one minority group over another; and

(c) Must include, without limitation:

(1) Targets to share work opportunities for all economic development projects within the boundary of the City with residents of the City based on the priorities established pursuant to paragraph (a); and

(2) Engagement and outreach regarding work opportunities from the beginning of an economic development project until completion.

2. The City Council shall:

(a) Receive an update on the workforce development program established pursuant to subsection 1 on a quarterly basis.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. *Every public utility which is owned or operated by the City shall include in each utility bill sent to a customer clear and conspicuous notification of the Internet address that sets forth opportunities in workforce development available to residents of the City.*

4. *In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.*

5. *The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.*

Sec. 2. Section 3.300 of the Charter of the City of Las Vegas, being chapter 338, Statutes of Nevada 2007, at page 1532, is hereby amended to read as follows:

Sec. 3.300 Programs: Employment and training.

1. Except as otherwise provided in subsection 2 **and section 3.310** and in addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of programs relating to employment and training.

2. The City Council shall not impose or increase a tax for the purposes set forth in subsection 1 unless the tax or increase is otherwise authorized by specific statute.

Sec. 3. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 3.110, immediately following section 3.100, to read as follows:

Sec. 3.110 Workforce development.

1. *The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:*

(a) *Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty;*

(b) *Must not prioritize any one minority group over another; and*

(c) *Must include, without limitation:*

(1) *Targets to share work opportunities for all economic development projects within the boundary of the City with residents of the City based on the priorities established pursuant to paragraph (a); and*

(2) Engagement and outreach regarding work opportunities from the beginning of an economic development project until completion.

2. The City Council shall:

(a) Receive an update on the workforce development program established pursuant to subsection 1 on a quarterly basis.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. Every public utility which is owned or operated by the City shall ~~include~~ provide quarterly in each a utility bill sent to a customer clear and conspicuous notification of the Internet address that sets forth opportunities in workforce development available to residents of the City.

4. In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.

5. The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.

Sec. 3.2. Section 1.110 of the Charter of the City of North Las Vegas, being chapter 254, Statutes of Nevada 2021, at page 1325, is hereby amended to read as follows:

Sec. 1.110 Charter Committee: Officers; meetings; duties.

1. The Charter Committee shall:

~~{1.}~~ *(a) Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;*

~~{2.}~~ *(b) Meet at least once every 2 years before the beginning of each regular session; four times between regular sessions of the Legislature quarterly and at other times when requested by the City Council or the Chair of the Committee; and*

~~{3.}~~ *(c) Set the agenda for every meeting of the Charter Committee. The City Council may request not more than four items be considered by the Charter Committee at a meeting of the Charter Committee; and*

(d) Appear before the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to paragraph (b) of subsection {2} 1 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter. ~~It~~

~~*(e) Report any abuse of authority by the City Council or City Manager to the Director of the Legislative Counsel Bureau for*~~

~~transmittal to the Legislature or if the Legislature is not in session, the Joint Interim Standing Committee on Government Affairs; and~~

~~(f) Retain all records relating to the work of the Charter Committee.]~~

2. The City Council, officers and employees of the City ~~(Manager,~~ shall not interfere with the duties of the Charter Committee or commit any abuse of power with respect to the Charter Committee. ~~[In addition to any criminal action, the Attorney General may bring a civil action in a court of competent jurisdiction for a violation of the provisions of this subsection by the City Council, Council Members or City Manager and may recover a civil penalty of not more than \$1,000 for each violation.]~~

3. ~~[For the purposes of this section, "abuse of power" includes, without limitation, preventing or threatening, coercing or conspiring to prevent]~~ Each person who is appointed to serve as a member of the Charter Committee ~~[from setting an agenda for a meeting or holding a meeting]~~ shall complete training which must include, without limitation, instruction relating to:

(a) The Code of Ethical Standards set forth in chapter 281A of NRS, including, without limitation, how to file a complaint with the Commission on Ethics created pursuant to NRS 281A.200;

(b) The provisions of chapter 241 of NRS; and

(c) Responsibilities of the Charter Committee.

Sec. 3.4. Section 3.040 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254, Statutes of Nevada 2021, at page 1331, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Office; duties.

1. The City Clerk shall:

(a) ***Before entering upon the duties of office, take and subscribe the constitutional oath of office.***

(b) Keep his or her office at the place of meeting of the City Council or some other place convenient thereto, as the City Council may direct.

~~[(b)]~~ (c) Keep the corporate seal and be the custodian of all official papers and records of the City, including, without limitation, contracts, agreements, documents, resolutions, ordinances, minutes and official city election records.

~~[(c)]~~ (d) Keep a record of the proceedings of, and be the Clerk of the City Council, whose meetings it shall be his or her duty to attend.

~~[(d)]~~ (e) Record votes of members of the City Council.

~~[(e)]~~ (f) Direct the transcription and keeping of minutes and official records and the making and keeping of audio recordings or transcripts of all City Council meetings.

~~[(f)]~~ (g) Countersign official contracts, bonds and other official City documents.

~~[(g)]~~ (h) Make arrangements for regular, special or emergency meetings of the City Council.

~~{(h)}~~ (i) Supervise the operation and maintenance of the records management system of the City.

~~{(i)}~~ (j) Supervise the printing of all ballots for city elections.

~~{(j)}~~ (k) Certify the election returns.

~~{(k)}~~ (l) Administer official oaths for the City.

2. Copies of all papers filed in the office of the City Clerk and transcripts from all records of the City Council certified by him or her, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.

~~{3. The City Clerk shall not knowingly and willfully violate any provision of law governing elections, commit fraud, abuse the public trust, abuse his or her authority, falsify records or violate any other provision of law governing his or her duties. In addition to any criminal action, the Attorney General may bring a civil action for civil penalties for a violation of this prohibition not to exceed \$1,000 for each violation.}~~

~~4. The City Council and City Manager shall not threaten, coerce or harass or conspire to threaten, coerce or harass the City Clerk to violate any provision of law.}~~

Sec. 3.6. Section 3.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254, Statutes of Nevada 2021, at page 1330, is hereby amended to read as follows:

Sec. 3.020 City Manager: Power and duties.

1. The City Manager is the Chief Administrative Officer of the City. He or she is responsible to the City Council for the efficient and proper administration of all City affairs placed in his or her charge by or under this Charter.

2. The City Manager shall:

(a) Except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter, appoint, and when he or she deems it necessary for the good of the service, discharge or suspend all City employees and appointed administrative officers provided for by this Charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise the powers enumerated in this paragraph with respect to subordinates in that officer's department, office or agency.

(b) Direct and supervise the administration of all departments, offices and agencies of the City, except:

(1) As otherwise provided by law; and

(2) For any department, office or agency whose head is not appointed by the City Manager.

(c) Attend all City Council meetings and have the right to take part in all discussions. The City Manager may not vote.

(d) Be responsible for the enforcement of all laws, provisions of this Charter and acts of the City Council subject to enforcement by the City

Manager or by his or her officers subject to his or her direction and supervision.

(e) Prepare and submit the annual budget and capital program to the City Council.

(f) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.

(h) Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs as he or she deems desirable.

(i) Perform such other duties as are specified in this Charter or which may be required by the City Council.

3. In addition to the duties set forth in subsection 2, on or before January 1 of each year, the City Manager shall submit to the Committee on Local Government Finance created by NRS 354.105 a report that compares the projected and actual budgets of each special revenue fund maintained by the City for the immediately preceding fiscal year. Such report must:

(a) Identify each special revenue fund;

(b) Indicate in detail all revenue received in the special revenue fund for the immediately preceding fiscal year; and

(c) Indicate in detail all expenses for the immediately preceding fiscal year which were paid with money from the special revenue fund.

4. The report submitted pursuant to this section to the Committee on Local Government Finance is a public record.

Sec. 3.8. 1. On or before January 1, 2024, the City Manager of the City of the North Las Vegas shall submit to the Committee on Local Government Finance created by NRS 354.105 a report that compares the projected and actual budgets of each special revenue fund maintained by the City for each fiscal year of the period beginning July 1, 2013, and ending June 30, 2023. Such report must:

(a) Identify each special revenue fund;

(b) Indicate in detail all revenue received in the special revenue fund for each fiscal year in the reporting period; and

(c) Indicate in detail all expenses for the fiscal year which were paid with money from the special revenue fund.

2. The report submitted pursuant to this section to the Committee on Local Government Finance is a public record.

Sec. 4. (Deleted by amendment.)

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 274.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 997.

AN ACT relating to industrial insurance; ~~requiring~~ **revising requirements for the administration of certain insurance claims and the maintenance and accessibility of certain insurance records; removing the requirement that certain entities maintain a telephone service to accept collect calls from injured employees; revising the circumstances under which** the Administrator of the Division of Industrial Relations of the Department of Business and Industry **is authorized to remove a physician or chiropractic physician from a list or panel of physicians and chiropractic physicians who may provide certain services relating to the Nevada Industrial Insurance Act; requiring the Administrator to publish certain reports; authorizing certain physicians and chiropractic physicians to decline to perform certain evaluations; revising procedures for the selection of a physician or chiropractic physician to perform certain evaluations and examinations; revising provisions relating to independent medical examinations; revising provisions relating to benefits for a permanent partial disability; revising provisions relating to an appeal of certain determinations of the Administrator; revising procedures for the reimbursement of an insurer that pays for an increase in certain compensation or benefits; requiring the Administrator** to post certain information on the Internet website of the Division; increasing the amount of certain penalties for certain violations of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act; revising provisions relating to the imposition and payment of benefit penalties; revising certain requirements for certain investigations conducted by the Administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Industrial Insurance Act and the Nevada Occupational Diseases Act, which provide for the payment of compensation to employees who are injured or disabled as the result of an occupational injury or occupational disease. (Chapters 616A-616D and 617 of NRS)

Existing law requires certain insurers to maintain an office in this State that is operated by the insurer or its third-party administrator and to provide access to files relating to industrial insurance claims at that office. (NRS 616B.021, 616B.027) Section 3 of this bill requires the insurer to make such files available for inspection and reproduction by electronic means or at an office operated by the insurer or its third-party administrator located in this State. Section 3 also authorizes the insurer

to keep physical records concerning a claim filed in this State at a location outside this State if those records are made available for inspection and reproduction in certain electronic forms or at an office located in this State.

Section 4 of this bill permits an insurer to keep reproductions of certain files rather than original copies at an office in this State operated by the insurer or its third-party administrator. Section 4 also removes the requirement that an insurer accept collect calls from injured employees.

Existing law requires a person who acts as a third-party administrator pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act to administer claims arising under each plan of insurance that the person administers from one or more offices located in this State and maintain in those offices all records concerning those claims. (NRS 616B.503) Section 5 of this bill removes that requirement. Instead, section 2 of this bill establishes certain authorizations and requirements concerning the administration of claims arising under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. Section 2 authorizes certain employees and third-party administrators of private carriers to administer such claims from a location outside this State and stipulates how records concerning such claims must be maintained. Section 2 also authorizes certain other employees of a private carrier and certain third-party administrators to administer such claims only from one or more offices located in this State and requires that records relating to such claims be maintained at those offices. Section 4 requires certain employees and third-party administrators who administer a claim from a location outside this State to make themselves available to communicate in real time with a claimant or a representative of the claimant at certain times.

Existing law requires the Commissioner of Insurance to take certain disciplinary action against a third-party administrator for certain violations. (NRS 616B.506) Section 6 of this bill requires the Commissioner to also take such disciplinary action against a third-party administrator who violates the provisions of section 2.

Existing law requires an insurer to keep a list of physicians and chiropractic physicians from which an injured employee may choose to receive treatment from a panel established and maintained by the Administrator of the Division of Industrial Relations of the Department of Business and Industry. Existing law also sets forth procedures and limitations governing the removal of a physician or chiropractic physician from an insurer's list. (NRS 616C.087, 616C.090) Section 9 of this bill expands the circumstances under which a physician or chiropractic physician may be involuntarily removed from an insurer's list and requires the Administrator to adopt certain regulations. Section 10 of this bill revises the reasons for which a physician or chiropractic physician may be removed from a panel and authorizes a physician or chiropractic

physician who has been removed from a panel to reapply for inclusion under certain circumstances.

Existing law provides that an employee who is injured by an accident arising out of and in the course of employment is entitled to receive compensation under the Nevada Industrial Insurance Act for a permanent partial disability which is rated during an evaluation by certain physicians or chiropractic physicians. (NRS 616C.490) Section 17 of this bill revises the methodology by which those physicians or chiropractic physicians are selected to perform such an evaluation and authorizes such a physician or chiropractic physician to decline to perform an evaluation under certain circumstances. Sections 7 and 17 require the Administrator to prepare annual and quarterly reports relating to the frequency with which those physicians and chiropractic physicians perform such evaluations and certain other examinations.

Existing law authorizes an injured employee, subject to various requirements and restrictions, to obtain an independent medical examination concerning an injury that is the subject of a claim filed pursuant to the Nevada Industrial Insurance Act. (NRS 616C.145) Section 12 of this bill provides that such an injured employee is entitled to request such an independent examination for a permanent partial disability under certain circumstances. Section 12 also identifies the method by which the rate of reimbursement relating to certain independent medical examinations must be determined and authorizes an insurer to recover the cost of certain examinations under certain circumstances.

Existing law sets forth the method by which a physician or chiropractic physician is selected under certain circumstances to determine the percentage of disability of an injured employee. (NRS 616C.100, 616C.330, 616C.360) Sections 11, 15 and 16 of this bill require, with certain exceptions, that such physicians and chiropractic physicians be selected at random from a list maintained by the Administrator.

Existing law provides that a claimant under the Nevada Industrial Insurance Act may elect to receive payment for a permanent partial disability in a lump sum under certain circumstances. (NRS 616C.495) Section 18 of this bill requires an insurer to use the actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant elects payment in a lump sum to calculate the present value of the lump sum payable.

Existing law authorizes an insurer or employer who pays an annual increase in compensation for a permanent total disability to a claimant or dependent who is entitled to such compensation due to certain industrial injuries or disablements to obtain reimbursement from the Administrator and sets forth the procedure for obtaining such reimbursement. (NRS 616C.266) Similarly, existing law entitles an insurer who pays an increase in certain death benefits to be reimbursed annually for the amount of that increase and sets forth procedures for obtaining such reimbursement.

(NRS 616C.268) Sections 13 and 14 of this bill revise the procedures governing the issuance of such reimbursement to an insurer and impose various requirements on the Administrator with respect to such reimbursement.

Existing law requires the Administrator ~~of the Division of Industrial Relations of the Department of Business and Industry~~ under certain circumstances to order an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay a claimant a benefit penalty in an amount not less than \$5,000 and not greater than \$50,000 for refusing to process a claim for compensation ~~if, refusing to pay or unreasonably delaying payment to a claimant of compensation or other relief found to be due~~ or committing certain other violations of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. (NRS 616D.120) **Section ~~13~~ 20** of this bill increases the amount of that benefit penalty to not less than \$17,000 and not greater than \$120,000. **Section ~~14~~ 20** also extends from 10 days to 15 days the time in which a benefit penalty must be paid to a claimant after the Administrator determines the amount of the benefit penalty. **Section ~~14.5~~ 19** of this bill requires the Administrator to publish, maintain and make available to the public on the Internet website of the Division certain information relating to benefit penalties imposed by the Administrator.

Existing law sets forth procedures by which a person may contest a decision of the Administrator to impose or refuse to impose a benefit penalty. Under existing law, a person who is aggrieved by a failure of the Administrator to respond to a written request for a determination within 90 days after the request is mailed to the Administrator may appeal the failure to respond by filing a request for a hearing within 100 days after the unanswered written request was mailed to the Administrator. (NRS 616D.140) **Section ~~14~~ 22** of this bill revises those provisions to instead authorize a person who is aggrieved by the failure of the Administrator to respond to a complaint alleging that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has committed certain violations within 120 days after the Administrator receives the complaint to appeal the failure to respond by filing a request for a hearing within 150 days after the receipt of the complaint. **Section ~~14~~ 22** also: (1) requires a party who unsuccessfully appeals the imposition of a benefit penalty to pay a claimant double the amount of the benefit penalty initially imposed; (2) establishes certain requirements for when a benefit penalty must be paid; and (3) authorizes the Commissioner of Insurance to suspend a certification issued to an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization under certain circumstances.

Existing law requires the Administrator, upon receipt of a complaint or if the Administrator has reason to believe that certain provisions of the Nevada Industrial Insurance Act have been violated, to cause an investigation to be

conducted and render a determination concerning those violations. (NRS 616D.130) ~~Section 21~~ **Section 21** of this bill broadens the circumstances under which the Administrator is required to cause an investigation to be conducted and requires the Administrator to: (1) provide the Commissioner and the suspected violator with a copy of the complaint or an explanation of the reason why the Administrator believes a violation has occurred and a copy of the determination rendered on the matter; and (2) include with the Administrator's determination any settlement agreement relating to the violation. ~~Section 21~~ **Section 21** also revises the time in which the Administrator must complete certain actions pursuant to the investigation.

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location in or outside of this State. All records concerning a claim administered pursuant to this subsection must be maintained at one or more offices located in this State or by computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original.

2. An employee of a private carrier who is not licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a self-insured employer or an association of self-insured public or private employers may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS only from one or more offices located in this State. All records concerning a claim administered pursuant to this subsection must be maintained in those offices.

3. The Commissioner may:
(a) Under exceptional circumstances, waive the requirements of subsections 1 and 2; and

(b) Adopt regulations to carry out the provisions of this section.

Sec. 3. NRS 616B.021 is hereby amended to read as follows:

616B.021 1. An insurer shall ~~provide access to~~ **make** the files of claims **available for inspection and reproduction:**

(a) At an office operated by the insurer or its third-party administrator located in its office, this State; or

(b) By electronic means.

2. The physical records in a file concerning a claim filed in this State may be kept at ~~an office located~~ **a location** outside this State if all records in the

file are ~~accessible~~ **made available for inspection and reproduction** at ~~offices~~ **an office operated by the insurer or its third-party administrator that is** located in this State ~~for~~ **or by** computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during regular business hours within 24 hours after requested by the employee or the employee's designated agent, the employer or the employer's designated agent, or the Administrator or the Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.

3. Upon request, the insurer shall make copies or other reproductions of anything in the file and may charge a reasonable fee for this service. Copies or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.

4. The Administrator may adopt regulations concerning the:

- (a) Maintenance of records in a file on claims that are open or closed; and
- (b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.

5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 4. NRS 616B.027 is hereby amended to read as follows:

616B.027 1. Every insurer shall:

(a) Provide an office in this State operated by the insurer or its third-party administrator in which:

(1) A complete file, **or a reproduction of the complete file**, of each claim is accessible, in accordance with the provisions of NRS 616B.021;

(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS, may receive information related to a claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS; and

(3) An employee or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021.

(b) Provide statewide toll-free telephone service to the office maintained pursuant to paragraph (a). ~~for accept collect calls from injured employees.~~

2. Each private carrier shall provide:

- (a) Adequate services to its insured employers in controlling losses; and
- (b) Adequate information on the prevention of industrial accidents and occupational diseases.

3. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier who administers a claim arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location outside of this State pursuant to subsection 1 of section 2 of this act shall make himself or herself available to communicate in real time with the claimant or a representative of the claimant Monday through Friday, 9 a.m. to 5 p.m. local time in this State, excluding any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 5. NRS 616B.503 is hereby amended to read as follows:

616B.503 1. A person shall not act as a third-party administrator for an insurer without a certificate issued by the Commissioner pursuant to NRS 683A.08524.

2. A person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS shall:

~~(a) Administer from one or more offices located in this State all of the claims arising under each plan of insurance that the person administers and maintain in those offices all of the records concerning those claims;~~

~~—(b)—~~ Administer each plan of insurance directly, without subcontracting with another third-party administrator; and

~~(c)~~ **(b)** Upon the termination of the person's contract with an insurer, transfer forthwith to a certified third-party administrator chosen by the insurer all of the records in the person's possession concerning claims arising under the plan of insurance.

3. The Commissioner may, under exceptional circumstances, waive the requirements of subsection 2.

Sec. 6. NRS 616B.506 is hereby amended to read as follows:

616B.506 The Commissioner shall impose an administrative fine, not to exceed \$1,000 for each violation, and may withdraw the certification of any third-party administrator who:

1. Fails to comply with regulations of the Commissioner regarding reports or other requirements necessary to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

2. Violates any provision of NRS 616B.503, **section 2 of this act** or any regulation adopted by the Commissioner or the Administrator concerning the administration of the plan of insurance.

Sec. 7. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall, not later than 30 days after the end of each calendar quarter, publish and make publicly available on the Internet website of the Division a report containing:

(a) The name of each rating physician or chiropractic physician, listed in alphabetical order by last name, who conducted an examination or evaluation on an injured employee pursuant to NRS 616C.100, 616C.145,

616C.330, 616C.360 or 616C.490 in the immediately preceding calendar quarter; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a), the number of examinations or evaluations that were conducted by the rating physician or chiropractic physician as result of:

(1) The selection of the rating physician or chiropractic physician at random from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490; and

(2) An agreement by an insurer and an injured employee.

2. The Administrator shall retain an archive of each report published pursuant to subsection 1 which is accessible by the public.

Sec. 8. NRS 616C.050 is hereby amended to read as follows:

616C.050 1. An insurer shall provide to each claimant:

(a) Upon written request, one copy of any medical information concerning the claimant's injury or illness.

(b) A statement which contains information concerning the claimant's right to:

(1) Receive the information and forms necessary to file a claim;

(2) Select a treating physician or chiropractic physician and an alternative treating physician or chiropractic physician in accordance with the provisions of NRS 616C.090;

(3) Request the appointment of the Nevada Attorney for Injured Workers to represent the claimant before the appeals officer;

(4) File a complaint with the Administrator;

(5) When applicable, receive compensation for:

(I) Permanent total disability;

(II) Temporary total disability;

(III) Permanent partial disability;

(IV) Temporary partial disability;

(V) All medical costs related to the claimant's injury or disease; or

(VI) The hours the claimant is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;

(6) Receive services for rehabilitation if the claimant's injury prevents him or her from returning to gainful employment;

(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and

(8) Judicial review of any final decision within the time specified by statute.

2. The insurer's statement must include a copy of the form designed by the Administrator pursuant to subsection ~~10~~ **12** of NRS 616C.090 that notifies injured employees of their right to select an alternative treating physician or chiropractic physician. The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.

Sec. 9. NRS 616C.087 is hereby amended to read as follows:

616C.087 1. The Legislature hereby declares that:

(a) The choice of a treating physician or chiropractic physician is a substantive right and substantive benefit of an injured employee who has a claim under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

(b) The injured employees of this State have a substantive right to an adequate choice of physicians and chiropractic physicians to treat their industrial injuries and occupational diseases.

2. Except as otherwise provided in this subsection and subsections 3 and 4, ~~and~~:

(a) The panel maintained by the Administrator pursuant to NRS 616C.090 must not include a physician or chiropractic physician in a discipline or specialization if the physician or chiropractic physician does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization; and

(b) An insurer's list of physicians and chiropractic physicians from which an injured employee may choose pursuant to NRS 616C.090 must include not less than 12 physicians or chiropractic physicians, as applicable, in each of the following disciplines and specializations, without limitation, from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090:

~~((a))~~ **(1)** Orthopedic surgery on spines;

~~((b))~~ **(2)** Orthopedic surgery on shoulders;

~~((c))~~ **(3)** Orthopedic surgery on elbows;

~~((d))~~ **(4)** Orthopedic surgery on wrists;

~~((e))~~ **(5)** Orthopedic surgery on hands;

~~((f))~~ **(6)** Orthopedic surgery on hips;

~~((g))~~ **(7)** Orthopedic surgery on knees;

~~((h))~~ **(8)** Orthopedic surgery on ankles;

~~((i))~~ **(9)** Orthopedic surgery on feet;

~~((j))~~ **(10)** Neurosurgery;

~~((k))~~ **(11)** Neurology;

~~((l))~~ **(12)** Cardiology;

~~((m))~~ **(13)** Pulmonology;

~~((n))~~ **(14)** Psychiatry;

~~((o))~~ **(15)** Pain management;

~~((p))~~ **(16)** Occupational medicine;

~~((q))~~ **(17)** Physiatry or physical medicine;

~~((r))~~ **(18)** General practice or family medicine; and

~~((s))~~ **(19)** Chiropractic medicine.

→ If the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 12 physicians or chiropractic physicians, as applicable, for a discipline or specialization specifically identified in this subsection, all of the physicians or chiropractic

physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

3. For any other discipline or specialization not specifically identified in subsection 2, the insurer's list must include not fewer than 8 physicians or chiropractic physicians, as applicable, unless the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 8 physicians or chiropractic physicians, as applicable, for that discipline or specialization, in which case all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

4. For each county whose population is 100,000 or more, an insurer's list of physicians and chiropractic physicians must include for that county a number of physicians and chiropractic physicians, as applicable, that is not less than the number required pursuant to subsections 2 and 3 and that also maintain in that county:

- (a) An active practice; and
- (b) A physical office.

5. If an insurer fails to maintain a list of physicians and chiropractic physicians that complies with the requirements of subsections 2, 3 and 4, an injured employee may choose a physician or chiropractic physician from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090.

6. Each insurer shall, not later than October 1 of each year, update the list of physicians and chiropractic physicians and file the list with the Administrator. The list must be certified by an adjuster who is licensed pursuant to chapter 684A of NRS.

7. Upon receipt of a list of physicians and chiropractic physicians that is filed pursuant to subsection 6, the Administrator shall:

- (a) Stamp the list as having been filed; and
- (b) Indicate on the list the date on which it was filed.

8. The Administrator shall:

- (a) Provide a copy of an insurer's list of physicians and chiropractic physicians to any member of the public who requests a copy; or
- (b) Post a copy of each insurer's list of physicians and chiropractic physicians on an Internet website maintained by the Administrator and accessible to the public for viewing, printing or downloading.

9. At any time, a physician or chiropractic physician may request in writing that he or she be removed from an insurer's list of physicians and chiropractic physicians. The insurer must comply with the request and omit the physician or chiropractic physician from the next list which the insurer files with the Administrator.

10. A physician or chiropractic physician may not be involuntarily removed from an insurer's list of physicians and chiropractic physicians except for good cause. As used in this subsection, "good cause" means that one or more of the following circumstances apply:

(a) The physician or chiropractic physician has died or is disabled.
(b) The license of the physician or chiropractic physician has been revoked or suspended.

(c) The physician or chiropractic physician has been convicted of:

(1) A felony; or

(2) A crime for a violation of a provision of chapter 616D of NRS.

(d) The physician or chiropractic physician has been removed from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 by the Administrator upon a finding that the physician or chiropractic physician ~~has~~ :

(1) ~~Has~~ failed to comply with the standards for treatment of industrial injuries or occupational diseases as established by the Administrator ~~It~~ ; or

(2) **Does not accept and treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS.**

11. Unless a physician or chiropractic physician, as applicable, is removed from an insurer's list of physicians and chiropractic physicians pursuant to subsection 10, an injured employee may continue to receive treatment from that physician or chiropractic physician even if:

(a) The employer of the injured employee changes insurers or administrators.

(b) The physician or chiropractic physician is no longer included in the applicable insurer's list of physicians and chiropractic physicians, provided that the physician or chiropractic physician agrees to continue to accept compensation for that treatment at the rates which:

(1) Were previously agreed upon when the physician or chiropractic physician was most recently included in the list; or

(2) Are newly negotiated but do not exceed the amounts provided under the fee schedule adopted by the Administrator.

12. The Administrator shall adopt regulations prescribing the form in which a list of physicians and chiropractic physicians created by an employer, insurer or third-party administrator pursuant to this section must be maintained. The Administrator shall require that any such list be in a format which is easily searchable, including, without limitation, an indexed database, a portable document format, a spreadsheet with data that may be filtered, a comma-separated values file or any other comparable format.

Sec. 10. NRS 616C.090 is hereby amended to read as follows:

616C.090 1. The Administrator shall establish, maintain and update not less frequently than annually on or before July 1 of each year, a panel of physicians and chiropractic physicians who have demonstrated special competence and interest in industrial health to treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS. The Administrator shall maintain the following information relating to each physician and chiropractic physician on the panel:

(a) The name of the physician or chiropractic physician.

(b) The title or degree of the physician or chiropractic physician.

(c) The legal name of the practice of the physician or chiropractic physician and the name under which the practice does business.

(d) The street address of the location of every office of the physician or chiropractic physician.

(e) The telephone number of every office of the physician or chiropractic physician.

(f) Every discipline and specialization practiced by the physician or chiropractic physician.

(g) Every condition and part of the body which the physician or chiropractic physician will treat.

2. Every employer whose insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 shall maintain a list of those physicians and chiropractic physicians on the panel who are reasonably accessible to his or her employees.

3. An injured employee whose employer's insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 may choose a treating physician or chiropractic physician from the panel of physicians and chiropractic physicians. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician from the panel if the choice is made within 90 days after his or her injury. The insurer shall notify the first physician or chiropractic physician in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractic physician must be reimbursed only for the services the physician or chiropractic physician, as applicable, rendered to the injured employee up to and including the date of notification. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is on the panel. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list.

4. An injured employee whose employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 must choose a treating physician or chiropractic physician pursuant to the terms of that contract. If the injured employee is not

satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract without the approval of the insurer if the choice is made within 90 days after his or her injury. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. If the injured employee, after choosing a treating physician or chiropractic physician, moves to a county which is not served by the organization for managed care or providers of health care named in the contract and the insurer determines that it is impractical for the injured employee to continue treatment with the physician or chiropractic physician, the injured employee must choose a treating physician or chiropractic physician who has agreed to the terms of that contract unless the insurer authorizes the injured employee to choose another physician or chiropractic physician. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care pursuant to NRS 616B.527, as appropriate. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list. If the employee fails to select a physician or chiropractic physician, the insurer may select a physician or chiropractic physician with that specialization. If a physician or chiropractic physician with that specialization is not available pursuant to the terms of the contract, the organization for managed care or the provider of health care may select a physician or chiropractic physician with that specialization.

5. If the injured employee is not satisfied with the physician or chiropractic physician selected by himself or herself or by the insurer, the organization for managed care or the provider of health care pursuant to subsection 4, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract. A change in the treating physician or chiropractic physician may be made at any time but is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the insurer denies a request for a change in the treating physician or chiropractic physician under

this subsection, the insurer must include in a written notice of denial to the injured employee the specific reason for the denial of the request.

6. Except when emergency medical care is required and except as otherwise provided in NRS 616C.055, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractic physician or other person selected by the injured employee in disregard of the provisions of this section or for any compensation for any aggravation of the injured employee's injury attributable to improper treatments by such physician, chiropractic physician or other person.

7. The Administrator may order necessary changes in a panel of physicians and chiropractic physicians and shall ~~suspend~~:

(a) Suspend or remove any physician or chiropractic physician from a panel for good cause shown in accordance with NRS 616C.087 ~~1-4~~; and

(b) Remove from being included on a panel as a practitioner of a discipline or specialization any physician or chiropractic physician who does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization.

8. Any interested person may notify the Administrator, on a form prescribed by the Administrator, if the person believes that a physician or chiropractic physician does not accept and treat injured employees:

(a) Under chapters 616A to 616D, inclusive, or chapter 617 of NRS for industrial injuries or occupational diseases; or

(b) For industrial injuries or occupational diseases in a discipline or specialization for which the physician or chiropractic physician is included on a panel of physicians and chiropractic physicians maintained by the Administrator pursuant to this section.

9. If the Administrator receives notice pursuant to subsection 8, the Administrator shall:

(a) Conduct an investigation to determine whether the physician or chiropractic physician may remain on the panel for a discipline or specialization; and

(b) Publish or cause to be published on the Internet website of the Division not later than 90 days after receiving the notice the results of the investigation.

10. A physician or chiropractic physician who is removed from a panel as a practitioner of a discipline or specialization pursuant to paragraph (b) of subsection 7 may request, on a form prescribed by the Administrator, to be reinstated on a panel for that discipline or specialization if the physician or chiropractic physician demonstrates to the satisfaction of the Administrator that he or she accepts and treats injured employees for that discipline or specialization.

11. An injured employee may receive treatment by more than one physician or chiropractic physician:

- (a) If the insurer provides written authorization for such treatment; or
- (b) By order of a hearing officer or appeals officer.

~~10.1~~ **12.** The Administrator shall design a form that notifies injured employees of their right pursuant to subsections 3, 4 and 5 to select an alternative treating physician or chiropractic physician and make the form available to insurers for distribution pursuant to subsection 2 of NRS 616C.050.

Sec. 11. NRS 616C.100 is hereby amended to read as follows:

616C.100 1. If an injured employee disagrees with the percentage of disability determined by a physician or chiropractic physician, the injured employee may obtain a second determination of the percentage of disability. If the employee wishes to obtain such a determination, the employee must select the ~~(next)~~ physician or chiropractic physician ~~(in rotation)~~ **at random** from the list of qualified physicians or chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490. If a second determination is obtained, the injured employee shall pay for the determination. If the physician or chiropractic physician selected to make the second determination finds a higher percentage of disability than the first physician or chiropractic physician, the injured employee may request a hearing officer or appeals officer to order the insurer to reimburse the employee pursuant to the provisions of NRS 616C.330 or 616C.360.

2. The results of a second determination made pursuant to subsection 1 may be offered at any hearing or settlement conference.

Sec. 12. NRS 616C.145 is hereby amended to read as follows:

616C.145 1. An injured employee may obtain an independent medical examination:

(a) Except as otherwise provided in subsections 2 and 3, whenever a dispute arises from a determination issued by the insurer regarding the approval of care, the direction of a treatment plan or the scope of the claim;

(b) Within 30 days after an injured employee receives any report generated pursuant to a medical examination requested by the insurer pursuant to NRS 616C.140; or

(c) At any time by leave of a hearing officer or appeals officer after the denial of any therapy or treatment.

2. An injured employee is entitled to an independent medical examination pursuant to paragraph (a) of subsection 1 only:

(a) For a claim for compensation that is open;

(b) When the closure of a claim for compensation is under dispute pursuant to NRS 616C.235; or

(c) When a hearing or appeal is pending pursuant to NRS 616C.330 or 616C.360.

3. An injured employee is entitled to only one independent medical examination per calendar year pursuant to paragraph (a) of subsection 1.

4. Except as otherwise provided in subsection 5, an independent medical examination must not involve treatment and must be conducted by a physician or chiropractic physician selected by the injured employee from the panel of

physicians and chiropractic physicians established pursuant to subsection 1 of NRS 616C.090.

5. ~~If the dispute concerns the rating of a permanent disability,]~~ **An injured employee is entitled to request an independent medical examination [may be conducted by a rating physician or chiropractic physician.] pursuant to paragraph (a) of subsection 1 for a permanent partial disability to determine if the injured employee has a ratable impairment or, if the injured employee is seeking to dispute an initial rating determination, to obtain a second rating.** The injured employee must select the ~~[next]~~ rating physician or chiropractic physician ~~[in rotation]~~ **at random** from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. **Nothing in this subsection shall be construed to prohibit an injured employee from obtaining a determination for a permanent partial disability pursuant to NRS 616C.100.**

6. The insurer shall:

(a) Pay the costs of any independent medical examination conducted pursuant to this section in accordance with ~~[NRS 616C.260;]~~ **subsection 7;** and

(b) Upon request, receive a copy of any report or other document that is generated as a result of the independent medical examination.

7. **The rates of reimbursement for an independent medical examination conducted pursuant to this section must be:**

(a) For an independent medical examination other than an independent medical examination conducted pursuant to subsection 5, the rates applicable to independent medical examinations, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

(b) For an independent medical examination conducted pursuant to subsection 5, the rates applicable to a permanent partial disability, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

8. **If an injured employee requests an independent medical examination pursuant to subsection 5 to obtain a second rating and the second rating does not result in a higher percentage of disability than the initial rating determination, the insurer may recover the cost of the independent medical examination, determined in accordance with the rates of reimbursement specified in paragraph (b) of subsection 7, from the amount of the award for permanent partial disability that the injured employee is entitled to be paid for that claim pursuant to NRS 616C.490.**

9. The provisions of this section do not apply to an independent medical examination ordered by a hearing officer pursuant to subsection 3 of NRS 616C.330 or by an appeals officer pursuant to subsection 3 of NRS 616C.360.

Sec. 13. **NRS 616C.266 is hereby amended to read as follows:**

616C.266 1. An insurer, including an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an annual increase in compensation for a permanent total disability to a claimant or a dependent of a claimant pursuant to subsection 2 of NRS 616C.473 is entitled to be reimbursed for the amount of that increase in accordance with this section if the insurer provides to the Administrator all of the following:

(a) The name of the claimant or dependent of a claimant to whom the insurer paid the increase in compensation.

(b) The claim number under which the compensation for a permanent total disability was paid to the claimant or dependent of a claimant.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the permanent total disability of the injured employee.

(d) The date on which the disability of the injured employee was determined or deemed to be total and permanent.

(e) The amount of the compensation for a permanent total disability to which the claimant or dependent of a claimant was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in compensation for a permanent total disability.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the items required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement for payments of increases in compensation for permanent total disability which were made in the immediately preceding calendar year.

3. ~~Any~~ If an insurer ~~may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by~~ complies with subsection 2, the Administrator ~~it~~ shall:

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. ~~Any~~ A person who is aggrieved by a written determination of the Administrator ~~approves an insurer's request for reimbursement,~~ pursuant to this section may appeal the ~~Administrator must withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in that Account that is necessary to reimburse~~ determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after the insurer or employer for ~~date on which the insurer receives notice of the increase in compensation paid to claimants and dependents pursuant to subsection 2 of NRS 616C.473. If the income realized from the~~

~~investment of the assets in the Account is insufficient to pay such reimbursement, the Administrator must pay the remainder of the reimbursement from the assessments levied by the Administrator pursuant to NRS 232.680.] Administrator's determination.~~

5. The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, subject to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in compensation for a permanent total disability pursuant to subsection 1.

8. In an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer, the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement under this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 14. NRS 616C.268 is hereby amended to read as follows:

616C.268 1. An insurer, including, without limitation, an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an increase in death benefits to a widow, widower, surviving child or surviving dependent parent pursuant to NRS 616C.508 is entitled to be reimbursed for the amount of that increase from the Fund for Workers' Compensation and Safety if the insurer provides to the Administrator all of the following:

(a) The name of the widow, widower, surviving child or surviving dependent parent to whom the insurer paid the increase in death benefits.

(b) The claim number under which death benefits were paid to the widow, widower, surviving child or surviving dependent parent.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the eligibility of the widow, widower, surviving child or surviving dependent parent for death benefits.

(d) The date of the death of the injured employee who is the:

- (1) Spouse of the widow or widower;
- (2) Parent of the surviving child; or
- (3) Child of the surviving dependent parent.

(e) The amount of the death benefit to which the widow, widower, surviving child or surviving dependent parent was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in death benefits.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the information required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement pursuant to this section for payments of increases in death benefits which were made in the immediately preceding calendar year.

3. ~~3. If an insurer may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by~~ complies with subsection 2, the Administrator shall:

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. A person who is aggrieved by a written determination of the Administrator pursuant to this section may appeal the determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after the date on which the insurer receives notice of the Administrator's determination.

5. The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, subject to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in death benefits pursuant to subsection 1.

8. If an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement made pursuant to this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 15. NRS 616C.330 is hereby amended to read as follows:

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his or her receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may order an independent medical examination, which must not involve treatment, and refer the employee to a physician or chiropractic physician of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractic physician is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractic physician. The rating physician or chiropractic physician must be selected ~~(in rotation)~~ **at random** from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractic physician. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. The hearing officer may consider the opinion of an examining physician, chiropractic physician, physician assistant or advanced practice registered nurse, in addition to the opinion of an authorized treating physician, chiropractic physician, physician assistant or advanced practice registered nurse, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractic physician for such service, whichever is less.

6. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

8. The hearing officer shall render his or her decision within 15 days after:

(a) The hearing; or

(b) The hearing officer receives a copy of the report from the medical examination the hearing officer requested.

9. The hearing officer shall render a decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.

10. The hearing officer shall give notice of the decision to each party by mail. The hearing officer shall include with the notice of the decision the necessary forms for appealing from the decision.

11. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.

12. References to a physician assistant and an advanced practice registered nurse in this section are for the purposes of the examination and treatment of an injured employee which are authorized to be provided by a physician assistant or advanced practice registered nurse in the exclusive context of an initial examination and treatment pursuant to NRS 616C.010.

Sec. 16. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him or her on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Order an independent medical examination and refer the employee to a physician or chiropractic physician of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractic physician is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractic physician. The rating physician or chiropractic physician must be selected ~~(in rotation)~~ **at random** from the list of qualified physicians or chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an independent review organization, submit the matter to an independent review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. The appeals officer may consider the opinion of an examining physician, chiropractic physician, physician assistant or advanced practice registered nurse, in addition to the opinion of an authorized treating physician, chiropractic physician, physician assistant or advanced practice registered nurse, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractic physician for such service, whichever is less.

6. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. Any party to the appeal or contested case or the appeals officer may order a transcript of the record of the hearing at any time before the seventh

day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

8. Except as otherwise provided in subsection 9, the appeals officer shall render a decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

9. The appeals officer shall render a decision on a contested claim submitted pursuant to subsection 2 of NRS 616C.345 within 15 days after:

(a) The date of the hearing; or

(b) If the appeals officer orders an independent medical examination, the date the appeals officer receives the report of the examination,

↪ unless both parties to the contested claim agree to a later date.

10. The appeals officer may affirm, modify or reverse any decision made by a hearing officer and issue any necessary and proper order to give effect to his or her decision.

11. References to a physician assistant and an advanced practice registered nurse in this section are for the purposes of the examination and treatment of an injured employee which are authorized to be provided by a physician assistant or advanced practice registered nurse in the exclusive context of an initial examination and treatment pursuant to NRS 616C.010.

Sec. 17. NRS 616C.490 is hereby amended to read as follows:

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, “disability” and “impairment of the whole person” are equivalent terms.

2. Except as otherwise provided in subsection 3:

(a) Within 30 days after receiving from a physician or chiropractic physician a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractic physician selected pursuant to this subsection to determine the extent of the employee’s disability.

(b) Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician:

(1) The insurer shall select the rating physician or chiropractic physician from the list of qualified rating physicians and chiropractic physicians designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association’s Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

(2) Rating physicians and chiropractic physicians must be selected ~~from~~ at random from the list of qualified physicians and chiropractic

physicians designated by the Administrator ~~[, according to their area of specialization and the order in which their names appear on the list]~~ unless the ~~[next]~~ physician or chiropractic physician **who is selected** is currently an employee of the insurer making the selection, in which case ~~[the insurer must select the]~~ **another random selection must be made until a** physician or chiropractic physician ~~[who is next on the list and]~~ who is not currently an employee of the insurer ~~[.] is selected.~~

(3) A rating physician or chiropractic physician selected pursuant to subparagraph (1) or (2) may decline the selection if he or she believes he or she does not have the ability to rate the disability at issue.

3. Notwithstanding any other provision of law, an injured employee or the legal representative of an injured employee may, at any time, without limitation, request that the Administrator select a rating physician or chiropractic physician from the list of qualified physicians and chiropractic physicians designated by the Administrator. The Administrator, upon receipt of the request, shall immediately select for the injured employee the rating physician or chiropractic physician ~~[who is next in rotation on]~~ **at random from** the list ~~[, according to the area of specialization.]~~

4. If an insurer contacts a treating physician or chiropractic physician to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractic physician that portion or a summary of that portion of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.

5. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractic physician is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

➡ The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.

6. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180, no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.

7. The rating physician or chiropractic physician shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which the employee is entitled pursuant to this section; or

(b) That the employee is not entitled to benefits for permanent partial disability.

8. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

↪ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

9. Compensation benefits may be paid annually to claimants who will be receiving less than \$100 a month.

10. If there is a previous disability, the percentage of disability for a subsequent injury must be determined pursuant to NRS 616C.099.

11. In the event of a dispute over an award of compensation for permanent partial disability, the insurer shall commence making installment payments to the injured employee for that portion of the award that is not in dispute:

(a) Not later than the date by which such payment is required pursuant to subsection 8 or 9, as applicable; and

(b) Without requiring the injured employee to make an election whether to receive his or her compensation in installment payments or in a lump sum.

12. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

13. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

14. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

15. The Administrator shall prepare and publish on the Internet website of the Division an annual report which contains:

(a) The name of each rating physician or chiropractic physician who was selected in the immediately preceding year to conduct an evaluation to determine the extent of an employee's disability pursuant to this section; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a):

(1) The number of times the rating physician or chiropractic physician was selected to conduct an evaluation to determine the extent of an employee's disability; and

(2) The number of evaluations that the rating physician or chiropractic physician completed.

Sec. 18. NRS 616C.495 is hereby amended to read as follows:

616C.495 1. Except as otherwise provided in NRS 616C.380, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his or her compensation in a lump sum. A claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616C.505, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(d) Any claimant injured on or after July 1, 1995, and before January 1, 2016, who incurs a disability that:

(1) Does not exceed 25 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 25 percent may:

(I) Elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

(II) To the extent that the insurer has offered to provide compensation in a lump sum up to the present value of an award for disability of 30 percent, elect to receive his or her compensation in a lump sum up to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(e) Any claimant injured on or after January 1, 2016, and before July 1, 2017, who incurs a disability that:

(1) Does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(f) Any claimant injured on or after July 1, 2017, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of up to 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(g) If the permanent partial disability rating of a claimant seeking compensation pursuant to this section would, when combined with any previous permanent partial disability rating of the claimant that resulted in an award of benefits to the claimant, result in the claimant having a total permanent partial disability rating in excess of 100 percent, the claimant's disability rating upon which compensation is calculated must be reduced by such percentage as required to limit the total permanent partial disability rating of the claimant for all injuries to not more than 100 percent.

2. If the claimant elects to receive his or her payment for a permanent partial disability in a lump sum pursuant to subsection 1, all of the claimant's benefits for compensation terminate. Except as otherwise provided in paragraph (d), the claimant's acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting the claimant waives all of his or her rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his or her disability, except:

(a) The right of the claimant to:

(1) Reopen his or her claim in accordance with the provisions of NRS 616C.390; or

(2) Have his or her claim considered by his or her insurer pursuant to NRS 616C.392;

(b) Any counseling, training or other rehabilitative services provided by the insurer;

(c) The right of the claimant to receive a benefit penalty in accordance with NRS 616D.120; and

(d) The right of the claimant to conclude or resolve any contested matter which is pending at the time that the claimant executes his or her election to receive his or her payment for a permanent partial disability in a lump sum. The provisions of this paragraph do not apply to:

(1) The scope of the claim;

(2) The claimant's stable and ratable status; and

(3) The claimant's average monthly wage.

3. The claimant, when he or she demands payment in a lump sum pursuant to subsection 2, must be provided with a written notice which prominently displays a statement describing the effects of accepting payment in a lump sum of an entire permanent partial disability award, any portion of such an award or any uncontested portion of such an award, and that the claimant has 20 days after the mailing or personal delivery of the notice within which to retract or reaffirm the demand, before payment may be made and the claimant's election becomes final.

4. Any lump-sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

5. Except as otherwise provided in this subsection, the total lump-sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his or her permanent partial disability before electing to receive payment for that disability in a lump sum, the lump-sum payment must be calculated for the remaining payment of compensation.

6. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection 8 of NRS 616C.490 and actuarial annuity tables adopted by the Division. The tables must be reviewed annually by a consulting actuary and must be adjusted accordingly on July 1 of each year by the Division using:

(a) The most recent unisex "Static Mortality Tables for Defined Benefit Pension Plans" published by the Internal Revenue Service; and

(b) The average 30-Year Treasury Constant Maturity Rate for March of the current year as reported by the Board of Governors of the Federal Reserve System.

7. **To calculate the present value of a lump sum payable to a claimant, the insurer shall use the actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant elects payment in a lump sum.**

8. If a claimant would receive more money by electing to receive compensation in a lump sum than the claimant would if he or she receives installment payments, the claimant may elect to receive the lump-sum payment.

Sec. 19. Chapter 616D of NRS is hereby amended by adding thereto a new section to read as follows:

1. ***If the Administrator orders an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay a benefit penalty pursuant to NRS 616D.120, the Administrator shall post on the Internet website of the Division:***

(a) The full legal name of the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization;

(b) The amount of the benefit penalty imposed; and

(c) A brief description of the violation for which the benefit penalty was imposed.

2. The information required by subsection 1 must:

(a) Be published not more than 30 days after the date on which the time for taking an appeal on the order to impose the benefit penalty has elapsed or the date on which all appeals regarding the order have been exhausted and the order to impose the benefit penalty has been upheld, whichever is later.

(b) Remain posted on the Internet website of the Division for not less than 5 years after the date on which it is initially posted.

3. The Administrator shall establish and maintain on the Internet website of the Division a database which:

(a) Contains the information required by subsection 1;

(b) Is publicly accessible;

(c) Is searchable; and

(d) Is updated regularly.

Sec. 20. NRS 616D.120 is hereby amended to read as follows:

616D.120 1. Except as otherwise provided in this section, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has:

(a) Induced a claimant to fail to report an accidental injury or occupational disease;

(b) Without justification, persuaded a claimant to:

(1) Settle for an amount which is less than reasonable;

(2) Settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(3) Accept less than the compensation found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(c) Refused to pay or unreasonably delayed payment to a claimant of compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or the Division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or the Division has been lifted;

(d) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) Failed to comply with the Division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(g) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165;

(h) Engaged in a pattern of untimely payments to injured employees; or

(i) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS, ➡ the Administrator shall impose an administrative fine of \$1,500 for each initial violation, or a fine of \$15,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the Administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the Division;

or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

➡ The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. The provisions of this section do not authorize the Administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:

(1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).

↪ The fine imposed must not be greater than \$375 for an initial violation, or more than \$3,000 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the Administrator within 30 days after the date of the order.

3. If the Administrator determines that a violation of any of the provisions of paragraphs (a) to (e), inclusive, (h) or (i) of subsection 1 has occurred, the Administrator shall order the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay to the claimant a benefit penalty:

(a) Except as otherwise provided in paragraph (b), in an amount that is not less than ~~[\$5,000]~~ **\$17,000** and not greater than ~~[\$50,000]~~ **\$120,000**; or

(b) Of \$3,000 if the violation involves a late payment of compensation or other relief to a claimant in an amount which is less than \$500 or which is not more than 14 days late.

4. To determine the amount of the benefit penalty, the Administrator shall consider the degree of physical harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties, other than a benefit penalty described in paragraph (b) of subsection 3, previously imposed against the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization pursuant to this section. The Administrator shall also consider the degree of economic harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1. Except as otherwise provided in this section, the benefit penalty is for the benefit of the claimant and must be paid directly to the claimant within ~~10~~ **15** days after the date of the Administrator's determination. If the claimant is the injured employee and the claimant dies before the benefit penalty is paid to him or her, the benefit penalty must be paid to the estate of the claimant. Proof of the payment of the benefit penalty must be submitted to the Administrator within ~~10~~ **15** days after the date of the Administrator's determination unless an appeal is filed pursuant to NRS 616D.140 ~~1~~ **and a stay has been granted**. Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection. To determine the amount of the benefit penalty in cases of multiple violations occurring within a certain period of time, the Administrator shall adopt regulations which take into consideration:

(a) The number of violations within a certain number of years for which a benefit penalty was imposed; and

(b) The number of claims handled by the insurer, organization for managed care, health care provider, third-party administrator, employer or professional

employer organization in relation to the number of benefit penalties previously imposed within the period of time prescribed pursuant to paragraph (a).

5. In addition to any fine or benefit penalty imposed pursuant to this section, the Administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures or premiums received that are used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

6. If:

(a) The Administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The Fraud Control Unit for Industrial Insurance of the Office of the Attorney General established pursuant to NRS 228.420 notifies the Administrator that the Unit will not prosecute the person for that violation, ➤ the Administrator shall impose an administrative fine of not more than \$15,000.

7. Two or more fines of \$1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the Commissioner as evidence for the withdrawal of:

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

8. The Commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

9. If the Administrator determines that a vocational rehabilitation counselor has violated the provisions of NRS 616C.543, the Administrator may impose an administrative fine on the vocational rehabilitation counselor of not more than \$250 for a first violation, \$500 for a second violation and \$1,000 for a third or subsequent violation.

10. The Administrator may make a claim against the bond required pursuant to NRS 683A.0857 for the payment of any administrative fine or benefit penalty imposed for a violation of the provisions of this section.

Sec. 21. NRS 616D.130 is hereby amended to read as follows:

616D.130 1. Upon receipt of a complaint for a violation of subsection 1, 2 or 3 of NRS 616D.120, or if the Administrator has reason to believe that such a violation has occurred, the Administrator shall ~~cause~~ :

(a) Promptly provide a copy of the complaint, or an explanation of the reason the Administrator believes that a violation has occurred to :

(1) The Commissioner; and

(2) The insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization that allegedly committed the violation; and

(b) Cause to be conducted an investigation of the alleged violation. ~~Except as otherwise provided in subsection 2, the~~

2. The Administrator shall ~~within~~ :

(a) Within 30 days after ~~initiating the~~ receipt of a complaint, initiate an investigation ~~;~~

~~—(a) Render~~ ;

(b) Within 60 days after the date on which the investigation is initiated, complete the investigation; and

(c) Within 30 days after the investigation is completed, render a determination ~~;~~ and deliver a copy of the determination to:

(1) The Commissioner; and

(2) The insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization that was the subject of the investigation.

3. The determination **rendered pursuant to subsection 2** must include the Administrator's findings of fact, **any settlement agreement on the matter** and, if the Administrator determines that a violation has occurred, one or more of the following:

~~1.~~ **(a)** The amount of any fine required to be paid pursuant to NRS 616D.120.

~~2.~~ **(b)** The amount of any benefit penalty required to be paid to a claimant pursuant to NRS 616D.120.

~~3.~~ **(c)** A plan of corrective action to be taken by the insurer, organization for managed care, health care provider, third-party administrator or employer, including the manner and time within which the violation must be corrected.

~~4.~~ **(d)** A requirement that notice of the violation be given to the appropriate agency that regulates the activities of the violator.

~~(b) Notify the Commissioner if the Administrator determines that a violation was committed by a self-insured employer, association of self-insured public or private employers or third-party administrator.~~

~~2. Upon receipt of a complaint for any violation of paragraph (a), (b), (c) or (d) of subsection 1 of NRS 616D.120, or if the Administrator has reason to believe that such a violation has occurred, the Administrator shall complete the investigation required by subsection 1 within 60 days and, within 30 days after the completion of the investigation, render a determination and notify the Commissioner if the Administrator determines that a violation was committed by a self-insured employer, association of self-insured public or private employers or third-party administrator.~~

~~3.~~ **4.** If, based upon the Administrator's findings of fact, the Administrator determines that a violation has not occurred, the Administrator shall issue a determination to that effect.

Sec. 22. NRS 616D.140 is hereby amended to read as follows:

616D.140 1. If a person wishes to contest a decision of the Administrator to impose or refuse to impose a benefit penalty pursuant to NRS 616D.120, the person must file a notice of appeal with an appeals officer in accordance with this section. The notice of appeal must set forth the reasons the proposed benefit penalty should or should not be imposed.

2. A person who is aggrieved by:

(a) A written determination of the Administrator; or

(b) The failure of the Administrator to respond within ~~190~~ **120** days to a ~~written request mailed to~~ **complaint filed pursuant to NRS 616D.130 and received by** the Administrator ~~by~~ **from** the person who is aggrieved,

↪ may appeal from the determination or failure to respond by filing a request for a hearing before an appeals officer. The request must be filed within 30 days after the date on which the notice of the Administrator's determination was mailed by the Administrator or within ~~140~~ **150** days after the date on which the unanswered ~~written request was mailed to~~ **complaint was received by** the Administrator, as applicable. The failure of the Administrator to respond ~~to a written request for a determination~~ within ~~190~~ **120** days after receipt of the ~~request~~ **complaint** shall be deemed by the appeals officer to be a denial of the request—rejection of any allegation of a violation of subsection 1, 2 or 3 of NRS 616D.120 set forth in the complaint. After the expiration of the 120-day period after receipt of the complaint, the Administrator shall have no further jurisdiction to issue a determination concerning the complaint, and only the appeals officer shall have jurisdiction over the decision to impose or refuse to impose the benefit penalty.

3. If a notice of appeal is not filed as required by this section, the imposition of or refusal to impose the benefit penalty shall be deemed a final order and is not subject to review by any court or agency.

4. A hearing held pursuant to this section must be conducted by the appeals officer as a hearing de novo. The appeals officer shall render a written decision on the appeal. Except as otherwise provided in this section, the provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this section.

5. A benefit penalty imposed pursuant to NRS 616D.120 must be paid to the claimant on whose behalf it is imposed. If such a payment is not made within the period required by NRS 616D.120, the benefit penalty may be recovered in a civil action brought by the Administrator on behalf of the claimant in a court of competent jurisdiction in the county in which the claimant resides, in which the violation occurred or in which the person who is required to pay the benefit penalty has his or her principal place of business.

6. Any party aggrieved by a decision issued pursuant to this section by an appeals officer may appeal the decision directly to the district court.

7. ***If an appeals officer or district court renders a decision upholding the imposition of a benefit penalty, the insurer, organization for managed care, health care provider, third-party administrator, employer or professional***

employer organization upon which the benefit penalty is imposed shall, not later than 30 days after the date on which the decision is rendered, unless an appeal is filed and a stay has been granted, pay to the claimant the benefit penalty in an amount equal to twice the amount of the benefit penalty initially imposed.

8. If a claimant enters into a settlement agreement with an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization concerning the amount of a benefit penalty owed to the claimant, the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization shall pay directly to the claimant the amount agreed upon in the settlement agreement not later than 15 days after the date on which the settlement agreement is made.

9. If an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization fails to pay a benefit penalty to a claimant within the time limits imposed by this section or subsection 4 of NRS 616D.120, the Commissioner may suspend, pending an investigation or any other disciplinary action, any certificate issued by the Commissioner to the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization, as applicable.

Sec. 23. The amendatory provisions of sections ~~14~~ 19 to ~~14~~ 22, inclusive, of this act apply only with respect to claims which are filed on or after January 1, 2024.

Sec. 24. 1. This section and section ~~15~~ 23 of this act become effective upon passage and approval.

2. Sections 1 to ~~14~~ 22, 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.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 24, 246, and 274 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 24.

Bill read third time.

Roll call on Senate Bill No. 24:

YEAS—42.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 246.

Bill read third time.

Roll call on Senate Bill No. 246:

YEAS—23.

NAYS—DeLong, Dickman, D'Silva, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, La Rue Hatch, McArthur, Newby, O'Neill, Orentlicher, Thomas, Yurek—19.

Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Roll call on Senate Bill No. 274:

YEAS—42.

NAYS—None.

Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 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. 192, Amendments Nos. 924, 983; Assembly Bill No. 257, Amendment No. 962; Assembly Bill No. 286, Amendment No. 974; Assembly Bill No. 428, Amendment No. 982; Assembly Bill No. 519, Amendment No. 973; Assembly Bill No. 525, Amendment No. 988; Assembly Bill No. 526, Amendment No. 978, 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. 431.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 10 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 10.

Bill read third time.

Roll call on Senate Bill No. 10:

YEAS—30.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill—12.

Senate Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

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

Assembly in recess at 10:11 p.m.

ASSEMBLY IN SESSION

At 10:32 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 49, 305.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 428.

The following Senate amendment was read:

Amendment No. 982.

CONTAINS UNFUNDED MANDATE (§§ 3 ~~01~~, 3.8)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to economic development; requiring the State Treasurer to establish a tuition reimbursement program; creating the Nevada Grown Educator Account to fund the tuition reimbursement program; revising the membership of the Board of Economic Development; requiring the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation to establish and administer a Career Pathways Demonstration Program; requiring the Governor's Office of Workforce Innovation to establish a program for work-based learning

opportunities outside of school; **requiring the Superintendent of Public Instruction to develop a strategic plan for the recruitment of teachers and other licensed educational personnel;** requiring large school districts and authorizing other school districts to offer a Teacher Academy College Pathway Program; **revising the membership of the Commission on Professional Standards in Education; requiring the Commission to adopt certain regulations concerning the licensing of teachers and other educational personnel; authorizing a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned for training purposes as a student teacher, counselor, student social worker or trainee in a library; authorizing a school district and the governing body of a charter school to provide certain professional development training;** authorizing the Board of Regents of the University of Nevada to enter into certain agreements and establish a program to provide information regarding admissions to certain pupils; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation and prescribes the duties of the Office and its Executive Director, which include, without limitation, defining career pathways and identifying priority career pathways for secondary and postsecondary education. (NRS 232.965, 232.975) **Section 2.4** of this bill requires the Governor's Office of Workforce Innovation to establish and administer a Career Pathways Demonstration Program. **Section 2.4** requires the Office to identify not more than three priority industries, including K-12 education, for the development and implementation of career pathways and to take certain steps to implement the Program, including, without limitation, establishing measurable objectives for the outcomes of the Program and implementing a competitive process to select proposals for career pathway projects. **Section 2.4** establishes requirements for proposals for career pathway projects selected by the Office. **Section 7** of this bill requires the Governor's Office of Workforce Innovation to submit certain reports regarding the status of the Career Pathways Demonstration Program. **Section 12** of this bill provides that the provisions of **section 2.4** governing the Career Pathways Demonstration Program expire on June 30, 2028. **Section 6.5** of this bill makes an appropriation to the Office for costs associated with the Career Pathways Demonstration Program. **Section 6.5 also makes an appropriation to the Department of Education for: (1) certain costs associated with an interim study concerning the Praxis II and pedagogy examinations required by section 8 of this bill; and (2) other costs associated with the implementation of this bill, including, without limitation, personnel and travel costs.** **Section 2.5** of this bill requires the Governor's Office of Workforce Innovation to establish a program for work-based learning opportunities outside of school for pupils enrolled in grades 7

to 12, in coordination with the Department of Education. **Section 2.7** of this bill makes a conforming change to indicate the proper placement of **sections 2.4 and 2.5** in the Nevada Revised Statutes.

Existing law creates the Board of Economic Development, which is required to review and make recommendations on various aspects of economic development in Nevada. (NRS 231.033, 231.037) **Section 2** of this bill adds the Superintendent of Public Instruction as a nonvoting member of the Board.

Existing law prescribes the duties of the Superintendent of Public Instruction. (NRS 385.175) Section 2.9 of this bill requires the Superintendent to develop a strategic plan for the recruitment of teachers and other licensed educational personnel and establishes requirements for the contents of the strategic plan.

Section 3 of this bill requires each large school district, meaning a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District), to offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled to enable pupils in grades 9 to 12 to prepare for employment in professions in K-12 education and authorizes a large school district to offer the Program at high schools with fewer than 250 pupils. **Section 3** authorizes a school district which is not a large school district to offer the Program at high schools in the school district. **Section 3** requires a large school district and other school districts which offer the Program to take certain actions to implement the Program. **Section 3** requires the State Board of Education to adopt regulations prescribing the curriculum for the Program and authorizes the State Board to adopt other necessary regulations.

Section 1.7 of this bill requires the State Treasurer to establish a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who completed the Teacher Academy College Pathway Program and who worked as a full-time, licensed teacher for at least 3 consecutive school years at a public school in this State. **Section 1.7** authorizes the State Treasurer to provide partial reimbursement for such tuition charges and fees to a person who completed the Teacher Academy College Pathway Program and who has worked as a full-time, licensed teacher for 1 year or 2 consecutive years. **Section 1.9** of this bill creates the Nevada Grown Educator Account and requires the money in the Account to be used to carry out the program established pursuant to **section 1.7**. **Section 6.7** of this bill makes an appropriation to the Account.

Existing law: (1) creates the Commission on Professional Standards in Education to prescribe qualifications for the licensure of teachers and other educational personnel; and (2) provides that the Commission consists of 11 members who are appointed by the Governor, including a person who has expertise and experience in the operation of a business. (NRS 391.011, 391.019) Section 3.1 of this bill: (1) removes the member who has expertise and experience in the operation of a business; and (2)

adds three members, including the dean of the School of Education at Nevada State College or a representative of the Teacher Education Program at Great Basin College, as well as two human resources professionals from school districts of different enrollment sizes. Section 3.2 of this bill makes a conforming change to refer to provisions that have been renumbered by section 3.1.

Existing law requires the Commission to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel, including regulations governing examinations for the initial licensing of teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. (NRS 391.019, 391.021) Section 3.4 of this bill requires the Commission to adopt regulations that authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics, as prescribed by the Commission, if the applicant completes a course of study approved by the Department of Education with a grade of B or better in each subject area of the competency test that the applicant previously did not pass.

Existing law requires the Commission to adopt regulations prescribing course work on parental involvement and family engagement and multicultural education. (NRS 391.019, 391.0347) Sections 3.3 and 3.6 of this bill require the Commission to establish standards for professional development training which may be used to satisfy such course work requirements. Section 3.8 of this bill requires a school district and the governing body of a charter school to provide professional development training on: (1) parental involvement and family engagement in accordance with the standards adopted by the Commission; and (2) multicultural education in accordance with the standards adopted by the Commission. Section 3.8 requires that such training be provided at no cost to the employee. Section 3.9 of this bill makes a conforming change to indicate the proper placement of section 3.8 in the Nevada Revised Statutes.

Existing law requires the Commission to adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State. (NRS 391.032) Section 3.5 of this bill requires the Commission to adopt regulations that require the Superintendent of Public Instruction to issue a provisional license to teach if a person has graduated with a bachelor's degree or higher and is awaiting conferment of the degree and is otherwise qualified for a license.

Existing law requires the Board of Regents of the University of Nevada to establish a program of student teaching and practicum which allows students to be assigned to a school district as student teachers, counselors or trainees in a library. (NRS 396.519) Existing law authorizes school districts to enter into agreements with certain institutions of higher education for the assignment of students to schools as student teachers,

counselors or trainees in a library. (NRS 391.095) Section 3.7 of this bill authorizes: (1) a governing body of a charter school or university school for profoundly gifted pupils to similarly enter into such agreements; and (2) a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned within the school district for training purposes as a student teacher, counselor, student social worker or trainee in a library.

Section 5 of this bill authorizes the Board of Regents of the University of Nevada to: (1) enter into an agreement with a school district to assist in the implementation of the Teacher Academy College Pathway Program; and (2) establish a program to identify pupils who have completed the Teacher Academy College Pathway Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the Nevada System of Higher Education, and inform such pupils of the institutions within the System where such pupils may qualify for admission.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.7 and 1.9 of this act.

Sec. 1.7. 1. *The State Treasurer shall establish by regulation a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who:*

(a) Completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act; and

(b) Except as otherwise provided in subsection 3, has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years.

2. The program may not provide reimbursement for any tuition charge, registration fee, laboratory fee or any other mandatory fee which was paid or otherwise provided for through a scholarship, financial aid, waiver or similar financial assistance.

3. The State Treasurer may provide partial reimbursement of tuition charges, registration fees, laboratory fees and any other mandatory fees paid by a person who completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act and who has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years in an amount not to exceed, for each year of service at a public school in this State, one-third of the total tuition charges, registration fees, laboratory fees and any other mandatory fees paid by the person to an institution within the Nevada System of Higher Education which are subject

to reimbursement pursuant to this section and the regulations adopted pursuant thereto.

Sec. 1.9. 1. The Nevada Grown Educator Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.

2. The money in the Account must be used to carry out the program established pursuant to section 1.7 of this act.

3. The State Treasurer may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 2. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

(1) The Governor;

(2) The Lieutenant Governor;

(3) The Secretary of State; and

(4) Six members who must be selected from the private sector and appointed as follows:

(I) Three members appointed by the Governor;

(II) One member appointed by the Speaker of the Assembly;

(III) One member appointed by the Majority Leader of the Senate; and

(IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the Senate shall appoint the member for the initial term, the Minority Leader of the Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee;

(2) **The Superintendent of Public Instruction or his or her designee;**

(3) The Director of the Department of Business and Industry; and

~~{(3)}~~ (4) The Director of the Department of Employment, Training and Rehabilitation.

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including, without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 are appointed for terms of 4 years. The initial members of the Board shall by lot select three of the initial members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. The Governor, the Lieutenant Governor or the Secretary of State may designate a person to serve as a member of the Board for the Governor, Lieutenant Governor or Secretary of State, respectively. Any person designated to serve pursuant to this subsection shall serve for the term of the officer appointing him or her and serves at the pleasure of that officer. If the Governor designates a person to serve on his or her behalf, that person shall serve as the Chair of the Board. Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority of the voting members of the Board constitutes a quorum, and the affirmative vote of a majority of the voting members of the Board is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the voting members of the Board.

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 2.3. Chapter 232 of NRS is hereby amended by adding thereto the provisions of sections 2.4 and 2.5 of this act.

Sec. 2.4. 1. *The Governor's Office of Workforce Innovation shall establish and administer a Career Pathways Demonstration Program to develop and implement career pathways that will enable students to prepare for employment in professions which serve the long-term needs of this State. The Office shall identify not more than three priority industries, including, without limitation, K-12 education, for the development and implementation of career pathways as part of the Program.*

2. *In implementing the Program, the Office shall:*

(a) *Establish clear, measurable objectives for the outcomes of the Program which are aligned with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development within the Office of the Governor pursuant to subsection 2 of NRS 231.053, including, without limitation, targets based on reliable data concerning:*

(1) *The number of persons entering the career pathway;*

(2) *The number and percentage of persons completing distinct phases of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway;*

(3) *The number and percentage of participants in a career pathway who obtain high-quality employment in the target industry; and*

(4) *The number and percentage of participants in a career pathway employed for at least 2 years in the target industry.*

(b) *Rely on economic and workforce development data to inform decision-making, including, without limitation:*

(1) *Estimates of the number of high-quality jobs that will be required in this State in the next 5 to 10 years;*

(2) *Projected workforce capacity in relation to the estimates pursuant to subparagraph (1);*

(3) *The number and capacity of existing industry-aligned career pathway programs;*

(4) *Enrollment, participation and completion rates for industry-aligned career pathway programs;*

(5) *Credentialing rates or other industry-aligned indicators of workforce readiness;*

(6) *Industry-aligned, skill-based employee retention rates;*

(7) *The demographic information of the participants in the Program, including, without limitation, race, gender and enrollment at a Title I school; and*

(8) *Other relevant data available through the statewide longitudinal data system maintained by the Executive Director of the Office pursuant to NRS 232.975.*

(c) *Collaborate with school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.*

(d) *Establish criteria for evaluating the performance of career pathway projects and the entities that assist in the development and implementation of career pathway projects, including, without limitation, the Department of Education, school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.*

3. *The Office shall develop and implement a competitive process to select proposals for career pathway projects. Each proposal for a career pathway project selected by the Office must incorporate best practices for career pathway design and address, without limitation:*

(a) *The types of high-quality jobs which the career pathway project will prepare students for, based on a definition of “high-quality job” which shall be developed and promulgated by the Office.*

(b) *The educational opportunities that the project will offer to K-12 pupils and students of the Nevada System of Higher Education which may include, without limitation:*

(1) *Early exposure to career options for pupils in elementary, junior high or middle school;*

(2) *Multiple entry points into the career pathway;*

(3) *Meaningful, practice-based learning opportunities aligned to the career pathway and the workforce priorities within the target industry, including, without limitation, paid work-based learning opportunities;*

(4) *Opportunities for students to receive credentials aligned to the skills and experience needed for employment in the target industry; and*

(5) *Work-based learning opportunities that may be eligible for exemption from federal laws and regulations from which exemptions are available for work-based learning programs for pupils.*

(c) *The practices that will be implemented to recruit students for the career pathway, including, without limitation, practices that will foster equity and the inclusion in the career pathway of students from historically underserved communities.*

(d) *The types of early career guidance, incentives and support that will be offered to participants in the career pathway, which may include, without limitation:*

(1) *Employment opportunities for students who participate in the career pathway, including, without limitation, employer commitments to recruiting students who successfully obtain the qualifications for employment through the career pathway;*

(2) *Professional support and development opportunities for participants early in their career in the target industry, including, without limitation, mentoring; and*

(3) *Financial incentives which eliminate or substantially reduce financial barriers to entry into professions in the target industry.*

(e) *The roles and responsibilities of the persons necessary to develop and implement the career pathway, which may include, without limitation:*

(1) *Program staff;*

(2) *School districts and the Nevada System of Higher Education;*

(3) *Regional development authorities; and*

(4) *Representatives from the target industries.*

(f) *The financial plan for the career pathway project, including, without limitation:*

(1) *The projected 5-year budget for the career pathway project;*

(2) *Existing funding sources for the career pathway project and the amount of funding that the person submitting the proposal will allocate to the project;*

(3) *Anticipated funding sources for the career pathway project; and*

(4) *Any additional funding necessary to implement the career pathway project which is not addressed by the existing funding sources.*

(g) *The goals and anticipated outcomes of the career pathway project, including, without limitation:*

(1) *The target number of total participants in the career pathway project;*

(2) *The target number of participants who will successfully complete each stage of the career pathway, as marked by earning course credit or a*

credential, certificate or other recognized documentation showing progression in the career pathway; and

(3) The target number of participants who will complete the career pathway, regardless of their entry point into the career pathway.

4. The Office may enter into an agreement with the Department of Education to administer the Teacher Academy College Pathway Program offered pursuant to section 3 of this act. Such an agreement may require the Department of Education to administer any local, state or federal funding appropriated or otherwise available to implement the Teacher Academy College Pathway Program.

5. As used in this section, “career pathway” means a series of structured and connected educational opportunities designed to help a person enter or advance within a given occupation or industry sector.

Sec. 2.5. 1. The Governor’s Office of Workforce Innovation shall, in coordination with the Department of Education, establish a program to provide paid and unpaid work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, inclusive.

2. The program must:

(a) Allow pupils involved in work-based learning opportunities to receive elective course credit for the learning opportunities;

(b) Establish criteria to evaluate the program for work-based learning opportunities;

(c) Outline any communication or collaboration needed between the Governor’s Office of Workforce Innovation, the Department of Education and the board of trustees of a school district to implement the program for work-based learning opportunities;

(d) Establish basic requirements for a person or organization to participate in the program for work-based learning opportunities, including, without limitation, conducting background checks on appropriate personnel and providing minimum standards for accountability; and

(e) Provide a process for the receipt of credits earned through the program for work-based learning opportunities in the school in which the pupil is enrolled.

3. The Governor’s Office of Workforce Innovation may cooperate with the Department of Education and the Board of Regents of the University of Nevada to enable pupils to earn up to 12 units of dual credit for approved work-based learning opportunities.

Sec. 2.7. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.980, inclusive, **and sections 2.4 and 2.5 of this act**, unless the context otherwise requires:

1. “Department” means the Department of Employment, Training and Rehabilitation.

2. “Director” means the Director of the Department.

Sec. 2.9. **NRS 385.175 is hereby amended to read as follows:**

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.
2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.
3. Organize the Department in a manner which will assure efficient operation and service.
4. Maintain liaison and coordinate activities with other state agencies performing educational functions.
5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.
6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.
7. Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

8. **Develop a strategic plan for the recruitment of teachers and other licensed educational personnel which includes, without limitation:**

(a) A strategy to decrease the processing times of applications for licensure pursuant to chapter 391 of NRS.

(b) A plan to provide for the translation of academic transcripts which are in a language other than English of applicants for licensure pursuant to chapter 391 of NRS. The Department shall post the process for the translation of academic transcripts on its Internet website.

9. Perform such other duties as are prescribed by law.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each large school district shall offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled that will enable interested pupils in grades 9 to 12, inclusive, to prepare for employment in professions in K-12 education. A large school district may offer a Program at high schools with fewer than 250 pupils. A school district that is not a large school district may offer a Program at one or more high schools in the school district.

2. A large school district, and a school district that is not a large school district which elects to offer the Program, shall:

(a) Advertise the Program and the benefits of participation in the Program.

(b) Ensure each high school in the school district which offers such a Program is staffed by a full-time employee who is:

(1) A licensed teacher or administrator; and

(2) Responsible for implementing the Program at the school.

(c) Assess each pupil entering grade 9 who is or will be enrolled in a high school which offers such a Program and who is interested in participating in the Program, identify any barriers, including, without limitation, academic, financial, socioeconomic and transportation barriers, to the participation in and completion of the Program by such interested pupils and, if such barriers are identified, inform the pupil and the parents or legal guardian of the pupil of any programs and services which are available to help the pupil to overcome such barriers and provide such programs and services to the pupil.

(d) Offer internships at elementary, junior high or middle schools in the school district to qualified pupils in grades 11 and 12 who participate in the Program.

(e) Offer employment as a paraprofessional to qualified high school graduates who have completed the Program and are enrolled in a program to become a teacher at an institution in the Nevada System of Higher Education.

(f) For qualified applicants for employment with the school district who have completed the Program and who have submitted a timely application, provide an offer of employment or decline to provide an offer of employment to such an applicant not later than January 31 of the year immediately preceding the school year for which the applicant applied for employment.

(g) Enter into an agreement with the Board of Regents of the University of Nevada to:

(1) Enable pupils who participate in the Program to earn up to 12 units of college credit for courses taken and internships engaged in as part of the Program at no cost to the pupil.

(2) Establish qualifications for teachers of the school district who teach courses in the Program which are eligible for college credit, which may include, without limitation, a minimum of 4 years of classroom teaching experience or a Master's degree.

(3) Guarantee the admission of otherwise academically qualified pupils who complete the Program to institutions in the Nevada System of Higher Education.

(4) Provide programs, services, scholarships and financial aid to assist pupils who participate in the Program in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

(h) Inform pupils who participate in the Program and the parents and legal guardians of such pupils about programs, services, scholarships and

financial aid which are available to assist pupils in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

3. A large school district, and a school district that is not a large school district which elects to offer the Program may enter into an agreement with the Board of Regents of the University of Nevada to provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education. If the provisions of this subsection conflict with the provisions of chapter 388G of NRS, the provisions of this subsection prevail.

4. The State Board:

(a) Shall adopt regulations that prescribe the curriculum for the Program which are consistent with the provisions of this section. To the extent a school district provides programs of career and technical education other than the Program, such programs of career and technical education must nonetheless be consistent with the regulations adopted pursuant to this paragraph, to the extent applicable.

(b) May adopt such other regulations as are necessary to carry out the provisions of this section.

6. As used in this section:

(a) "Large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.

(b) "Program" means the Teacher Academy College Pathway Program created pursuant to this section.

Sec. 3.1. NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of ~~eleven~~ **13** members appointed by the Governor, is hereby created.

2. Five members of the Commission must be teachers who teach in the classroom as follows:

(a) One who holds a license to teach secondary education and teaches in a secondary school.

(b) One who holds a license to teach middle school or junior high school education and teaches in a middle school or junior high school.

(c) One who holds a license to teach elementary education and teaches in an elementary school.

(d) One who holds a license to teach special education and teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One school counselor, psychologist, speech-language pathologist, audiologist, or social worker who is licensed pursuant to this chapter and employed by a school district or charter school.

(b) One administrator of a school who is employed by a school district or charter school to provide administrative service at an individual school. Such an administrator must not provide service at the district level.

(c) The dean of the College of Education at one of the universities in the Nevada System of Higher Education, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

(d) **The dean of the School of Education at Nevada State College, or a representative of the dean, or a representative of the Teacher Education Program at Great Basin College.**

(e) The chief human resources officer or a representative of the department of human resources of a school district in which more than 40,000 pupils are enrolled.

(f) The chief human resources officer or a representative of the department of human resources of a school district in which 40,000 or fewer pupils are enrolled.

(g) One member who is the parent or legal guardian of a pupil enrolled in a public school.

~~[(e) One member who has expertise and experience in the operation of a business.~~

~~—(f)—~~ **(h)** One member who is the superintendent of schools of a school district.

4. Three of the five appointments made pursuant to subsection 2 must be made from a list of names of at least three persons for each position that is submitted to the Governor by an employee organization representing the majority of teachers in the State who teach in the educational level from which the appointment is being made.

5. The appointment made pursuant to:

(a) Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.

(c) **Paragraphs (e), (f) and (h) of subsection 3 must be made from lists of names of persons submitted to the Governor by the Nevada Association of School Superintendents or its successor organization.**

~~—(d)—~~ **(g)** Paragraph (d) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

~~[(d) Paragraph (f) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Association of School Superintendents.]~~

Sec. 3.2. NRS 391.017 is hereby amended to read as follows:

391.017 1. The Commission may meet at least once each month.

2. A majority of the Commission constitutes a quorum for the transaction of business.

3. The members of the Commission are entitled to the travel expenses and subsistence allowances provided by law for state officers and employees generally while attending meetings of the Commission.

4. Any costs associated with employing a substitute teacher while a member of the Commission who is a teacher attends a meeting of the Commission must be:

(a) Paid by the school district or charter school that employs the member;

or

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (a), (b) or ~~[(c)]~~ **(d)** of subsection 5 of NRS 391.011.

Sec. 3.3. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied

all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall ~~work~~ :

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 3.4. NRS 391.021 is hereby amended to read as follows:

391.021 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the

applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. **The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.**

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 3.5. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. **The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach if:**

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant:

(1) Graduated with a bachelor's degree or higher but is awaiting conferment of the degree; or

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 3.6. NRS 391.0347 is hereby amended to read as follows:

391.0347 1. Any licensed teacher who is initially licensed on or after July 1, 2019, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; ~~and~~

(c) **That establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this section; and**

(d) As otherwise necessary to carry out the requirements of this section.

Sec. 3.7. NRS 391.095 is hereby amended to read as follows:

391.095 1. A school district **or a governing body of a charter school or university school for profoundly gifted pupils** may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the Commission pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district **, charter school or university school for profoundly gifted pupils, as applicable**, for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district **or governing body of a charter school or university school for profoundly gifted pupils, as applicable**, for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. Except as otherwise provided in the agreement entered into pursuant to subsection 1 and to the extent not inconsistent with NRS 391.096, a school district or governing body of a charter school or university school for profoundly gifted pupils, as applicable, may compensate a student assigned within the school district, charter school or university school for profoundly gifted pupils for training purposes as a student teacher, counselor, student social worker or trainee in a library.

3. As used in this section:

(a) “Accredited” has the meaning ascribed to it in NRS 394.006.

(b) “Postsecondary educational institution” has the meaning ascribed to it in NRS 394.099.

Sec. 3.8. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school district and the governing body of a charter school shall provide professional development training on:

(a) Parental involvement and family engagement that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.019 to teachers who have not yet completed the course work on parental involvement and family engagement prescribed by NRS 391.019.

(b) Multicultural education that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.0347 to teachers who have not yet completed the course work on multicultural education prescribed by NRS 391.0347.

2. Any professional development training provided pursuant to subsection 1:

(a) May be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.

(b) Must be provided at no cost to the employee.

Sec. 3.9. NRS 391A.345 is hereby amended to read as follows:

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, **and section 3.8 of this act,** unless the context otherwise requires, “professional development training” has the meaning ascribed to “professional development” in 20 U.S.C. § 7801(42).

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. The Board of Regents may enter into an agreement with a school district pursuant to section 3 of this act to assist in the implementation of a Teacher Academy College Pathway Program.

2. The Board of Regents may, by regulation, establish a program to:

(a) Identify pupils who have completed the Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the System; and

(b) Inform such pupils of the institutions within the System where such pupils may academically qualify for admission.

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

Sec. 6. (Deleted by amendment.)

Sec. 6.5. 1. There is hereby appropriated from the State General Fund to the Governor’s Office of Workforce Innovation in the Department of Employment, Training and Rehabilitation for costs associated with developing and implementing the Career Pathways Demonstration Program established pursuant to section 2.4 of this act, including, without limitation, personnel, travel, operating and technology expenses, the following sums:

For the Fiscal Year 2023-2024 \$289,026

For the Fiscal Year 2024-2025 \$331,870

2. There is hereby appropriated from the State General Fund to the Department of Education for costs associated with carrying out the provisions of this act, including, without limitation, personnel and travel costs and the costs of contracting with a qualified person to conduct the study required by section 8 of this act the following sums:

For the Fiscal Year 2023-2024.....\$398,591

For the Fiscal Year 2024-2025.....\$226,517

3. Any balance of the sums appropriated by ~~subsection 1~~ this section remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 6.7. There is hereby appropriated from the State General Fund to the Nevada Grown Educator Account created by section 1.9 of this act the sum of \$10,000,000.

Sec. 7. 1. On or before October 1, 2026, the Governor’s Office of Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program established pursuant to section 2.4 of this act. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) The status of the implementation of each career pathway;

(g) A summary of the proposals for career pathway projects which were received by the Office but were not selected for the Program; and

(h) An evaluation of each career pathway, including, without limitation:

(1) Whether progress has been made towards achieving the goals and objectives of each career pathway;

(2) A description of any challenges to implementation of the career pathways; and

(3) A description of any changes made to the design or implementation of the career pathways, if any, or any changes which are anticipated in the future and the reason for such changes.

2. On or before June 1, 2028, the Governor's Office of Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) An evaluation of each career pathway, including, without limitation:

(1) The success of the career pathway at achieving the industry-specific goals and objectives;

(2) An assessment of the return on investment for the State with respect to the career pathway;

(3) A description of any opportunities to extend or expand the career pathway;

(4) An evaluation of ability of the career pathway to serve as a model for the creation of career pathways in other industries which should be prioritized to aid in the economic development of this State; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

(g) An evaluation of the success of the Program as a whole, including, without limitation:

(1) The overall outcomes of the Program, in relation to the goals and objectives established by the Office;

(2) Successful aspects of the Program and key elements contributing to the success of the Program;

(3) Shortcomings of the Program and key elements hindering the success of the Program;

(4) Recommendations for policy changes that would foster successful expansion of the development and implementation of career pathways by the Office; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

Sec. 8. The Commission on Professional Standards in Education shall:

1. Conduct a study during the 2023-2024 interim concerning the Praxis II and pedagogy examinations;

2. Present its recommendations to the Senate and Assembly Standing Committees on Education during the 83rd Session of the Nevada Legislature; and

3. Adopt regulations pursuant to NRS 391.019, 391.021 and 391.023 as it deems necessary and appropriate based on its findings and recommendations as they relate to the Praxis II and pedagogy examinations.

Sec. 9. The Department of Education and the Nevada System of Higher Education shall jointly:

1. Develop a plan to expand awareness of and eliminate barriers for access to any scholarship programs that are intended to increase the number of persons licensed pursuant to chapter 391 of NRS; and

2. Present the plan to the Joint Interim Standing Committee on Education on or before June 30, 2024.

Sec. 10. 1. The term of the member of the Commission on Professional Standards in Education appointed to the Commission pursuant to paragraph (e) of subsection 3 of NRS 391.011, as that section exists on June 30, 2024, expires on July 1, 2024.

2. As soon as practicable after July 1, 2024, the Governor shall appoint to the Commission on Professional Standards in Education the members described in paragraphs (d), (e) and (f) of NRS 391.011, as amended by section 3.1 of this act. In making those appointments, the Governor shall appoint members to staggered initial terms of 1, 2 and 3 years.

~~{Sec. 8.}~~ **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. 9.}~~ **Sec. 12. 1. This section {and sections} becomes effective upon passage and approval.**

2. Sections 1 to {6.} 2.7, inclusive, {and 6.5} 3.4 to {8.} 7, inclusive, 9 and 11 of this act become effective on July 1, 2023.

3. Sections 2.9, 3.1 to 3.9, inclusive, 8 and 10 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.

~~2.4~~ **4.** Section 2.4 of this act expires on June 30, 2028.

Assemblywoman Backus moved that the Assembly concur in the Senate Amendment No. 982 to Assembly Bill No. 428.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 286.

The following Senate amendment was read:

Amendment No. 974.

AN ACT relating to elections; requiring a person who administers a county or city jail to establish a policy that ensures a person who is detained in the jail may register to vote and vote in an election; ~~requiring the Secretary of State to allow certain persons detained in a county jail or city jail to use a certain system of approved electronic transmission to register to vote and to cast a ballot in an election;~~ requiring the person who administers a county or city jail to submit a report to the Secretary of State after each election; prohibiting electioneering near certain areas of a jail; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to cancel the registration of a voter upon the determination that the person has been convicted of a felony and is currently incarcerated. (NRS 293.540) Unless a person has been convicted of a felony, existing law does not prohibit a person who is detained in a county or city jail from registering to vote or voting in an election.

Section 5 of this bill requires each person who administers a county or city jail to establish a policy that ensures that: (1) a person who is detained in the jail and is a registered voter may vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to vote; and (2) a person detained in the jail and is a qualified elector may register to vote in each such election.

Section 5 requires such a policy to: (1) be developed in coordination with the county clerk and, if applicable, the city clerk; (2) be consistent with existing provisions of law relating to elections; (3) ensure the safety of any election board officer or other person who assists in the conduct of registering to vote or voting at the jail; (4) ensure that a person who registers to vote or votes in jail may do so without coercion or intimidation; (5) ensure the secrecy of the ballot; and (6) set forth a process for same-day voter registration. **Section 5** further requires the jail to post in a prominent location and set forth in the handbook for detained persons certain information relating to elections and voting in the jail.

~~[Section 6 of this bill requires the Secretary of State to allow: (1) an elector who is detained in a county or city jail to use the system of approved electronic transmission established for covered voters who are overseas or in the military to register to vote; and (2) a registered voter who is detained in a county or city jail to use the system of approved electronic transmission to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter who is overseas or in the military. Section 16.3 of this bill requires the Secretary of State to prescribe the procedures to be followed and the requirements of the use of the system of approved electronic transmission by electors and voters who are detained in a county or city jail.]~~

Section 7 of this bill requires each county or city jail to: (1) provide each person detained in the jail with a reasonable amount of privacy to vote; (2) provide each person detained in the jail with a pen to vote his or her mail ballot; (3) allow the county clerk to establish a process for the collection of mail ballots in the jail; and (4) allow a person, under certain circumstances, to cure any defect in a signature on a mail ballot.

Section 8 of this bill requires each person who administers a county or city jail to submit a report to the Secretary of State not later than 30 days after each primary election, presidential preference primary election, general election, primary city election and general city election.

Sections 16.5 and 16.7 of this bill prohibit electioneering near the area of a county or city jail where a person detained in the jail may vote.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. 1. *Each person who administers a county or city jail shall establish a policy that ensures that:*

(a) A person who is detained in the jail and is a registered voter may vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to vote; and

(b) A person who is detained in the jail and is a qualified elector may register to vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to register to vote.

2. *If qualified electors or registered voters of a county are detained in a jail or facility located in another county pursuant to an agreement entered into pursuant to subsection 2 of NRS 211.010, the county clerk shall coordinate with the person who administers the jail in the county where such*

qualified electors or registered voters are detained to establish a procedure for those persons to register to vote and vote.

3. Each policy or procedure established pursuant to subsection 1 or 2, as applicable, must:

(a) Be developed in coordination with the county clerk and, if applicable, the city clerk;

(b) Be consistent with the provisions of this title relating to elections;

(c) Ensure the safety of any election board officer or other person who assists in the conduct of registering to vote or voting at the jail;

(d) Ensure that a person who registers to vote or votes in a jail may do so without coercion or intimidation;

(e) Ensure the secrecy of the ballot, including, without limitation, the mail ballot; and

(f) Set forth a process that allows for same-day voter registration and allows a family member of a person detained in the jail to provide the person in the jail with the necessary information to register to vote on the day of the election pursuant to NRS 293.5847.

4. Each county or city jail shall post in a prominent location and set forth in the handbook for detained persons information relating to elections and voting in the jail, including, without limitation, qualifications to register to vote and to vote and the options and procedures for registering to vote and voting at the jail.

5. Nothing in this section authorizes a person convicted of a felony in this State who has not had his or her right to vote restored pursuant to NRS 213.157 to vote or to register to vote.

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

Sec. 6. ~~1. Except as otherwise provided in this section, the Secretary of State shall allow during the period of early voting and on election day:~~

~~(a) An elector who is detained in a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote. The deadline for such an elector to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.~~

~~(b) A registered voter who is in the custody of a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military overseas ballot. The deadlines for such a registered voter to use the system of approved electronic transmission to request and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to request and cast a military overseas ballot.~~

~~2. Upon receipt of an application and ballot cast by a person using the system of approved electronic transmission established pursuant to NRS 203D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.~~

~~3. The Secretary of State shall ensure that an elector or a registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for a ballot or cast a ballot, as applicable.~~

~~4. The Secretary of State shall prescribe the form and content of a declaration for use by an elector or a registered voter to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of a ballot.~~

~~5. The Secretary of State shall prescribe the duties of the county and city clerks upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.~~

~~6. The Secretary of State shall make available to an elector or registered voter who is detained in a county or city jail instructions on using the system of approved electronic transmission to register to vote and apply for and cast a ballot.~~

~~7. A county or city jail shall not prohibit, restrict or monitor the use of the system of approved electronic transmission established pursuant to NRS 203D.200 by any person who is detained in the jail.~~

~~8. The provisions of this section do not require a county or city jail to allow a person detained in the jail to use the system of approved electronic transmission established pursuant to NRS 203D.200 unless the jail has the technology that is necessary for a person to use the system of approved electronic transmission. A county or city jail that has the technology necessary for a person to use the system of approved electronic transmission shall not prohibit, restrict or monitor the use of the system of approved electronic transmission by a person detained in the jail.~~

~~9. The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.~~

~~10. As used in this section:~~

~~(a) "Covered voter" has the meaning ascribed to it in NRS 203D.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 203D.050.] (Deleted by amendment.)~~

Sec. 7. 1. Each county or city jail shall:

(a) Provide each person detained in the jail with a reasonable amount of privacy to vote, which may, without limitation, be in a common area, visitation area, room or cell;

(b) Provide each person detained in the jail with a pen with black or blue ink to vote his or her mail ballot;

(c) Allow the county clerk to establish a process for the collection of the mail ballots voted by persons detained in the jail that includes a method for documenting the chain of custody of mail ballots; and

(d) If applicable, allow the person to cure any defect in the signature on a mail ballot pursuant to NRS 293.269927.

2. A county or city jail shall not open a mail ballot after a prisoner has voted and sealed the mail ballot.

Sec. 8. Not later than 30 days after each primary election, presidential preference primary election, primary city election, general election and general city election, each person who administers a county jail or city jail shall submit in a report to the Secretary of State:

1. An explanation of the process the jail used to comply with the requirements of sections 5, ~~6~~ and 7 of this act for the election; and

2. A summary of each complaint received by the jail from a person detained in the jail relating to registering to vote or voting in the election.

Sec. 9. (Deleted by amendment.)

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. 16.3. ~~NRS 293.250 is hereby amended to read as follows:~~

~~293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:~~

~~(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State;~~

~~(b) The procedures to be followed and the requirements of:~~

~~(1) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters;~~

~~(2) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951;~~

~~(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters who are detained in a county or city jail.~~

~~2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:~~

~~(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.~~

~~(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.~~

~~3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.~~

~~4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.~~

~~5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.~~

~~7. A county clerk:~~

~~(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.~~

~~(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.} (Deleted by amendment.)~~

Sec. 16.5. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area. ***During the time that a person detained in a county or city jail may vote in the jail, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance of the voting area of the jail.***

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters “Polling Place for Early Voting”; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters “Distance Marker: No electioneering between this point and the entrance to the polling place.”

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 16.7. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place, ~~for~~ within 100 feet from the entrance to the building or other structure in which a polling place is located ~~for~~, ***inside the area of a county or city jail where a person detained in the jail may vote or within 100 feet from the entrance of the area in a jail where a person detained in the jail may vote:***

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter’s ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➡ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters “Distance Marker: No electioneering between this point and the entrance to the polling place.”

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insignia and is reasonably unable to remove the insignia or cover it. In such a case, the election board officer shall take such action as is necessary to allow

the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, “electioneering” means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insignia which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. 1. This section and section 17 of this act become effective upon passage and approval.

2. Sections 1 to 16.7, inclusive, of this act, become effective:

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

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

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 974 to Assembly Bill No. 286.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 192.

The following Senate amendment was read:

Amendment No. 924.

AN ACT relating to elections; establishing requirements relating to the purchase of ballots and return envelopes used in ~~certain~~ elections in this State; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; making an appropriation to the Office of the Secretary of State to enter into a contract or contracts for the purchase of ballots and return envelopes; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout

the State. (NRS 293.250) **Sections 1.5 and 4** of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. **Sections 1.5 and 4** also require the Secretary of State to prescribe a method for distinguishing the return envelopes of each county or city, as applicable.

Section 1 of this bill ~~requires~~ authorizes the Secretary of State to enter into ~~a statewide contract~~ one or more contracts for the purchase of all ballots and return envelopes used in ~~a presidential preference primary election, primary election and general~~ any statewide and local election held in this State. **Section 1** provides that if such a contract or contracts requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract or contracts must require the vendor to deposit the mail ballots for mailing at a location within this State. **Section 5.3** of this bill makes an appropriation to the Office of the Secretary of State to enter into such a contract ~~or~~ or contracts.

Section 1 further ~~requires~~ authorizes each board of county commissioners and governing body of an incorporated city ~~clerk~~ to elect to use the ballots and return envelopes purchased by the Secretary of State for ~~such~~ all statewide and local elections held in a given year by notifying the Secretary of State in writing not less than 8 months before the date of a presidential preference primary election in a presidential election year or primary election in any other election year. **Section 5.5** of this bill provides that a board of county commissioners or governing body of an incorporated city ~~clerk may request from~~ that elects to use the ballots purchased by the Secretary of State ~~an exemption from this requirement for the presidential preference primary election, primary election and general election~~ for all elections held in 2024 ~~must notify the Secretary of State 6 months before the date of the presidential preference primary election in 2024~~.

Existing law requires a county clerk and city clerk to keep continuously posted certain signs and notices which indicate that electioneering is prohibited between the boundary marked by the sign and the entrance to a polling place. (NRS 293.361, 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and city clerk to ensure that any signs and notices posted are: (1) at least 17 inches by 11 inches in size; (2) placed on a window or door of the polling place or freestanding; and (3) visible to a person approaching the boundary marked by the sign.

Existing law defines “electioneering” to include buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to provide instead that “electioneering” includes buying, selling, wearing or displaying any badge, button or other insigne which expressly refers to any political party or a candidate or ballot question to be voted upon at that election.

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 a new section to read as follows:

1. *The Secretary of State ~~shall~~ may enter into ~~a contract~~ one or more contracts for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in ~~all presidential preference primary elections, primary elections and general elections~~ any statewide and local election held in this State ~~for~~ pursuant to title 24 of NRS. Such a contract is subject to the provisions of chapter 333 of NRS.*

2. *Each board of county ~~clerk~~ commissioners and governing body of an incorporated city ~~clerk~~ in this State ~~shall~~ may elect to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract or contracts entered into pursuant to this section for all ~~presidential preference primary elections, primary elections and general elections~~ statewide and local elections held in a given year in this State pursuant to title 24 of NRS by notifying the Secretary of State in writing not less than 8 months before the date of the presidential preference primary election in a presidential election year or the date of the primary election in any other election year.*

~~2~~ 3. *If a contract or contracts entered into pursuant to this section requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract or contracts must require the vendor to deposit the mail ballots for mailing at a location within this State.*

Sec. 1.5. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

- (a) A mail ballot;
- (b) A return envelope;
- (c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and
- (d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

- (a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 2. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters “Polling Place for Early ~~Voting~~”; and **Voting.”**

(b) At the outer limits of the area within which electioneering is prohibited, ~~at least one~~ sign on which is printed in large letters “Distance Marker: No electioneering between this point and the entrance to the polling place.” **The county clerk shall ensure that any sign posted pursuant to this paragraph is:**

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 3. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection ~~{2,}~~ **3**, it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter’s ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➡ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously

posted on which are printed in large letters “Distance Marker: No electioneering between this point and the entrance to the polling place.”

2. ***The county clerk shall ensure that any notice posted pursuant to subsection 1 is:***

(a) At least 17 inches by 11 inches in size;

(b) Placed on a window or door of the polling place or a freestanding sign; and

(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.

3. The provisions of ~~subsection~~ **subsections 1 and 2** do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insignia and is reasonably unable to remove the insignia or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

~~3.1~~ **4.** Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~4.1~~ **5.** As used in this section, “electioneering” means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insignia which ~~is designed or tends to aid or promote the success or defeat of~~ **expressly refers to** any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 4. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters “Polling Place for Early ~~Voting~~; and ~~Voting~~.”

(b) At the outer limits of the area within which electioneering is prohibited, ~~at least one~~ sign on which is printed in large letters “Distance Marker: No electioneering between this point and the entrance to the polling place.” **The city clerk shall ensure that any sign posted pursuant to this paragraph is:**

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 5.3. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State to enter into ~~to a contract~~ **one or more contracts** pursuant to section 1 of this act for the purchase of ballots, including, without limitation, mail ballots and return envelopes, the following sums:

For the Fiscal Year 2023-2024..... \$7,805,011

For the Fiscal Year 2024-2025..... \$3,902,506

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 5.5. ~~Upon the request of a county clerk or city clerk, the Secretary of State may grant an exemption from the requirement~~ **Notwithstanding the provisions of section 1 of this act, a board of county commissioners or governing body of an incorporated city that elects** to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract **or contracts** entered into pursuant to section 1 of this act for ~~the presidential preference primary election, primary election and general election~~ **all statewide and local elections** that ~~is~~ **are** held in 2024. ~~It~~ **pursuant to title 24 of NRS shall notify the Secretary of State in writing not less than 6 months before the date of the presidential preference primary election held on February 6th, 2024.**

Sec. 6. 1. This section and ~~section~~ **sections 1 and 5.5** of this act become effective upon passage and approval.

2. Section 5.3 of this act becomes effective on July 1, 2023.

3. Sections ~~11~~ **1.5** to 5, inclusive, of this act become effective:

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

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

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 924 to Assembly Bill No. 192.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 983.

AN ACT relating to elections; establishing requirements relating to the purchase of ballots and return envelopes used in elections in this State; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; **revising**

provisions relating to recounts and contests of presidential elections; revising provisions relating to risk-limiting audits; revising provisions relating to tampering or interfering with certain election equipment or computer programs; revising the definition of uniformed-service voter; delaying the effective date of certain provisions relating to automatic voter registration; making an appropriation to the Office of the Secretary of State to enter into a contract or contracts for the purchase of ballots and return envelopes; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State. (NRS 293.250) **Sections 1.5 and 4** of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. **Sections 1.5 and 4** also require the Secretary of State to prescribe a method for distinguishing the return envelopes of each county or city, as applicable.

Section ~~4~~ 1.1 of this bill authorizes the Secretary of State to enter into one or more contracts for the purchase of all ballots and return envelopes used in any statewide and local election held in this State. **Section ~~4~~ 1.1** provides that if such a contract or contracts requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract or contracts must require the vendor to deposit the mail ballots for mailing at a location within this State. **Section 5.3** of this bill makes an appropriation to the Office of the Secretary of State to enter into such a contract or contracts.

Section ~~4~~ 1.1 further authorizes each board of county commissioners and governing body of an incorporated city to elect to use the ballots and return envelopes purchased by the Secretary of State for all statewide and local elections held in a given year by notifying the Secretary of State in writing not less than 8 months before the date of a presidential preference primary election in a presidential election year or primary election in any other election year. **Section 5.5** of this bill provides that a board of county commissioners or governing body of an incorporated city that elects to use the ballots purchased by the Secretary of State for all elections held in 2024 must notify the Secretary of State 6 months before the date of the presidential preference primary election in 2024.

Existing law requires a county clerk and city clerk to keep continuously posted certain signs and notices which indicate that electioneering is prohibited between the boundary marked by the sign and the entrance to a polling place. (NRS 293.361, 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and city clerk to ensure that any signs and notices posted are: (1) at least 17 inches by 11 inches in size; (2) placed on a window or door of the polling place or freestanding; and (3) visible to a person approaching the boundary marked by the sign.

Existing law defines “electioneering” to include buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to provide instead that “electioneering” includes buying, selling, wearing or displaying any badge, button or other insigne which expressly refers to any political party or a candidate or ballot question to be voted upon at that election.

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 the election. (NS 293.394) Section 2.5 of this bill removes the requirement to conduct such an audit prior to the certification of the results.

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 3.5 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 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 5.1 of this bill revises the definition of “uniformed-service voter” to include a member of the active or reserve component of the Space Force of the United States who is on active duty.

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 5.2 of this bill delays the effective date of these provisions until January 1, 2025.

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 4th 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 not later than 5 days after a recount is completed, and not 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 and not more than 10 days after the filing of the statement of contest. (NRS 293.413)

Section 1.3 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 1.3 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 1.3 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 1.3, 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 1.3, the court must determine the result of any election contest of the office of presidential elector before December 11, 2024.

Sections 2.6-2.85 and 3.7 of this bill make conforming changes to reflect the changes in section 1.3 to the schedule for filing a demand for a recount or an election contest for the office of presidential elector.

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 ~~to~~ new section to read as follows: the provisions set forth as sections 1.1 and 1.3 of this act.

Sec. 1.1. 1. The Secretary of State may enter into one or more contracts for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in any statewide and local election held in this State pursuant to title 24 of NRS. Such a contract is subject to the provisions of chapter 333 of NRS.

2. Each board of county commissioners and governing body of an incorporated city in this State may elect to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract or contracts entered into pursuant to this section for all statewide and local elections held in a given year in this State pursuant to title 24 of NRS by notifying the Secretary of State in writing not less than 8 months before the date of the presidential preference primary election in a presidential election year or the date of the primary election in any other election year.

3. If a contract or contracts entered into pursuant to this section requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract or contracts must require the vendor to deposit the mail ballots for mailing at a location within this State.

Sec. 1.3. 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 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 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. 1.5. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

- (a) A mail ballot;
- (b) A return envelope;
- (c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and
- (d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

- (a) The date the mail ballot is issued;
- (b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;
- (c) The number of the mail ballot; and
- (d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 2. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters “Polling Place for Early ~~Voting~~; and ***Voting.***”

(b) At the outer limits of the area within which electioneering is prohibited, ~~at least one~~ sign on which is printed in large letters “Distance Marker: No electioneering between this point and the entrance to the polling place.” ***The county clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 2.5. 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. 2.6. NRS 293.403 is hereby amended to read as follows:

293.403 1. ~~[A]~~ **Except as otherwise provided in section 1.3 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. 2.7. 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~~ **or section 1.3 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. 2.8. 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 1.3 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. 2.83. 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 ~~{1}~~ **or section 1.3 of this act**, 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. 2.85. NRS 293.413 is hereby amended to read as follows:

293.413 1. ~~{The}~~ **Except as otherwise provided in section 1.3 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}~~ **Except as otherwise provided in section 1.3 of this act, the** court shall set the matter for hearing not less 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. 3. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection ~~{2,}~~ **3**, it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

↪ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters “Distance Marker: No electioneering between this point and the entrance to the polling place.”

2. ***The county clerk shall ensure that any notice posted pursuant to subsection 1 is:***

(a) ***At least 17 inches by 11 inches in size;***

(b) ***Placed on a window or door of the polling place or a freestanding sign; and***

(c) ***Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.***

3. The provisions of ~~subsection~~ **subsections 1 and 2** do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insignia and is reasonably unable to remove the insignia or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

~~3.1~~ 4. Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~4.1~~ 5. As used in this section, “electioneering” means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insignia which ~~is designed or tends to aid or promote the success or defeat of~~ ***expressly refers to*** any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 3.5. 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~~ **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. 3.7. 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 1.3 of this act** or if an election is contested pursuant to NRS 293.407 ~~or~~ **or section 1.3 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. 4. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

- (a) A mail ballot;
- (b) A return envelope;
- (c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and
- (d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

- (a) The date the mail ballot is issued;
- (b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;
- (c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters “Polling Place for Early ~~Voting~~” and **Voting.**”

(b) At the outer limits of the area within which electioneering is prohibited, ~~at least one~~ **at least one** sign on which is printed in large letters “Distance Marker: No electioneering between this point and the entrance to the polling place.” **The city clerk shall ensure that any sign posted pursuant to this paragraph is:**

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 5.1. 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, ~~for~~ 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. 5.2. 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. 5.3. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State to enter into one or more contracts pursuant to section 1 of this act for the purchase of ballots, including, without limitation, mail ballots and return envelopes, the following sums:

For the Fiscal Year 2023-2024 \$7,805,011

For the Fiscal Year 2024-2025 \$3,902,506

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 5.5. Notwithstanding the provisions of section ~~44~~ 1.1 of this act, a board of county commissioners or governing body of an incorporated city that elects to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract or contracts entered into pursuant to section ~~44~~ 1.1 of this act for all statewide and local elections that are held in 2024 pursuant to title 24 of NRS shall notify the Secretary of State in writing not less than 6 months before the date of the presidential preference primary election held on February 6th, 2024.

Sec. 6. 1. This section and sections 1, 1.1 and 5.5 of this act become effective upon passage and approval.

2. ~~Section~~ **Sections 1.3, 2.6 to 2.85, inclusive, 3.5, 3.7 and 5.1- 5.3 , inclusive,** of this act ~~becomes~~ **become** effective on July 1, 2023.

3. Sections 1.5 ~~to 5, inclusive,~~ **, 2, 2.5, 3, 4 and 5** of this act become effective:

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

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

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 983 to Assembly Bill No. 192.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 257.

The following Senate amendment was read:

Amendment No. 962.

AN ACT relating to forensic medical examinations; requiring the county in whose jurisdiction a domestic violence battery by strangulation is committed to pay the costs of a strangulation forensic medical examination of the victim; authorizing a county to be reimbursed for such costs, to the extent that money is available from legislative appropriation; **making an appropriation**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a county in whose jurisdiction a sexual assault is committed to pay for the costs of a forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim. (NRS 217.300) **Section 1** of this bill similarly: (1) requires a county in whose jurisdiction a domestic violence battery by strangulation was committed to pay for the costs of a strangulation forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim.

Section 1 additionally provides that a county which pays such costs may receive reimbursement from the State, to the extent that money is available for that purpose from legislative appropriation.

Section 3 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Section 3.5 of this bill makes an appropriation to the Division of Child and Family Services of the Department of Health and Human Services for the purpose of reimbursing counties for costs incurred by the counties in complying with the requirements prescribed by section 1.

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

Section 1. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The county in whose jurisdiction a domestic violence battery by strangulation is committed shall pay any costs incurred by a hospital for a strangulation forensic medical examination of the victim.

2. Any costs incurred pursuant to subsection 1:

(a) Must not be charged directly to the victim.

(b) Must be charged to the county in whose jurisdiction the offense was committed.

3. A county which pays costs related to a strangulation forensic medical examination pursuant to subsection 1 may, to the extent that money is available for that purpose from legislative appropriation, receive reimbursement from the State.

4. *The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a strangulation forensic medical examination pursuant to this section.*

5. *Nothing in this section shall be construed to prohibit the use of evidence obtained from a strangulation forensic medical examination during the investigation or prosecution of a person for domestic violence battery by strangulation.*

6. *As used in this section:*

(a) *“Domestic violence battery by strangulation” means a battery which constitutes domestic violence pursuant to NRS 33.018 that is committed by strangulation as described in NRS 200.481.*

(b) *“Strangulation forensic medical examination” means an examination conducted by a health care provider for the purpose of assessing the health care needs of a victim of a domestic violence battery by strangulation and coordinating the treatment of any injuries of the victim.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. “Division” means the Division of Child and Family Services of the Department of Health and Human Services.

3. “Domestic violence” means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incapacitated person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. "Victim of human trafficking" means a person who is a victim of:

(a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

(b) A violation of any provision of NRS 200.465.

(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

(d) Sex trafficking in violation of any provision of NRS 201.300.

(e) A violation of NRS 201.320 or 201.395.

8. "Victim of sexual assault" and "victim of sexual violence" mean a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the purpose of reimbursing counties for costs incurred by the counties in complying with the requirements prescribed by section 1 of this act the following sums:

For the Fiscal Year 2023-2024..... \$1,080,000

For the Fiscal Year 2024-2025..... \$1,080,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

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

2. Section 3.5 of this act becomes effective on July 1, 2023.

3. Sections 1, 2, 3 and 4 of this act become effective on October 1, 2023.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 962 to Assembly Bill No. 257.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 519.

The following Senate amendment was read:

Amendment No. 973.

AN ACT relating to capital projects; requiring the board of county commissioners of certain counties to levy a property tax for capital projects of school districts; authorizing the board of county commissioners of certain counties to levy a property tax for capital projects of school districts for which a grant is available from the Fund to Assist Rural School Districts in Financing Capital Improvements; exempting that property tax from certain partial abatements ~~to~~ **during the first fiscal year in which the tax is imposed;** exempting both property taxes from the statutory limitation on the total ad valorem tax levy; creating the Fund to Assist Rural School Districts in Financing Capital Improvements; requiring the board of county commissioners of certain counties to establish an oversight panel for school district capital improvement projects; making appropriations to the Fund; making an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a fund for capital projects. (NRS 387.328) Existing law also creates the Fund to Assist School Districts in Financing Capital Improvements from which a grant of money may be obtained if certain emergency conditions exist within the school district. (NRS 387.333, 387.3335)

Section 2 of this bill requires the board of county commissioners of a county whose population is 52,500 or more and less than 57,500 (currently Elko County), to levy a tax at a rate of not less than 1 cent and not more than 25 cents on each \$100 of assessed valuation of taxable property within the county.

Section 2 requires any money collected from such a tax to be deposited in the county treasury for credit to the fund for capital projects to be held and expended in the same manner as other money deposited in that fund. **Section 6** of this bill authorizes the school district of a county where such a tax is imposed to pledge the proceeds of the tax, and the portion of the governmental services tax whose allocation to the school district is based on the amount of the property tax levy attributable to its debt service, to the payment of any

bonds or other obligations the school district issued for capital projects.

Section 8 of this bill provides that, if the board of county commissioners of a county which is required to levy such a tax does not adopt an ordinance levying the tax on or before June 30, 2024, the tax is levied at a rate of 25 cents on each \$100 of assessed valuation of taxable property within the county.

Section 4 of this bill creates the Fund to Assist Rural School Districts in Financing Capital Improvements and requires the money in the Fund to be used to make grants to school districts in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) for certain capital projects.

Section 3 of this bill authorizes the board of county commissioners of a county whose population is less than 100,000, other than a board which is required to levy a tax pursuant to **section 2**, to levy a tax on all taxable property in the county for a capital project for which a grant may be obtained from the Fund. **Section 3** requires the board of county commissioners to determine the amount of money required for the capital project, excluding any amount that the board anticipates will be covered by a grant from the Fund, and fix a rate of taxation which will raise that amount. **Section 3** requires the revenue from the tax to be expended for: (1) a capital project for which a grant was made from the Fund; or (2) if the amount collected for a fiscal year exceeds the amount of the grant for that year, in the same manner as other money in the fund for capital projects established by the school district. **Section 5.5** of this bill requires the board of county commissioners of a county which levies a tax pursuant to **section 2 or 3** to establish an oversight panel for school district capital improvement projects.

Section 5 of this bill requires the board of trustees of a school district in a county which levies a tax pursuant to **section 3** and authorizes the board of trustees of a school district in a county which levies a tax pursuant to **section 2** during a fiscal year to apply to the Director of the Office of Finance in the Office of the Governor for a grant of money from the Fund. **Section 5** requires the Director of the Office of Finance to make a grant of money from the Fund in an amount which is equal to: (1) the total amount of tax assessed pursuant to **section 3** by the county for the capital project during the immediately preceding fiscal year; or (2) the amount of the proceeds of the tax imposed pursuant to **section 2** for the immediately preceding fiscal year which the board of trustees of the school district has certified will be dedicated to the capital project.

Existing law, in general, limits the total amount of property taxes which may be imposed to \$3.64 on each \$100 of assessed valuation. (NRS 361.453) **Sections 2 and 3** exempt the rates for the property taxes in those sections from this limitation. **Section 7** of this bill makes a conforming change to indicate these exemptions from the limitation.

Existing law provides a partial abatement of the property taxes levied on property for which an assessed valuation has previously been established, a remainder parcel of real property, certain single-family residences and certain

residential rental dwellings. (NRS 361.4722, 361.4723, 361.4724) With certain exceptions, existing law exempts new or increased property taxes from those partial abatements if a legislative act that became effective after April 6, 2005, imposed a duty on a taxing entity to levy the tax or increase the rate of the tax. (NRS 361.4726) **Section 7.5** of this bill exempts ~~the~~ **any** new property tax ~~authorized to be~~ levied ~~by section~~ **pursuant to section 2 or 3** from those partial tax abatements **for the first fiscal year in which such a tax is imposed, but provides that such a tax is not exempt from those partial tax abatements for any fiscal year after the first fiscal year in which the tax is imposed.**

Section 9 of this bill makes appropriations from the State General Fund to the Fund for grants to school districts in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), including grants for capital projects for schools located on qualified tribal land. **Section 10** of this bill makes an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation.

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

Section 1. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5.5, inclusive, of this act.

Sec. 2. 1. *The board of county commissioners of a county whose population is 52,500 or more and less than 57,500 shall, in addition to any taxes levied in accordance with NRS 387.195, levy a tax at a rate of not less than 1 cent and not more than 25 cents on each \$100 of assessed valuation of taxable property within the county for capital projects of a school district, including, without limitation, capital projects for schools located on qualified tribal land.*

2. *Any money collected pursuant to this section must be deposited in the county treasury for credit to the fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.*

3. *The rate of any tax levied pursuant to subsection 1 must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.*

4. *As used in this section, “qualified tribal land” means any real property:*

(a) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(b) Over which an Indian tribe exercises governmental power.

Sec. 3. 1. *Except for a board of county commissioners which is required to levy a tax pursuant to section 2 of this act, the board of county commissioners of a county whose population is less than 100,000, may, in addition to any taxes levied in accordance with NRS 387.195, levy a tax at a*

rate established by the board of county commissioners on all taxable property in the county for a capital project of the school district for which a grant may be obtained from the Fund to Assist Rural School Districts in Financing Capital Improvements created by section 4 of this act. The board of county commissioners shall determine the amount of money necessary, when combined with money anticipated to be received as a grant from the Fund, to pay the costs of the proposed capital project or the principal and interest on bonds or other obligations issued for one or more purposes set forth in subsection 5 of section 4 of this act, and shall fix a rate which, when levied upon every dollar of assessed valuation of taxable property in the district, will raise that amount.

2. Any money collected pursuant to this section must be deposited in the county treasury for credit to the fund for capital projects established pursuant to NRS 387.328, to be expended:

(a) For a capital project of a school district for which a grant to the school district was made from the Fund to Assist Rural School Districts in Financing Capital Improvements pursuant to section 5 of this act; or

(b) With respect to any money collected in excess of the amount of the grant made from the Fund to Assist Rural School Districts in Financing Capital Improvements for the fiscal year pursuant to section 5 of this act, in the same manner as other money deposited in the fund for capital projects.

3. The proceeds of the tax collected pursuant to this section may be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in subsection 5 of section 4 of this act. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

4. The rate of any tax levied pursuant to subsection 1 must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

Sec. 4. 1. The Fund to Assist Rural School Districts in Financing Capital Improvements is hereby created in the State Treasury, to be administered by the Director of the Office of Finance. All money received and held by the State Treasurer for the purpose of the Fund must be deposited in the Fund.

2. The Director of the Office of Finance may accept gifts and grants from any source for deposit in the Fund.

3. The money in the Fund must be invested as the money in other state funds is invested. All interest and income earned on the money in the Fund must be credited to the Fund.

4. Claims against the Fund must be paid as other claims against the State are paid.

5. Money in the Fund must be used to make grants to school districts in counties whose population is less than 100,000, for the following purposes:

(a) Construction, design or purchase of new buildings for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, but not limited to, playgrounds, athletic fields and sites for stadiums.

Sec. 5. 1. Following any fiscal year in which a county levies a tax imposed pursuant to section 3 of this act, the board of trustees of the school district in the county shall apply to the Director of the Office of Finance for a grant of money from the Fund created pursuant to section 4 of this act on a form provided by the Director.

2. Following any fiscal year in which a county levies a tax imposed pursuant to section 2 of this act, the board of trustees of the school district in the county may apply to the Director of the Office of Finance for a grant of money from the Fund created pursuant to section 4 of this act on a form provided by the Director.

3. The application for a grant of money from the Fund submitted pursuant to this section must be accompanied by:

(a) A description of the capital project for which the grant is requested, which must be a capital project described by subsection 5 of section 4 of this act; and

(b) Either:

(1) Documentation of the amount of the tax assessed pursuant to section 3 of this act for the capital project for which the grant is requested in the immediately preceding fiscal year; or

(2) A statement by the board of trustees of the school district in a county which has levied a tax imposed pursuant to section 2 of this act certifying the amount of the proceeds of the tax imposed pursuant to section 2 of this act for the immediately preceding fiscal year which will be dedicated to the capital project.

4. To the extent that money is available for that purpose in the Fund and if the Director of the Office of Finance determines that the capital project for which the grant is requested is a project for which a grant may be made from the Fund, the Director shall make a grant of money from the Fund to a school district that submits an application pursuant to subsection 1 or 2 in an amount that is equal to:

(a) The total amount of tax assessed by the county for the capital project pursuant to section 3 of this act in the immediately preceding fiscal year; or

(b) If the school district is located in a county which levies a tax imposed pursuant to section 2 of this act, the amount of the proceeds of the tax imposed pursuant to section 2 of this act for the immediately preceding fiscal

year which the board of trustees of the school district has certified will be dedicated to the capital project.

5. The Director of the Office of Finance shall adopt regulations that prescribe the annual deadline for submission of an application to the Director by a school district pursuant to this section.

Sec. 5.5. 1. The board of county commissioners of a county whose population is less than 100,000 and which levies a tax pursuant to section 2 or 3 of this act shall establish an oversight panel for school district capital improvement projects, consisting of five members selected as follows:

(a) One member who is the chair of the board of county commissioners of the county, or his or her designee, who shall serve as the chair of the oversight panel;

(b) One member who is a member of the board of trustees of the school district in the county, appointed by the president of the board of trustees of the school district;

(c) One member who is a member of a federally recognized Indian tribe or nation located in whole or in part within the boundaries of the county, appointed by the executive head of the federally recognized Indian tribe or nation;

(d) One member who is a resident of the county and has experience in the building of school facilities, appointed by the president of the board of trustees of the school district in the county; and

(e) One member who is a resident of the county and has experience in the financing of public works projects, appointed by the chair of the board of county commissioners of the county.

2. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

3. The oversight panel shall meet at least once each calendar quarter.

4. The oversight panel shall:

(a) Review all credits to and debits from the fund for capital projects established pursuant to NRS 387.328;

(b) Recommend future uses of the money raised by the county from levying a tax imposed pursuant to section 2 or 3 of this act;

(c) Review the amount of any appropriation, grant, gift or donation received by the county for the construction of school facilities located on qualified tribal land; and

(d) Make a recommendation for the date of termination of a tax levied pursuant to section 2 or 3 of this act if the date of termination of the tax is not otherwise fixed.

Sec. 6. NRS 387.328 is hereby amended to read as follows:

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. The proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962, 375.070, 377C.110 and 387.3288 **and section 2 of this act** and, in a county whose population is 100,000 or more but less than 700,000, the portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 7. NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723, 387.3288 and 450.760, **and sections 2 and 3 of this act**, the total ad valorem tax levy for all public purposes must not exceed \$3.64 on each \$100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each \$100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is less than 45,000, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada Tax Commission was at least \$3.50 on each \$100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.

Sec. 7.5. NRS 361.4726 is hereby amended to read as follows:

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. The amount of any tax imposed pursuant to NRS 354.705 and 387.3288 ~~and section 3 of this act~~ is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. **The amount of any tax imposed pursuant to section 2 or 3 of this act is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724 during the first fiscal year that the tax is imposed and is not exempt from each such partial abatement during any fiscal year thereafter.**

4. For the purposes of this section, "taxing entity" does not include the State.

Sec. 8. If the board of county commissioners of a county whose population is 52,500 or more and less than 57,500, has not adopted an ordinance levying the tax pursuant to section 2 of this act on or before June 30, 2024, a tax shall be levied pursuant to section 2 of this act at a rate of 25 cents on each \$100 of assessed valuation of taxable property within the county. The tax shall be collected and administered in the same manner as though the board of county commissioners had adopted an ordinance levying the tax pursuant to section 2 of this act at that rate.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the Fund to Assist Rural School Districts in Financing Capital Improvements created by section 4 of this act the sum of \$25,000,000, for grants to school districts, and the sum of \$25,000,000, for grants to school districts for capital projects for schools located on qualified tribal land.

2. As used in this section, “qualified tribal land” means any real property:

(a) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(b) Over which an Indian tribe exercises governmental power.

Sec. 10. 1. There is hereby appropriated from the State General Fund to the Elko County School District the sum of \$64,500,000 for the construction of a school on the Duck Valley Indian Reservation to replace the Owyhee Combined School.

2. All money appropriated by subsection 1 must be used only for the purposes specified in subsection 1 and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including, without limitation, any costs related to other buildings or facilities.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2028, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2028, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2028.

Sec. 11. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 21, 2023.

Sec. 12. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 973 to Assembly Bill No. 519.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 525.

The following Senate amendment was read:

Amendment No. 988.

AN ACT making appropriations for various purposes relating to health, education, employment and other community services; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of ~~(\$750,000)~~ \$500,000 for allocation to the International Gaming Institute of the University of Nevada, Las Vegas, for the “Expanding the Leadoerverse” initiative to increase the diversity of the leadership in the gaming industry.

2. Allocation of the money appropriated by subsection 1 is contingent upon matching money being obtained by the International Gaming Institute, including, without limitation, gifts, grants and donations to the International Gaming Institute from private and public sources of money other than the appropriation made by subsection 1. The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made by subsection 1 until the International Gaming Institute submits to the Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

Sec. 1.5. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of ~~(\$5,500,000)~~ \$2,500,000 for allocation to the nonprofit corporation formed to establish an art museum in Las Vegas, Nevada, upon a showing to the Committee:

1. That the corporation has been incorporated under the laws of this State as a nonprofit corporation; and

2. That the purpose of the corporation is to establish an art museum in Las Vegas, Nevada.

Sec. 2. There is hereby appropriated from the State General Fund to United Way of Northern Nevada the sum of \$1,200,000 for its activities related to public health, education and improving economic mobility.

Sec. 3. There is hereby appropriated from the State General Fund to the Foundation for an Independent Tomorrow the sum of \$2,000,000 for its activities related to vocational training, job preparation, education and employment services.

Sec. 4. There is hereby appropriated from the State General Fund to the Culinary Academy of Las Vegas the sum of \$15,000,000 for its capital improvement plan.

Sec. 5. There is hereby appropriated from the State General Fund to A Source of Joy Theatricals, Inc. the sum of \$1,000,000 for the Legacy Theatre Project.

Sec. 6. There is hereby appropriated from the State General Fund to the Food Bank of Northern Nevada the sum of \$2,000,000 to address food insecurities of residents of this State.

Sec. 7. There is hereby appropriated from the State General Fund to the Three Square Food Bank the sum of \$2,000,000 to address food insecurities of residents of this State.

Sec. 8. There is hereby appropriated from the State General Fund to Boys Town Nevada the sum of \$250,000 for its programs and services.

Sec. 9. There is hereby appropriated from the State General Fund to Foster Kinship the sum of \$750,000 for the Kinship Navigator Program.

Sec. 10. There is hereby appropriated from the State General Fund to HopeLink of Southern Nevada the sum of \$2,000,000 for wraparound services for families at risk of homelessness.

Sec. 11. There is hereby appropriated from the State General Fund to Catholic Charities of Southern Nevada the sum of \$2,000,000 for the Meals on Wheels Program.

Sec. 12. There is hereby appropriated from the State General Fund to the Candlelighters Childhood Cancer Foundation of Nevada the sum of \$1,000,000 for the provision of assistance to children affected by cancer and their families.

Sec. 13. There is hereby appropriated from the State General Fund to Legal Aid Center of Southern Nevada the sum of \$250,000 for programs and services relating to tenants' rights.

Sec. 14. There is hereby appropriated from the State General Fund to the United Way of Southern Nevada the sum of \$1,200,000 for its activities related to public health, education and improving economic mobility.

Sec. 15. There is hereby appropriated from the State General Fund to Goodwill of Southern Nevada the sum of \$1,500,000 for transforming workforce development initiatives.

Sec. 16. There is hereby appropriated from the State General Fund to the Special Olympics Nevada the sum of ~~\$500,000~~ \$250,000 for its programs.

Sec. 17. There is hereby appropriated from the State General Fund to Friends in Service Helping the sum of \$3,000,000 for a capital improvement project.

Sec. 18. There is hereby appropriated from the State General Fund to the United Labor Agency of Nevada, Inc. the sum of \$500,000 for providing community services.

Sec. 19. There is hereby appropriated from the State General Fund to the Community Health Alliance the sum of \$4,500,000 for a capital improvement project.

Sec. 20. There is hereby appropriated from the State General Fund to Chicanos Por La Causa Nevada, Inc. the sum of \$10,000 for economic empowerment of low-income persons.

Sec. 21. There is hereby appropriated from the State General Fund to the Latino Youth Leadership Foundation the sum of \$10,000 to assist high school pupils with leadership training and development.

Sec. 22. There is hereby appropriated from the State General Fund to the Nevada Latino Bar Association the sum of \$10,000 to provide assistance for preparation for the admission test for law school.

Sec. 23. There is hereby appropriated from the State General Fund to Project 150 the sum of \$10,000 to provide support to homeless, displaced and disadvantaged high school pupils.

Sec. 24. There is hereby appropriated from the State General Fund to the South-Asian Women's Alliance of Nevada the sum of \$10,000 to bridge the gap between South-Asian communities and resources in Southern Nevada.

Sec. 25. There is hereby appropriated from the State General Fund to Leaders in Training the sum of ~~(\$10,000)~~ \$250,000 for educational training, support and programming for first-generation college students.

Sec. 26. There is hereby appropriated from the State General Fund to the Uplift Foundation of Nevada the sum of \$10,000 for its programs and services.

Sec. 27. There is hereby appropriated from the State General Fund to The Foundation Christian Center the sum of \$10,000 for its food programs.

Sec. 28. There is hereby appropriated from the State General Fund to King of Jewels the sum of \$10,000 for its programs.

Sec. 29. There is hereby appropriated from the State General Fund to The Cupcake Girls the sum of \$ 10,000 for services for persons affected by sex trafficking.

Sec. 30. There is hereby appropriated from the State General Fund to HELP of Southern Nevada the sum of \$25,000 for the Shannon West Homeless Youth Center.

Sec. 31. There is hereby appropriated from the State General Fund to T.U.L.I.P.S. (Teaching and Uniting Ladies to Inspire Positive Success) the sum of \$25,000 for its programs.

Sec. 32. There is hereby appropriated from the State General Fund to Gentleman By Choice Community Development Corporation the sum of \$25,000 for its programs.

Sec. 33. There is hereby appropriated from the State General Fund to Spread the Word Nevada the sum of \$500,000 for providing books to advance childhood literacy.

Sec. 34. There is hereby appropriated from the State General Fund to Northern Nevada HOPES the sum of \$2,000,000 for providing primary and behavioral health care services.

Sec. 35. There is hereby appropriated from the State General Fund to the Pioneer Center for the Performing Arts the sum of \$1,000,000 for a renovation project.

Sec. 36. There is hereby appropriated from the State General Fund to Nevada Partners, Inc. the sum of \$1,000,000 to assist with its summer and educational program.

Sec. 37. There is hereby appropriated from the State General Fund to the Nevada Small Business Development Center the sum of \$1,000,000 for its programs.

Sec. 38. There is hereby appropriated from the State General Fund to the Nevada State Prison Preservation Society the sum of \$1,000,000 for a capital improvement project.

Sec. 39. There is hereby appropriated from the State General Fund to the Boys & Girls Clubs of Southern Nevada the sum of \$250,000 for its programs.

Sec. 40. There is hereby appropriated from the State General Fund to the Boys & Girls Club of Truckee Meadows the sum of ~~(\$100,000)~~ \$250,000 for its programs.

Sec. 41. There is hereby appropriated from the State General Fund to ~~the Nevada Blind Children's Foundation~~ **Opportunity Village** the sum of ~~(\$750,000)~~ **\$250,000** for its programs and services.

Sec. 42. There is hereby appropriated from the State General Fund to the Urban Chamber Community Development Corporation the sum of \$100,000 for its Nevada Small Business Development Center.

Sec. 43. There is hereby appropriated from the State General Fund to The Neon Museum the sum of ~~(\$2,000,000)~~ **\$1,000,000** for a capital improvement project.

Sec. 44. There is hereby appropriated from the State General Fund to the Economic Opportunity Board of Clark County the sum of \$100,000 for its programs.

Sec. 45. There is hereby appropriated from the State General Fund to the Nevada Partnership for Homeless Youth the sum of ~~(\$25,000)~~ **\$50,000** for its programs.

Sec. 46. There is hereby appropriated from the State General Fund to the Vision Theatrical Foundation, Inc. the sum of \$10,000 for its programs.

Sec. 47. There is hereby appropriated from the State General Fund to Communities in Schools of Nevada the sum of \$1,000,000 for its programs.

Sec. 48. There is hereby appropriated from the State General Fund to the Greater Youth Sports Association the sum of \$5,000 for its programs.

Sec. 49. There is hereby appropriated from the State General Fund to the Obodo Collective the sum of \$10,000 for its programs.

Sec. 50. There is hereby appropriated from the State General Fund to U.S. VETS - Las Vegas the sum of \$25,000 for its activities to assist in the successful transition of military veterans and their families.

Sec. 51. There is hereby appropriated from the State General Fund to the National Alliance on Mental Illness (NAMI) Southern Nevada the sum of \$25,000 for providing mental health support groups, classes, presentations and other resources without charge.

Sec. 52. There is hereby appropriated from the State General Fund to the Arriba Las Vegas Worker Center the sum of \$10,000 for its activities to develop, educate and empower worker and migrant communities.

Sec. 53. There is hereby appropriated from the State General Fund to Puentes the sum of \$10,000 for its programs and services.

Sec. 53.3. **There is hereby appropriated from the State General Fund to The Arc Nevada the sum of \$250,000 for its programs and services.**

Sec. 53.7. **There is hereby appropriated from the State General Fund to the College of Southern Nevada the sum of \$4,500,000 for its Center For Excellence in Public Safety.**

Sec. 54. There is hereby appropriated from the State General Fund to Teach for America the sum of \$25,000 for its programs.

Sec. 55. Upon acceptance of the money appropriated by this act, the entity that accepts the money agrees to:

1. Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by this act from the date on which the money was received by the entity through December 1, 2024;

2. Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by this act from the date on which the money was received by the entity through June 30, 2025; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the entity, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by this act.

Sec. 56. Any remaining balance of the appropriations made by sections 1 to 54, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 57. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 988 to Assembly Bill No. 525.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 526.

The following Senate amendment was read:

Amendment No. 978.

AN ACT relating to state financial administration; providing for the redistribution of certain money authorized for expenditure to certain nonprofit organizations; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Governor to certify the amount of money authorized or reauthorized for expenditure from the COVID-19 Relief Programs budget account that is projected by the Office of Finance in the Office of the Governor not to be expended for its approved purpose by December 31, 2026. **Section 1** requires the Office of Finance to: (1) in accordance with the requirements for work program revisions in existing law, transfer, or request the transfer of, as applicable, the certified money from the budget accounts in which the money is being held to the COVID-19 Relief Programs budget account; and (2) cause to be carried out the processing of

payments of the certified money from the COVID-19 Relief Programs budget account to registered nonprofit organizations in amounts, with certain exceptions, equal to the percentages of the certified money specified for those registered nonprofit organizations in **section 3** of this bill. **Section 2** of this bill sets forth the requirements for such registration. **Section 3** specifies the nonprofit organizations that are eligible to register and the percentages of the certified money, with certain exceptions, for which those nonprofit organizations are eligible if they are registered. **Section 4** of this bill makes an appropriation of \$250,000 to the Office of the State Treasurer for the costs of consulting services to assist the Office with registering eligible nonprofit organizations pursuant to **section 2**.

WHEREAS, Studies have shown that nonprofit organizations faced considerable challenges during the COVID-19 pandemic as a result of a substantial reduction in the number of their volunteers and donations and a significant increase in the demand for their services; and

WHEREAS, Nonprofit organizations nevertheless rose to the challenges presented by the pandemic and found innovative ways to continue to provide their services to the local communities in Nevada; and

WHEREAS, Redirecting unused money that was provided by the Federal Government to ameliorate the effects of the COVID-19 pandemic will assist nonprofit organizations to recover from the COVID-19 pandemic and flourish in the future; now therefore,

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

Section 1. 1. On or after July 15, 2024, but before August 1, 2024, the Governor shall submit a written report to the Interim Finance Committee and the State Treasurer that:

(a) Itemizes the money that was authorized for expenditure from the COVID-19 Relief Programs budget account in section 1 of chapter 434, Statutes of Nevada 2021, at page 2765, including any portion of that money that was reauthorized subsequently by the Nevada Legislature; and

(b) Certifies a cumulative total of the portion of that money that is projected by the Office of Finance in the Office of the Governor not to be expended for its approved purpose by December 31, 2026.

2. On or before August 30, 2024, the Office of Finance shall:

(a) Process any work programs to authorize the transfer of the money certified in paragraph (b) of subsection 1 from the budget accounts in which that money is held to the COVID-19 Relief Programs budget account and that do not require the approval of the Interim Finance Committee pursuant to NRS 353.220 and process the transfer of the money.

(b) Submit to the Secretary of the Interim Finance Committee any work programs that authorize the transfer of the money certified in paragraph (b) of subsection 1 from the budget accounts in which that money is held to the

COVID-19 Relief Programs budget account and that require the approval of the Interim Finance Committee pursuant to NRS 353.220, process the transfer of the money and process any work program necessary to authorize the payments required in subsection 3 from the COVID-19 Relief Programs budget account.

3. Except as otherwise provided in this subsection, on or before December 31, 2024, the Office of Finance shall cause to be carried out the processing of payments from the COVID-19 Relief Programs budget account to each registered nonprofit organization listed in the report submitted by the State Treasurer to the Office of Finance pursuant to section 2 of this act in an amount equal to the percentage of the amount of money certified in paragraph (b) of subsection 1 that is specified for that nonprofit organization in section 3 of this act. The Office of Finance shall not withhold any portion of such a payment. If an eligible nonprofit organization specified in section 3 of this act is not listed as a registered nonprofit organization in the report submitted by the State Treasurer to the Office of Finance pursuant to section 2 of this act, the Office of Finance shall reallocate the percentage share of the money certified pursuant to paragraph (b) of subsection 1 that would have otherwise been allocated to the eligible nonprofit organization pro rata among the registered nonprofit organizations within the same category or subcategory set forth in section 3 of this act, as applicable. If none of the eligible nonprofit organizations in a category or subcategory listed in section 3 of this act are registered pursuant to section 2 of this act, the Office of Finance shall reallocate the percentage share of the money certified pursuant to paragraph (b) of subsection 1 that would have otherwise been allocated to that category or subcategory pro rata among the other categories or subcategories, as applicable.

Sec. 2. 1. On or before June 30, 2024, an eligible nonprofit organization listed in section 3 of this act may apply to the State Treasurer, on a form prescribed by the State Treasurer, for registration to receive a payment of the percentage set forth in section 3 of this act for that nonprofit organization of the money certified pursuant to paragraph (b) of subsection 1 of section 1 of this act. The State Treasurer shall not approve an application for registration unless the eligible nonprofit organization demonstrates that the proposed use of the money is an approved use under the Final Rule of the United States Department of the Treasury, 31 C.F.R. Part 35, RIN 1505-AC77.

2. The State Treasurer may revoke a registration approved pursuant to subsection 1 if the State Treasurer becomes aware of circumstances that the State Treasurer reasonably believes will impair the ability of the registered nonprofit organization to carry out the use of the certified money proposed to be distributed to the registered nonprofit organization.

3. On or after July 15, 2024, but before August 1, 2024, the State Treasurer shall submit to the Office of Finance in the Office of the Governor a report listing the eligible nonprofit organizations that are registered pursuant to subsection 1.

Sec. 3. The following nonprofit organizations are eligible to apply for registration pursuant to section 2 of this act to receive a payment of the percentage set forth in this section for that nonprofit organization of the money certified pursuant to paragraph (b) of subsection 1 of section 1 of this act, except as otherwise provided in subsection 3 of section 1 of this act:

Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
1. Services		
(a) Children		8.00%
Boys and Girls Club of Truckee Meadows	19.00%	
Rite of Passage Adolescent Treatment Centers and Schools, Inc.	11.00%	
Greater Las Vegas Inner- City Games	10.50%	
Sunrise Children's Foundation	7.50%	
Boys & Girls Clubs of Southern Nevada	7.00%	
The Children's Cabinet, Inc.	5.00%	
Communities In Schools of Nevada	3.50%	
Nevada Children's Foundation, Inc.	3.50%	
Boys & Girls Club of Mason Valley	2.50%	
Andson, Inc.	2.25%	
Boys & Girls Clubs of Elko	2.00%	
Sierra Nevada Journeys	2.00%	
St Jude's Ranch for Children – Nevada Region, Inc.	2.00%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Head Start of Northeastern Nevada	1.50%	

Public Education Foundation, Inc.	1.25%
Boys & Girls Club of Winnemucca	1.00%
Green Our Planet	1.00%
Little People's Head Start of Nevada	1.00%
Northern Nevada Literacy Council	1.00%
S.A.F.E. House, Inc. (Stop Abuse in the Family Environment)	1.00%
Sky Tavern, Inc.	1.00%
Specialized Alternatives for Families and Youth of Nevada, Inc.	1.00%
Spread the Word Nevada	1.00%
Austin's House	0.50%
Baby's Bounty	0.50%
Chefs for Kids, Inc.	0.50%
Child Assault Prevention Project of Washoe County	0.50%
Children's Advocacy Alliance of Nevada	0.50%
CORE Academy, Powered By the Rogers Foundation	0.50%
Ely Co-Op Pre-School	0.50%
Family to Family Connection ISD 13	0.50%
Foster Kinship	0.50%
Fulfillment Fund Las Vegas	0.50%
Girls on the Run - Sierras	0.50%
Goodie Two Shoes Foundation, Inc.	0.50%
Incline Village Nursery School, Inc.	0.50%
Junior Achievement, Inc.	0.50%
Kids First Family Services	0.50%
Leaders in Training	0.50%
Nevada Child Seekers Merging Corporation	0.50%
Nevada Women's Fund	0.50%
~~Opportunity 180~~	~~0.50%~~

Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Premier Adoption Agency, Inc.	0.50%	
Safe Kids Clark County	0.50%	
The Fallon Youth Club, Inc.	0.50%	
Urban Roots Garden Classrooms	0.50%	
Opportunity 180	0.25%	
Silver State Education Foundation	0.25%	
(b) Disability		5.00%
Opportunity Village Arc	35.00%	
Transition Services, Inc.	22.50%	
New Vista Ranch, Inc.	7.75%	
Disability Resources Inc.	7.50%	
Northern Nevada Human Services Association	6.00%	
Nevada Blind Children's Foundation	4.00%	
Alpha Productions Technologies, Inc.	3.50%	
Blind Center of Nevada, Inc.	3.50%	
High Sierra Industries, Inc.	3.00%	
Nevada P E P, Inc.	1.75%	
The Garden Foundation, Inc.	1.50%	
Center for Independent Living Inc.	0.50%	
Down Syndrome Organization of Southern Nevada	0.50%	
Friends of National Multiple Sclerosis Society Inc.	0.50%	
Kids & Horses	0.50%	
Nevada Wheelchair Foundation	0.50%	
Southern Nevada Center for Independent Living	0.50%	

Special Recreation Services, Inc.	0.50%	
Washoe Ability Resource Center	0.50%	
(c) Domestic Violence Safe Nest: Temporary Assistance for Domestic Crisis, Inc.	26.00%	5.00%
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
The Shade Tree Incorporated	18.50%	
Family Support Council of Douglas County	14.00%	
Advocates to End Domestic Violence	12.25%	
Community Action Against Rape	9.50%	
Safe Embrace	5.50%	
Noah's Animal House Foundation	5.00%	
Domestic Violence Resource Center	4.00%	
No To Abuse - Nevada Outreach Training Organization	3.25%	
Winnemucca Domestic Violence Services, Inc.	2.00%	
(d) Legal		3.00%
Legal Aid Center of Southern Nevada	50.00%	
Nevada Legal Services, Inc.	16.25%	
Northern Nevada Legal Aid	12.25%	
The Immigrant Home Foundation	5.50%	
Nevada Disability Advocacy and Law Center, Inc.	4.50%	
Southern Nevada Senior Law Program	4.00%	
American Civil Liberties Union (ACLU) of		

	Nevada Foundation, Inc.	3.50%	
	Volunteer Attorneys for Rural Nevadans	3.00%	
	Clark County Law Foundation	1.00%	
(e)	Senior Nevada Senior Services, Inc.	38.25%	3.00%
	Carson City Senior Citizens Center	14.00%	
	Pahrump Senior Center, Inc.	10.75%	
	Helping Hands of Vegas Valley, Inc.	10.00%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory		Percentage of Total Certified Money
	Senior Citizens of Humboldt County Inc.	8.50%	
	Nevada Rural Counties RSVP Program, Inc.	6.00%	
	Senior Center of Boulder City	4.50%	
	United Seniors, Inc.	2.50%	
	Lend A Hand of Boulder City	2.00%	
	Seniors in Service - Nevada	2.00%	
	James Seastrand Helping Hands of North Las Vegas	1.50%	
(f)	Miscellaneous Services		10.00%
	NyE Communities Coalition	24.00%	
	Community Services Agency - Reno	17.50%	
	Asian Community Development Council	6.00%	
	Las Vegas Rescue Mission	6.00%	
	Nevada Outdoor School	4.50%	
	Care Services of Nevada, Inc.	3.75%	
	Healthy Communities		

Coalition of Lyon and Storey Counties	3.50%	
Jewish Family Service Agency	3.25%	
Hope for Prisoners, Inc.	3.00%	
Awaken, Inc.	2.50%	
Nevada Partners, Inc.	2.50%	
Lighthouse Charities, Inc.	2.25%	
Neighbor Network of Northern Nevada	2.00%	
Tahoe Family Solutions, Inc.	2.00%	
Family and Child Treatment of Southern Nevada	1.75%	
LGBTQIA+ Community Center of Southern Nevada, Inc.	1.75%	
ACTIONN	1.50%	
The Cupcake Girls	1.50%	
Churchill Community Coalition	1.00%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Note-Able Music Therapy Services	1.00%	
LOVEE, Inc.	1.00%	
Ron Wood Family Resource Center	1.00%	
Frontier Community Coalition	0.75%	
Arriba Las Vegas Worker Center	0.50%	
City Impact Foundation	0.50%	
F.E.A.T. of Southern Nevada	0.50%	
Gender Justice Nevada	0.50%	
Gentlemen By Choice Community Development Corporation	0.50%	
Junior League of Las		

Vegas, Inc.	0.50%	
Junior League of Reno, Inc.	0.50%	
Las Vegas Indian Center, Inc.	0.50%	
Nevada Center for Civic Engagement	0.50%	
Paralyzed Veterans of America, Nevada Chapter	0.50%	
RAD, Real Autism Difference	0.50%	
That Others May Live Foundation	0.50%	
2. Health Care		
(a) Addiction or Mental Health		6.00%
Bridge Counseling Associates Inc.	10.50%	
Churchill Council On Alcohol and Other Drugs	10.00%	
The Life Change Center	8.00%	
Crisis Call Center	7.00%	
Ridge House Inc.	7.00%	
Rural Nevada Counseling	7.00%	
Bristlecone Family Resources	6.00%	
JC Family Services, Inc.	5.50%	
Community Counseling Center of Southern Nevada	5.00%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Quest Counseling & Consulting, Inc.	5.00%	
STEP2	5.00%	
Freedom House Sober Living	3.50%	
Carson City Community Counseling Center	3.00%	
Teen Challenge of Nevada Inc.	2.00%	
The Family Support Center	2.00%	

Dr. Miriam & Sheldon G. Adelson Clinic for Drug Abuse Treatment and Research, Inc.	1.50%	
Join Together Northern Nevada	1.50%	
Family Counseling Service of Northern Nevada	1.00%	
Foundation for Recovery, Inc.	1.00%	
Pact Coalition for Safe and Drug-Free Communities	1.00%	
Partners Allied for Community Excellence (PACE) Coalition	1.00%	
Partnership Carson City Step I, Inc.	1.00%	
Suicide Prevention Network Ltd.	1.00%	
CARE Coalition	0.50%	
Living Free Health & Fitness A Non-Profit Corp	0.50%	
National Alliance on Mental Illness (NAMI) Nevada	0.50%	
National Alliance on Mental Illness (NAMI) Southern Nevada	0.50%	
New Life USA - Nevada Northern Nevada	0.50%	
Intergroup Association and Central Service Committee Inc.	0.50%	
Trauma Intervention Program (TIP) of Southern Nevada	0.50%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
(b) Hospitals or Clinics Renown Health	64.00%	6.00%

Carson Tahoe Health	15.00%	
Washoe Barton Medical Clinic, A Nevada Nonprofit Corporation	4.00%	
Nevada Health Centers, Inc.	3.75%	
Boulder City Hospital	2.50%	
Community Health Alliance	2.50%	
Northern Nevada HOPES	2.00%	
South Lyon Medical Center	2.00%	
Care with Purpose Medical Center	1.00%	
Carson Tahoe Continuing Care Hospital	0.50%	
Hope Christian Health Center	0.50%	
Silver State Health Services	0.50%	
Community Outreach Medical Center	0.25%	
Horizon Hospice	0.25%	
Humboldt Volunteer Hospice	0.25%	
Nathan Adelson Hospice Foundation Inc.	0.25%	
Nevada Primary Care Association	0.25%	
Nevada Rural Hospital Partners	0.25%	
Research, Education & Access for Community	0.25%	
(c) Dental Care		1.00%
Future Smiles	45.00%	
Children's Dental Care	40.00%	
Northern Nevada Dental Health Programs	15.00%	
(d) Veterans		1.00%
Adopt A Vet Dental Program Inc.	60.00%	
Veterans Guest House, Inc.	40.00%	
(e) Miscellaneous Health Care		9.00%
Nathan Adelson Hospice	24.25%	
Capability Health and Human Services	12.50%	
United Cerebral Palsy of		

Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Nevada	12.50%	
Nevada Donor Network, Inc.	8.00%	
Access To Healthcare	6.50%	
WestCare Foundation, Inc.	6.50%	
FirstMed Health and Wellness Center	4.00%	
First Person Care Clinic	2.00%	
Nevada Urban Indians Inc.	2.00%	
Volunteers in Medicine of Southern Nevada	2.00%	
Aid for AIDS of Nevada	1.25%	
CARE Chest	1.25%	
Grant a Gift Autism Foundation - Ackerman Center	1.25%	
Hemostasis and Thrombosis Center of Nevada	1.25%	
High Sierra Area Health Education Center	1.25%	
Immunize Nevada	1.25%	
Nevada Cancer Research Foundation	1.25%	
Nevada Childhood Cancer Foundation	1.25%	
Northern Nevada Children's Cancer Foundation	1.25%	
Ronald McDonald House Charities Northern Nevada	1.25%	
Ronald McDonald House Charities of Greater Las Vegas	1.25%	
Access for Community & Cultural Education Programs & Trainings	0.50%	
ALS Association Nevada Chapter	0.50%	

Candlelighters Childhood Cancer Foundation of Nevada	0.50%	
Children's Heart Foundation Nevada	0.50%	
Consumer Assistance & Resource Enterprise	0.50%	
Golden Rainbow of Nevada, Inc.	0.50%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Nevada Cancer Coalition	0.50%	
Nevada Diabetes Association for Children and Adults	0.50%	
Nevada Medical Center	0.50%	
Nevada Public Health Foundation	0.50%	
Nvhca Perry Foundation Inc.	0.50%	
Simmaron Research Inc.	0.50%	
3. Housing		11.00%
HELP of Southern Nevada Housing	25.00%	
Nevada HAND, Inc.	11.00%	
Reno Initiative for Shelter and Equality	10.50%	
Truckee Meadows Habitat for Humanity	7.50%	
Eddy House	6.50%	
Nevada Partnership for Homeless Youth	5.00%	
Habitat for Humanity Las Vegas	4.50%	
Silver State Fair Housing Council	4.00%	
Northern Nevada Community Housing Resource Board	3.50%	
SHARE Village Las Vegas	3.25%	
Coordinated Living of Southern Nevada, Inc.	3.00%	

Nevada Homes for Youth, Inc.	3.00%	
Neighborhood Housing Services of Southern Nevada	2.50%	
The Empowerment Center	2.00%	
Community Services of Nevada (CSNV)	1.00%	
Family Promise of Las Vegas	1.00%	
Nevada Affordable Housing Assistance Corporation	1.00%	
Nevada Youth Empowerment Project		
Housing	1.00%	
Project 150	1.00%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Rebuilding Together Southern Nevada	1.00%	
Street Teens A Nevada Non-Profit Corporation	1.00%	
The Widows Mite	1.00%	
Silver Sage Manor, Inc.	0.50%	
Shelter Providers of Southern Nevada, Inc.	0.25%	
4. Community Hubs		10.00%
YMCA of Southern Nevada	32.00%	
Catholic Charities of Northern Nevada	19.00%	
Catholic Charities of Southern Nevada	16.00%	
Las Vegas-Clark County Urban League CAA	5.00%	
Community Chest, Inc.	4.00%	
Crisis Intervention Services	4.00%	
Boys and Girls Clubs of Western Nevada	3.50%	
East Valley Family Services	2.00%	
FISH Emergency Referral		

Services Program	2.00%	
Lutheran Social Services of Nevada	2.00%	
United Way of Southern Nevada	2.00%	
Elko F.I.S.H.	1.50%	
HopeLink of Southern Nevada	1.50%	
Kings Row Community Life Center	1.00%	
United Way of Northern Nevada and the Sierra	1.00%	
Wells Family Resource Center	1.00%	
Cappalappa Family Resource Center	0.50%	
Consolidated Agencies of Human Services	0.50%	
Emergency Aid of Boulder City, Inc.	0.50%	
Family Resource Centers of Northeastern Nevada	0.50%	
United Labor Agency of Nevada, Inc.	0.50%	
5. Food Assistance		10.00%
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Three Square Food Bank	50.00%	
Food Bank of Northern Nevada	30.00%	
The Just One Project	12.00%	
Food for Kids, Inc.	2.00%	
Carson Valley Community Food Closet	1.00%	
Fallon Food Hub	1.00%	
Friends in the Desert Foundation, Inc.	1.00%	
Serving Our Kids Foundation	1.00%	
The Greenhouse Project	1.00%	
Virgin Valley Family Services, Inc.	1.00%	

6. Job Training		6.00%
Goodwill Industries of Southern Nevada, Inc.	48.00%	
Southern Nevada Culinary and Bartenders Training Fund A Trust	8.00%	
Progressive Choices, Inc.	7.00%	
Jobs for Nevada's Graduates, Inc.	4.00%	
UBC National Job Corps Training Fund, Inc. (Las Vegas)	4.00%	
Dress for Success Reno – Northern Nevada	2.00%	
Dress for Success Southern Nevada	2.00%	
Electrical Joint Apprenticeship and Training Committee (JATC) for Southern Nevada	2.00%	
Foundation for an Independent Tomorrow	2.00%	
Las Vegas Plumbers and Pipefitters Local Union 525 Apprentice and TRA	2.00%	
Ruby Mountain Resource Center	2.00%	
ABC Nevada Chapter Northern Division Apprenticeship Trust Fund	1.00%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Cement Masons Joint Apprenticeship and Training Trust Fund	1.00%	
Iron Sharpens Iron Mentoring, Inc.	1.00%	
JOIN Inc.	1.00%	

Northern Nevada Building and Construction Trades Council Development Corp.	1.00%	
Northern Nevada Dream Center	1.00%	
Northern Nevada Electrical Workers Joint Apprenticeship & Training Committee	1.00%	
NRA-IATSE Local 720 Training Trust	1.00%	
Operating Engineers Affirmative Action Training Fund	1.00%	
Painters, Glaziers & Floor Coverers Joint Apprenticeship Training Trust	1.00%	
Sheet Metal Workers Joint Apprenticeship Committee of Reno	1.00%	
Sheet Metal Workers Local 88 Joint Apprenticeship & Training Fund	1.00%	
Southern Nevada Operating and Maintenance Engineers Joint Apprenticeship & Training Trust Fund	1.00%	
Southern Nevada Teamsters Local 631 Construction Industry Training Trust	1.00%	
Special Employment Services	1.00%	
Teamsters Convention Industry Training Fund	1.00%	
T.U.L.I.P.S. (Teaching and Uniting Ladies to Inspire Positive Success)	1.00%	
7. Arts and Culture		5.00%
Category of Funding	Percentage of Total Certified Money Within	Percentage of Total Certified Money

	Category or Subcategory
The Smith Center for the Performing Arts	15.00%
300 Stewart Avenue Corporation	12.50%
Reno Philharmonic	11.00%
Las Vegas Philharmonic	9.00%
DISCOVERY Children's Museum	6.00%
Nevada Museum of Art	5.00%
Nevada Ballet Theatre	4.50%
The Neon Museum	4.50%
Nevada Public Radio	4.00%
Reno Chamber Orchestra	4.00%
Terry Lee Wells Nevada Discovery Museum	3.80%
Nevada School of the Arts	2.50%
Pioneer Center for the Performing Arts	2.50%
Channel 5 Public Broadcasting, Inc.	2.00%
Friends of the Las Vegas Youth Orchestras	1.25%
Nevada Northern Railway Foundation	1.25%
Boulder City Museum & Historical Association	1.00%
Lake Tahoe Shakespeare Festival	1.00%
Las Vegas Natural History Museum	1.00%
Northeastern Nevada Historical Society and Museum	1.00%
Thunderbird Lodge Preservation Society	1.00%
Western Folklife Center	1.00%
Burlesque Hall of Fame, Inc.	0.50%
The Reno Dance Company, Inc.	0.50%
Artown	0.25%
Classical Tahoe	0.25%
Historic Fourth Ward	

School Foundation	0.25%	
Nevada Preservation Foundation	0.25%	
Reno Jazz Orchestra	0.25%	
Reno Little Theater	0.25%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Sierra Arts Foundation	0.25%	
The Holland Project	0.25%	
Arts for All Nevada	0.20%	
Bruka Theater of the Sierra	0.20%	
Children's Museum of Northern Nevada, Inc.	0.20%	
Douglas County Historical Society	0.20%	
Junior Achievement	0.20%	
St. Mary's Art Center	0.20%	
A Source of Joy Theatricals, Inc.	0.10%	
Big Four Educational Film Theatre Foundation	0.10%	
Brewery Arts Center	0.10%	
Great Basin Heritage Area Partnership	0.10%	
Jazz Outreach Initiative	0.10%	
Las Vegas Public Radio Inc.	0.10%	
Music With Confidence	0.10%	
North Central Nevada Historical Society	0.10%	
Signature Productions	0.10%	
The Orchestra and Community Choral Artists of the Tahoe Area	0.10%	
8. Animal Care	1.00%	
The Animal Foundation	30.00%	
Nevada Humane Society	25.00%	
Society for the Prevention of Cruelty to Animals of Northern NV	12.50%	
Hearts Alive Village	5.00%	

Pet Network Humane Society	5.00%	
Nevada Society for the Prevention of Cruelty To Animals	4.00%	
Canine Rehabilitation Center and Cat Sanctuary	2.50%	
Desert Haven Animal Society	2.50%	
Feeding Pets of the Homeless	2.50%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Heaven Can Wait Animal Society	2.50%	
Humane Network	2.50%	
Carson City CARES Inc. (Catmandu)	1.00%	
Churchill Animal Protection Society	1.00%	
PALnv	1.00%	
A Home 4 Spot Animal Rescue	0.50%	
Help Elevate Life for Pets	0.50%	
Homeward Bound Cat Adoptions	0.50%	
Las Vegas Valley Humane Society	0.50%	
PAWsitive Difference	0.50%	
Sugarland Ranch, Inc.	0.50%	

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Office of the State Treasurer the sum of \$250,000 for the costs of the services of a consultant with the requisite technical expertise to assist the Office of the State Treasurer in registering eligible nonprofit organizations pursuant to section 2 of this act, including, without limitation, notifying eligible nonprofit organizations of the requirement to register in section 2 of this act to receive a payment pursuant to section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the

appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 5. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 29, 2023.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 978 to Assembly Bill No. 526.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 263, 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 419.

Bill read third time.

Roll call on Senate Bill No. 419:

YEAS—28.

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

Senate Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 510.

Bill read third time.

Roll call on Senate Bill No. 510:

YEAS—28.

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

Senate Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 10:50 p.m.

ASSEMBLY IN SESSION

At 11:33 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 98, 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 98.
Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1002.

AN ACT relating to education; revising provisions relating to annual reports of accountability for public schools; revising provisions relating to the Education Stabilization Account; revising provisions relating to the Commission on School Funding; requiring the Commission to conduct interim studies on school funding and accountability for school funding; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the preparation of an annual report of accountability for each school district and sponsor of charter schools in this State, as well as for all public schools in the State as a whole. (NRS 385A.010-385A.520) Existing law imposes certain duties on the Superintendent of Public Instruction relating to the accountability of public schools. (NRS 385A.080) **Section 3.3** of this bill additionally requires the Superintendent to establish metrics of performance for public schools for each grade and, along with each school district and charter school, publish such metrics on their respective Internet websites and report data on such metrics to the Governor, State Board of Education and Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education.

Existing law creates the Education Stabilization Account in the State Education Fund and allows the Interim Finance Committee to authorize the transfer of money in the Account to the State Education Fund if actual enrollment growth in a fiscal year exceeds projected enrollment growth or if the collection of revenue in a fiscal year results in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund. (NRS 387.1213) **Section 3.5** of this bill additionally authorizes the Interim Finance Committee to transfer money from the Account to the State Education Fund if: (1) money deposited in the State Education

Fund was found by an audit to have been deposited in error; or (2) an error in the application of the Pupil-Centered Funding Plan by the Department of Education creates a shortfall in the State Education Fund.

Existing law creates the Commission on School Funding and authorizes the Commission to meet only between July 1 of an odd-numbered year and September 30 of the subsequent even-numbered year. (NRS 387.1246) **Section 4** of this bill: (1) requires the Commission to meet monthly; (2) authorizes the Commission to meet in person or, at the discretion of the Chair of the Commission, by use of a remote technology system; (3) authorizes the Commission to meet between July 1 of an odd-numbered year and December 31 of the subsequent even-numbered year; and (4) authorizes the Commission to also meet during any regular or special session of the Legislature, if requested to do so by the chair of the Senate Standing Committee on Education, Assembly Standing Committee on Education, Senate Standing Committee on Finance, Assembly Standing Committee on Ways and Means or Interim Finance Committee. **Section 4.5** of this bill expands the duties of the Commission by requiring the Commission to: (1) review the academic progress made by pupils in each public school; and (2) review and consider strategies to improve the accessibility and ensure the equitability of existing and new programs within and between public schools. **Section 7.5** of this bill: (1) expires the terms of incumbent members of the Commission on June 30, 2023; (2) requires the appointment or reappointment of members of the Commission on or before July 1, 2023, to staggered terms; and (3) requires the Commission to hold its first meeting during Fiscal Year 2023-2024 on or before September 1, 2023.

Section 7 of this bill requires the Commission to conduct interim studies on school funding and school accountability. **Section 7** requires the interim study on school funding to examine topics relating to: (1) the funding of building improvement and modernization projects by small school districts; (2) the number of professional educators graduating from institutions of higher education in this State; (3) the classification and compensation of professional educators and support personnel at public schools; and (4) changes to the laws governing sales and use tax and property tax to fully fund public schools in this State at an optimal level of funding. **Section 7** requires the interim study on school accountability to include recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments. **Section 6** of this bill appropriates ~~(\$1,500,000)~~ **\$500,000** from the State General Fund to the Commission for the cost of the studies required by **section 7**. **Sections 6.3 and 6.5** of this bill appropriate money for the payment of travel and per diem expenses for members of the Commission on School Funding and employees of the Department of Education, respectively, for attending meetings of the Commission.

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. 3.3. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Office of Finance;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

↪ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

(d) Establish metrics of performance for public schools for each grade which include, without limitation, metrics for:

(1) The growth and proficiency of pupils in literacy, mathematics and science;

(2) The engagement and proficiency of pupils in courses for college and career readiness; and

(3) The retention and recruitment of teachers and education support professionals.

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

3. The Superintendent of Public Instruction and each school district and charter school shall:

(a) Publish the metrics established pursuant to paragraph (d) of subsection 1 on their respective Internet websites; and

(b) On or before October 1 of each year, report data relating to each metric established pursuant to paragraph (d) of subsection 1 to the Governor, the State Board and the Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education.

Sec. 3.5. NRS 387.1213 is hereby amended to read as follows:

387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Education Stabilization Account must not exceed 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.

4. If the Interim Finance Committee finds that:

(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment; ~~for~~

(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund ~~to~~;

(c) Upon submission of a request from the Department, any amount of money which was deposited in the State Education Fund is found by an audit to have been deposited in error; or

(d) Upon submission of a request from the Department, any error in the application of the Pupil-Centered Funding Plan by the Department has created a shortfall in the State Education Fund,

→ the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and

direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.

5. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.

Sec. 4. NRS 387.1246 is hereby amended to read as follows:

387.1246 1. The Commission on School Funding, consisting of 11 members, is hereby created.

2. The Commission consists of the following members, who may not be Legislators:

- (a) One member appointed by the Governor, who serves as Chair;
- (b) Two members appointed by the Majority Leader of the Senate;
- (c) Two members appointed by the Speaker of the Assembly;
- (d) One member appointed by the Minority Leader of the Senate;
- (e) One member appointed by the Minority Leader of the Assembly;
- (f) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has more than 40,000 pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization; and
- (g) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has 40,000 or fewer pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization.

↪ In making appointments to the Commission, the appointing authorities shall consider whether the membership generally reflects the geographic distribution of pupils in the State.

3. Each member of the Commission must:

- (a) Be a resident of this State;
- (b) Not have been registered as a lobbyist pursuant to NRS 218H.200 for a period of at least 2 years immediately preceding appointment to the Commission;
- (c) Have relevant experience in public education;
- (d) Have relevant experience in fiscal policy, school finance or similar or related financial activities;
- (e) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and
- (f) Have demonstrated ability in the field of economics, taxation or other discipline necessary to school finance and be able to bring knowledge and professional judgment to the deliberations of the Commission.

4. Each member of the Commission serves a term of 3 years and may be reappointed to additional terms.

5. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.

6. The Commission shall:

(a) Elect a Vice Chair from among its members at its first meeting for a term of 3 years. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the existing term.

(b) Adopt such rules governing the conduct of the Commission as it deems necessary.

(c) ~~Hold its first meeting on or before October 1, 2019,~~ **Meet at least once each month** and hold such ~~additional~~ number of meetings as may be necessary to accomplish the tasks assigned to it in the time allotted.

(d) Meet in person or, at the discretion of the Chair in consultation with the Superintendent of Public Instruction based on the items on the agenda for a meeting, by use of a remote technology system, as defined in NRS 241.015.

7. A majority of the members of the Commission constitutes a quorum and a majority of those present must concur in any decision.

8. The Department shall provide the Commission with meeting rooms, data processing services and administrative and clerical assistance. The Superintendent of Public Instruction and Office of Finance shall jointly provide the Commission with professional staff services.

9. While engaged in the business of the Commission, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. The Commission may meet only ~~between~~ :

(a) Between July 1 of an odd-numbered year and ~~September 30~~ **December 31** of the subsequent even-numbered year ~~;~~ **;** **or**

(b) During any regular or special session of the Legislature, if requested to do so by the chair of the:

(1) Senate Standing Committee on Education;

(2) Assembly Standing Committee on Education;

(3) Senate Standing Committee on Finance;

(4) Assembly Standing Committee on Ways and Means; or

(5) Interim Finance Committee.

Sec. 4.5. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Joint Interim Standing Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the Joint Interim Standing Committee on Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215 and the method for calculating the attendance area adjustment established pursuant to NRS 387.1218.

(f) Review the academic progress made by pupils in each public school since the implementation of the Pupil-Centered Funding Plan, including, without limitation, any changes to the academic progress of such pupils as the result of any additional money provided to each such school by the Pupil-Centered Funding Plan. In performing such a review, the Commission shall:

(1) Use metrics to measure the academic achievement of pupils which include, without limitation:

(I) The rate of graduation of pupils from high school by type of diploma;

(II) The performance of pupils on standardized examinations in math, reading and science;

(III) The number of credentials or other certifications in fields of career and technical education earned by pupils;

(IV) The number of pupils who earn a passing score on an advanced placement examination;

(V) The number of pupils who earn a passing score on an international baccalaureate examination;

(VI) The percentage of pupils in each school who lack a sufficient number of credits to graduate by the end of their 12th grade year;

(VII) The percentage of pupils in each school who drop out;

(VIII) The number of pupils who enroll in higher education upon graduation;

(IX) The number of pupils who enroll in a vocational or technical school or apprenticeship training program;

- (X) The attendance rate for pupils;*
- (XI) The number of violent acts by pupils and disciplinary actions against pupils; and*
- (XII) Any other metric prescribed by the Commission;*
- (2) Use metrics to measure the improvement of pupils enrolled in elementary school in literacy which include, without limitation:*
 - (I) The literacy rate for pupils in first, third and fifth grades;*
 - (II) The number of pupils in elementary school who were promoted to the next grade after testing below proficient in reading in the immediately preceding school year, separated by grade level and by level of performance on the relevant test;*
 - (III) The number of schools that employ a licensed teacher designated to serve as a literacy specialist pursuant to NRS 388.159 and the number of schools that fail to employ and designate such a licensed teacher; and*
 - (IV) Any other metric prescribed by the Commission;*
- (3) Use metrics to measure the ability of public schools to hire and retain sufficient staff to meet the needs of the public schools which include, without limitation:*
 - (I) The rate of vacancies in positions for teachers, support staff and administrators;*
 - (II) The attendance rate for teachers;*
 - (III) The retention rate for teachers;*
 - (IV) The number of schools and classrooms within each school in which the number of pupils in attendance exceeds the designed capacity for the school or classroom;*
 - (V) The number of classes taught by a substitute teacher for more than 25 percent of the school year; and*
 - (VI) Any other metric prescribed by the Commission;*
- (4) Use metrics to measure the extent to which schools meet the needs and expectations of pupils, parents or legal guardians of pupils, teachers and administrators which include, without limitation:*
 - (I) The results of an annual survey of satisfaction of school employees;*
 - (II) The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and*
 - (III) Any other metric prescribed by the Commission;*
- (5) Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;*
- (6) Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and*
- (7) Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial*

accountability, including, without limitation, revisions to the metrics identified in subparagraphs (1) to (4), inclusive.

(g) Review and consider strategies to improve the accessibility and ensure the equitability of existing and new programs for pupils within and between public schools, including, without limitation, open zoning.

2. The Commission shall present any recommendations pursuant to paragraphs (a) to (d), inclusive, of subsection 1 at a meeting of the Joint Interim Standing Committee on Education for consideration and revision by the Committee. The Joint Interim Standing Committee on Education shall review each recommendation of the Commission and determine whether to transmit the recommendation or a revised version of the recommendation to the Governor or the Legislature.

Sec. 5. (Deleted by amendment.)

Sec. 6. 1. There is hereby appropriated from the State General Fund to the Commission on School Funding created by NRS 387.1246 the sum of ~~\$1,500,000~~ **\$500,000** for the cost of conducting the studies required by section 7 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 6.3. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$10,000 in Fiscal Year 2024-2025 for the payment of travel and per diem expenses for members of the Commission on School Funding created by NRS 387.1246.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 6.5. 1. There is hereby appropriated from the State General Fund to the Department of Education for the payment of travel and per diem expenses for employees of the Department to attend meetings of the Commission on School Funding created by NRS 387.1246 the following sums:

For the Fiscal Year 2023-2024	\$6,200
For the Fiscal Year 2024-2025	\$6,200

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after

June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 7. 1. The Commission on School Funding created by NRS 387.1246 shall conduct an interim study concerning school funding. The study must include, without limitation, an examination of:

(a) Methods to enable small school districts to acquire capital and engage in building improvement and modernization projects, including, without limitation:

(1) The creation of a revolving fund to make loans to small school districts;

(2) The allocation of additional funding to the Nevada State Infrastructure Bank and implementation of changes to statute or regulation as necessary to permit the Nevada State Infrastructure Bank to provide financial assistance to smaller school districts; and

(3) Financial assistance through the Municipal Bond Bank pursuant to NRS 350A.010 to 350A.210, inclusive.

(b) ~~Recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments in K-12 public education.~~

~~(c)~~ The number of teachers graduating from institutions of higher education in this State each year relative to the number of teacher positions sought to be filled by school districts in this State each year.

~~(d)~~ (c) The classification and compensation of teachers and support personnel at public schools in this State and whether insufficient compensation is contributing to the difficulty in attracting and retaining teachers and support personnel at public schools.

~~(e)~~ (d) Recommendations for changes to the laws governing sales and use tax and property tax to fully fund public schools in this State at an optimal level of funding.

2. The Commission on School Funding created by NRS 387.1246 shall conduct an interim study concerning school accountability. The study must include, without limitation, recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments in K-12 public education.

3. On or before November 15, 2024, the Commission shall submit a report of its findings ~~to~~ from the studies performed pursuant to subsections 1 and 2, including, without limitation, any recommendations for legislation, to the

Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

Sec. 7.5. 1. The terms of the members of the Commission on School Funding appointed pursuant to NRS 387.1246 who are incumbent on June 30, 2023, expire on that date.

2. Notwithstanding the provisions of subsection 4 of NRS 387.1246, as amended by section 4 of this act, on or before July 1, 2023:

(a) The Governor shall:

(1) Appoint to the Commission on School Funding to serve initial terms that expire on July 1, 2025:

(I) One member described in paragraph (f) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(II) One member described in paragraph (g) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(2) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026:

(I) One member described in paragraph (a) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(II) One member described in paragraph (f) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(III) One member described in paragraph (g) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(b) The Majority Leader of the Senate shall:

(1) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2025, one member described in paragraph (b) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(2) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026, one member described in paragraph (b) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(c) The Speaker of the Assembly shall:

(1) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2025, one member described in paragraph (c) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(2) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026, one member described in paragraph (c) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(d) The Minority Leader of the Senate shall appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026, one member described in paragraph (d) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(e) The Minority Leader of the Assembly shall appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2025, one member described in paragraph (e) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

3. The Governor, Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate and Minority Leader of the Assembly may reappoint a member of the Commission on School Funding whose term expires on June 30, 2023, if that member meets the qualifications for membership prescribed by subsection 2 of NRS 387.1246, as amended by section 4 of this act.

4. The Commission on School Funding shall hold its first meeting during Fiscal Year 2023-2024 not later than September 1, 2023.

5. As used in this section, “Commission on School Funding” means the Commission on School Funding created by NRS 387.1246, as amended by section 4 of this act.

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

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 400.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 998.

AN ACT relating to public welfare; revising provisions governing the duties of a reinvestment advisory committee; revising provisions governing contracts entered into by the Department of Health and Human Services for the operation of a Medicaid managed care program; requiring the Department to establish the Fiscal Advisory Committee for a Flexible Continuum of Care Plan; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Health and Human Services, to the extent that money is available, to: (1) establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State; and (2) conduct a statewide procurement process to select health maintenance organizations to provide the health care services. (NRS 422.273) **Sections 2 and 3** of this bill require each contract entered into by the Department with a health maintenance organization to provide such services to include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription services, alcohol or drug intervention or rehabilitation services and emergency and supportive housing in the local communities in which the health maintenance organization operates.

Existing law establishes a reinvestment advisory committee in each county of this State whose population is 700,000 or more (currently only Clark

County) and prescribes the duties of a reinvestment advisory committee, which includes reviewing, making recommendations and reporting to the Legislature and Director of the Department concerning the reinvestment of funds by a health maintenance organization that provides health care services through managed care to recipients of Medicaid in the communities served by those organizations. (NRS 422.185, 422.205) **Section 1** of this bill revises the duties of the reinvestment advisory committee such that the recommendations and reports of the advisory committee are required to concern the reinvestment of funds by managed care organizations to address homelessness and to provide sustainable medication and prescription services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing, in conformance with the amendatory provisions of **sections 2 and 3**.

Existing federal law establishes a Continuum of Care Program to provide funding for efforts by nonprofit providers, states, and local governments to quickly rehouse homeless individuals and families. (42 U.S.C. 11381 et seq.; 24 C.F.R. Part 578) Federal law requires representatives from relevant organizations to establish a Continuum of Care for a geographic area to carry out certain responsibilities and to establish a board to act on behalf of the Continuum. (24 C.F.R. 578.5) **Section 3.3** of this bill: (1) requires the Department to establish the Fiscal Advisory Committee for a Flexible Continuum of Care Plan; (2) authorizes the Department to make grants of money to the Advisory Committee to fund certain services; and (3) requires the Advisory Committee to prepare an annual report. **Section 3.3** requires a city whose population is 150,000 or more but less than 500,000 to transmit an amount of money which is not less than \$1,000,000 but not ~~less~~ more than \$2,000,000 to the Department each fiscal year for allocation to the Advisory Committee to fund programs to address homelessness in the service area of the Continuum of Care in which the city is located. **Section 3.3** requires the Department to assist the Advisory Committee to enter into service agreements with federally-qualified health centers.

Sections 7.1-7.9 of this bill make appropriations to the Department for allocation to the Advisory Committee to carry out the provisions of **section 3.3**.

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

Section 1. NRS 422.205 is hereby amended to read as follows:

422.205 1. A reinvestment advisory committee shall:

(a) Solicit and review reports from the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care organizations in the communities served by the Medicaid managed care organizations.

(b) Report to the Division and Medicaid managed care organizations concerning initiatives of local governments in the county to address homelessness ~~and~~ **and to provide sustainable medication and prescription**

drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing . ~~Issues and social determinants of health.~~

(c) Make recommendations based on the reports reviewed pursuant to paragraph (a) to the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care organizations in the communities served by the Medicaid managed care organizations. Those recommendations must include, without limitation, recommendations for the use of such funds for the purposes of:

(1) Developing innovative partnerships with community development organizations and providers of housing services; and

(2) Supporting the initiatives of local governments in the county to address homelessness ~~};~~ **and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing . ~~Issues and social determinants of health.~~**

2. On or before December 31 of each year, a reinvestment advisory committee shall:

(a) Compile a report concerning:

(1) The uses of funds reinvested by Medicaid managed care organizations in the communities served by those Medicaid managed care organizations, including, without limitation, efforts to address homelessness ~~};~~ ~~disparities in health care and social determinants of health;~~ **and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing;** and

(2) The activities of the reinvestment advisory committee during the calendar year, including, without limitation, the recommendations made by the reinvestment advisory committee pursuant to paragraph (c) of subsection 1.

(b) Submit the report to:

(1) The Director of the Legislative Counsel Bureau for transmittal to:

(I) In odd-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(II) In even-numbered years, the next regular session of the Legislature.

(2) The Director of the Department.

3. As used in this section, “Medicaid managed care organization” means a managed care organization that provides health care services to recipients of Medicaid who reside in the county for which a reinvestment advisory committee is established.

Sec. 2. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

➔ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

6. ***Each contract entered into by the Department with a health maintenance organization to provide health care services to recipients of Medicaid in all geographic areas of this State shall include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing in the local communities in which the health maintenance organization operates.***

7. As used in this section, unless the context otherwise requires:

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) “Managed care organization” has the meaning ascribed to it in NRS 695G.050.

Sec. 3. NRS 422.273 is hereby amended to read as follows:

422.273 1. To the extent that money is available, the Department shall:

(a) Establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State. The program is not required to provide services to recipients of Medicaid who are aged, blind or disabled pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.

(b) Conduct a statewide procurement process to select health maintenance organizations to provide the services described in paragraph (a).

2. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid;

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid; and

(d) Complied with the provisions of subsection 2 of NRS 695K.220.

↪ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

3. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

4. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

5. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

6. To the extent that money is available, a Medicaid managed care program must include, without limitation, a state-directed payment arrangement established in accordance with 42 C.F.R. § 438.6(c) to require a Medicaid managed care organization to reimburse a critical access hospital and any federally-qualified health center or rural health clinic affiliated with a critical access hospital for covered services at a rate that is equal to or greater than the rate received by the critical access hospital, federally-qualified health

center or rural health clinic, as applicable, for services provided to recipients of Medicaid on a fee-for-service basis.

7. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

8. ***Each contract entered into by the Department with a health maintenance organization to provide the services described in paragraph (a) of subsection 1 shall include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing in the local communities in which the health maintenance organization operates.***

9. As used in this section, unless the context otherwise requires:

(a) "Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(d) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(e) "Rural health clinic" has the meaning ascribed to it in 42 C.F.R. § 405.2401.

Sec. 3.3. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall establish the Fiscal Advisory Committee for a Flexible Continuum of Care Plan which consists of the following members appointed by the Director of the Department:*

(a) *A representative from the largest incorporated city in the service area of each Continuum of Care in this State, who must also reside in the service area of the Continuum of Care in which the city he or she represents is located;*

(b) *A person who represents a county in this State;*

(c) *A person who represents law enforcement;*

(d) *A person selected from a list of nominees provided by the Nevada Resort Association; and*

(e) A representative of a nonprofit organization that provides services to persons who are homeless.

2. To the extent practicable, each member appointed pursuant to paragraphs (a), (b), (c) and (e) of subsection 1 must be selected from a list of nominees provided by a Continuum of Care in this State. Except as otherwise provided in this subsection and subsection 1, each Continuum of Care in this State shall submit a list of nominees to fill any vacancy on the Advisory Committee. Each member appointed pursuant to paragraph (a) of subsection 1 must be selected from a list of nominees provided by the Continuum of Care whose service area includes the city which the member represents.

3. Each member of the Advisory Committee serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Advisory Committee must be filled in the same manner as the original appointment.

4. The members of the Advisory Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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

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

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

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

7. At its first meeting and annually thereafter, the Advisory Committee shall elect a Chair from among its members.

8. To the extent that funding is available for that purpose, and upon application by the Advisory Committee in such form as the Department may require, the Department may make grants to the Advisory Committee to fund:

(a) Services for persons released from prison or a county, city or town jail or detention facility including, without limitation, sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing.

(b) Services for persons leaving emergency shelters, including, without limitation, sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing.

(c) Services for persons leaving acute care settings, mental health care facilities, drug and alcohol rehabilitation facilities, or transitional housing.

(d) Emergency and supportive housing services, including, without limitation, the acquisition and rehabilitation of properties suitable for conversion to supportive housing.

9. ~~4A~~ Each fiscal year, a city in this State whose population is 150,000 or more but less than 500,000 shall transmit to the Department an amount of money which is not less than \$1,000,000 but not less than \$2,000,000 from money available for that purpose for allocation to the Advisory Committee to fund programs to address homelessness in the service area of the Continuum of Care in which the city is located.

10. The Department shall assist the Advisory Committee to enter into an agreement with a federally-qualified health center to provide services described in paragraphs (a), (b) and (c) of subsection 8.

11. On or before September 30 of each year, the Advisory Committee shall submit to the governing board of the Continuum of Care, the Department and the Interim Finance Committee a report detailing the use of any grant of money received from the Department pursuant to subsection 8 and the status of any programs or services funded using such money.

12. Any grant of money made to the Advisory Committee and any funding allocated by the Advisory Committee to any person must not supplant, replace, offset or otherwise reduce funding for programs to address homelessness.

13. As used in this section, “Continuum of Care” has the meaning ascribed to it in 24 C.F.R. § 578.3.

Sec. 3.7. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$17,000,000:

1. For allocation to Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to fund the services described in subsection 8 of section 3.3 of this act; or

2. To satisfy matching requirements for federal grants to fund the services described in subsection 8 of section 3.3 of this act.

Sec. 7.3. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$1,000,000 for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care

Plan established pursuant to section 3.3 of this act to match an equal amount of money provided by local governments in the service area of the Northern Nevada Continuum of Care to fund the services described in subsection 8 of section 3.3 of this act in the service area of the Northern Nevada Continuum of Care.

Sec. 7.5. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of \$1,000,000 for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to match an equal amount of money provided by local governments in the service area of the Rural Nevada Continuum of Care to fund the services described in subsection 8 of section 3.3 of this act in the service area of the Rural Nevada Continuum of Care.

Sec. 7.7. Any remaining balance of the appropriations made by sections 7.1, 7.3 and 7.5 of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 7.9. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to address homelessness in the city of Las Vegas the following sums:

For the Fiscal Year 2023-2024	\$9,000,000
For the Fiscal Year 2024-2025	\$1,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 8. The amendatory provisions of sections 1, 2 and 3 of this act do not apply during the current term of any agreement entered into between the Department of Health and Human Services and a health maintenance organization pursuant to NRS 422.273 before January 1, 2024, but do apply to any extension or renewal of such an agreement and to any agreement entered into between the Department of Health and Human Services and a health

maintenance organization pursuant to NRS 422.273 on or after January 1, 2024.

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 3.3, 3.7 and 7.1 to 7.9, inclusive, of this act become effective on July 1, 2023.

3. Sections 1, 2 and 8 of this act become effective on January 1, 2024.

4. Section 3 of this act becomes effective on January 1, 2026.

5. Sections 4 to 7, inclusive, and 9 of this act become effective on July 1, 2027.

6. The amendatory provisions of section 2 of this act expire by limitation on December 31, 2025.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 412.

Bill read third time.

Roll call on Senate Bill No. 412:

YEAS—40.

NAYS—Orentlicher, Summers-Armstrong—2.

Senate Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Roll call on Senate Bill No. 233:

YEAS—27.

NAYS—Anderson, Bilbray-Axelrod, Cohen, Considine, Duran, González, Gorelow, Kasama, La Rue Hatch, Brittney Miller, C.H. Miller, Monroe-Moreno, Newby, Summers-Armstrong, Taylor—15.

Senate Bill No. 233 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

Senate Bill No. 277.

Bill read third time.

Roll call on Senate Bill No. 277:

YEAS—28.

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

Senate Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 263.

Bill read third time.

Roll call on Senate Bill No. 263:

YEAS—35.

NAYS—Duran, González, Marzola, Brittney Miller, C.H. Miller, Monroe-Moreno, Summers-Armstrong—7.

Senate Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 431.

Bill read third time.

Roll call on Senate Bill No. 431:

YEAS—42.

NAYS—None.

Senate Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 98.

Bill read third time.

Roll call on Senate Bill No. 98:

YEAS—38.

NAYS—Anderson, Cohen, Considine, Brittney Miller—4.

Senate Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Roll call on Senate Bill No. 400:

YEAS—28.

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

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2023

To the Honorable the Assembly:

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 910 to Senate Bill No. 72; Assembly Amendments Nos. 623, 953 to Senate Bill No. 82; Assembly Amendment No. 970 to Senate Bill No. 231; Assembly Amendment No. 926 to Senate Bill No. 276; Assembly Amendment No. 812 to Senate Bill No. 294; Assembly Amendment No. 930 to Senate Bill No. 327; Assembly Amendment No. 923 to Senate Bill No. 371; Assembly Amendment No. 929 to Senate Bill No. 439.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 949 to Senate Bill No. 301.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 698 to Senate Bill No. 328.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1002 to Senate Bill No. 98; Assembly Amendments Nos. 683, 745 to Senate Bill No. 106; Assembly Amendment No. 598 to Senate Bill No. 110; Assembly Amendment No. 709 to Senate Bill No. 134; Assembly Amendment No. 680 to Senate Bill

No. 310; Assembly Amendment No. 588 to Senate Bill No. 321; Assembly Amendment No. 928 to Senate Bill No. 364; Assembly Amendment No. 998 to Senate Bill No. 400.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 35.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 104.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 196.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 283.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 355.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 370.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 161.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 444, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 676 and 730 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA7, which is attached to and hereby made a part of this report.

SENATOR DALLAS HARRIS

SENATOR IRA HANSEN

Senate Conference Committee

ASSEMBLYWOMAN SHEA BACKUS

ASSEMBLYWOMAN VENICIA CONSIDINE

ASSEMBLYMAN GREGORY T. HAFEN

Assembly Conference Committee

Amendment No. CA7.

AN ACT relating to child welfare; establishing various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; requiring an agency which provides child welfare services to provide certain training for its personnel; requiring the Division and the Court Administrator to submit certain reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary; authorizing the Nevada Supreme Court and the Court Administrator to adopt certain rules; repealing certain unnecessary provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., was enacted in 1978 to protect Indian children from the removal from their homes and families and gives Indian tribes jurisdiction over the Indian children within their tribe. Existing Nevada law recognizes the jurisdiction of Indian tribes in

various proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights. (NRS 3.223, 62D.210, 125A.215, 127.010, 127.018, 128.020, 128.023, 432B.410, 432B.425) This bill establishes various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

Sections 2-38 of this bill establish provisions concerning proceedings in which the legal or physical custody of an Indian child **who is or may be in need of protection** is an issue. **Section 2** of this bill explains the legislative intent of **sections 2-38**. **Sections 3.5-17** of this bill define terms for the purposes of **sections 2-38**. ~~[Section 17.5 of this bill provides that the provisions of sections 2-38 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) a family member related within the third degree of consanguinity to an Indian child is adopting the Indian child; (3) an Indian child who was conceived by means of assisted reproduction is being adopted; or (4) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.]~~

Section 18 of this bill provides that a person has custody of an Indian child if the person has physical or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.

Section 20 of this bill requires a court to consider certain factors, in consultation with the Indian child's tribe, when making a determination regarding the best interests of the Indian child in a child custody proceeding. **Section 21** of this bill establishes the order of priority for the domicile of an Indian child.

Section 22 of this bill requires the appropriate agency which provides child welfare services to: (1) provide assistance with enrolling an Indian child ~~[who is a child in need of protection or who may be in need of protection]~~ in a tribe with which the child is eligible for enrollment unless the Indian child's parent objects; and (2) notify the Indian child's parent of his or her right to object to such assistance from the agency.

Section 23 of this bill sets forth the manner in which the tribe of an Indian child is determined for purposes of a child custody proceeding involving the Indian child and, if the Indian child is a member of or eligible for membership with more than one tribe, requires the court to designate the tribe with which the Indian child has the more significant contacts by considering certain factors.

Section 24 of this bill requires a court to: (1) determine, in any child custody proceeding involving an Indian child, the residence and domicile of the Indian child and whether he or she is a ward of a tribal court; and (2) communicate with any tribal courts to the extent necessary to make such determinations.

Section 25 of this bill requires agencies which provide child welfare services to make a good faith effort to enter into a tribal-state agreement with any Indian tribe in Nevada and authorizes such agencies to enter into a tribal-state agreement with any Indian tribe outside of Nevada if the tribe has significant numbers of Indian children who reside in Nevada and are members of or eligible for membership with the tribe. **Section 25** also establishes provisions concerning the contents of and requirements regarding such tribal-state agreements.

Section 26 of this bill provides that the jurisdiction of a court in a child custody proceeding involving an Indian child is concurrent with the jurisdiction of the tribe of the Indian child. **Section 26** also establishes the circumstances in which the tribe of an Indian child has exclusive jurisdiction in such cases.

Section 27 of this bill requires, in general, a court to transfer a child custody proceeding involving an Indian child if the parent, Indian custodian or tribe of the Indian child petitions the court to transfer the proceeding to tribal court. **Section 27** also establishes various other provisions regarding such a transfer and the denial of such a transfer by the court. **Section 28** of this bill sets forth the actions that a court is required to take upon granting a transfer motion under **section 27**.

Section 29.5 of this bill establishes requirements for certain persons and the court with regard to determining whether a child is an Indian child in child custody proceedings.

Section 30 of this bill ~~requires a court to ask each party~~ **provides that** in a child custody proceeding, ~~at the commencement of the proceeding, whether the party knows or has reason to know that the~~ **if a person is required to determine whether a child is an Indian child ~~if~~ , the person is required to make a good faith effort to make such a determination by consulting with certain persons.** **Section 30 also** establishes the circumstances in which a court ~~or person~~ **has reason to know that a child is an Indian child and imposes certain requirements on a court ~~if there is reason to know that~~ concerning the procedure for verifying whether** a child is an Indian child. ~~But the court does not have sufficient evidence to determine whether the child is an Indian child.~~

Section 31 of this bill requires the person taking a child into protective custody in an emergency proceeding to make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child, the appropriate agency which provides child welfare services is required, if the nature of the emergency allows, to notify any tribe of which the child is or may be a member and provide certain information, including a statement that the tribe has a right to participate in the proceeding as a party or in an advisory capacity. **Section 31** also imposes certain requirements relating to: (1) the provision of notice of a child custody proceeding if there is reason to know that a child alleged to be

within the court's jurisdiction is an Indian child; and (2) the hearing regarding the proceeding.

Section 32 of this bill provides that if a court finds at a hearing in a child custody proceeding that a child is an Indian child, at least one qualified expert witness must testify regarding certain information. If a qualified witness is required to testify, **section 32** requires the petitioner in the proceeding to contact the tribe of the Indian child and request that the tribe identify one or more persons who can testify as a qualified witness. Additionally, **section 32** authorizes a court to hear supplemental testimony from certain professionals.

Section 33 of this bill provides that if a child in a child custody proceeding is an Indian child and active efforts, which are efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family, are required, the court is required to determine whether active efforts have been made to prevent the breakup of or to reunite the family. **Section 33** establishes requirements relating to active efforts.

Section 34 of this bill authorizes a tribe that is a party to a child custody proceeding to be represented by any person, regardless of whether the person is licensed to practice law. **Section 34** also authorizes an attorney who is not barred from practicing law in Nevada to appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that certain requirements are met.

Section 35 of this bill provides that in a child custody proceeding involving ~~[(a child who is or may be in need of protection, if the child is)]~~ an Indian child, the court is required to appoint counsel to represent the Indian child and, in certain circumstances, also appoint counsel to represent the Indian child's parent or Indian custodian. **Section 35** also authorizes an attorney who is appointed to represent an Indian child to inspect certain records of the Indian child without the consent of the Indian child or his or her parent or Indian custodian.

Section 36 of this bill authorizes each party in a child custody proceeding in which the child is an Indian child to timely examine all reports and documents held by an agency which provides child welfare services that are not otherwise subject to a discovery exception or precluded under state or federal law.

Section 37 of this bill establishes requirements concerning the: (1) least restrictive setting in which an Indian child must be placed if the parental rights of the Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care; and (2) placement of an Indian child if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement. **Section 37** also authorizes the alternative placement of an Indian child in certain circumstances.

Section 38 of this bill authorizes certain persons to file a petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights in a pending child

custody proceeding under **sections 2-38** or, if no proceeding is pending, in any court with jurisdiction over the matter. **Section 38** requires the court to vacate an order or judgment regarding jurisdiction, placement, guardianship or the termination of parental rights if certain provisions of **sections 2-38** have been violated and the court determines that vacating the order or judgment is proper.

Sections 42-50 of this bill establish provisions specifically relating to the adoption of Indian children. **Section 42** of this bill provides that a petition for adoption of a child must include certain contents concerning whether there is reason to know that the child who is the subject of the petition is an Indian child and requires a petitioner who has reason to know that the child is an Indian child to serve copies of the petition on certain persons and file with the court a declaration of compliance concerning such notice. **Section 43** of this bill: (1) requires written consent to the adoption of an Indian child to be given by the Indian child's parents unless their parental rights have been terminated; (2) establishes requirements concerning such consent; and (3) authorizes the withdrawal of such consent.

Section 45 of this bill establishes provisions concerning the entry of a judgment for the adoption of a child, including certain requirements relating to the adoption of an Indian child. **Section 46** of this bill authorizes the filing of a petition to vacate a judgment of adoption of an Indian child and requires the court to vacate the judgment if the petition is timely filed and the court finds by clear and convincing evidence that the consent of a parent to the adoption was obtained through fraud or duress. **Section 47** of this bill requires a court to provide notice to certain persons and the appropriate agency which provides child welfare services if a judgment of adoption of an Indian child is vacated and, unless the return of custody of the Indian child to a former parent or prior Indian custodian or the restoration of parental rights is not in the best interests of the child, return custody of the Indian child to the former parent or prior Indian custodian or restore parental rights.

Section 48 of this bill requires that access to the adoption records of an Indian child be given to the Indian child's tribe or the United States Secretary of the Interior not later than 14 days after the request for such records.

Section 49 of this bill requires the appropriate agency which provides child welfare services to file with the court in a proceeding for the adoption of a minor child a written compliance report that reflects the agency's review of the petition for adoption and advises the court on whether the petitioner submitted complete and sufficient documentation relating to the petitioner's compliance with the inquiry and notice requirements and placement preferences. **Section 49** requires the Division of Child and Family Services of the Department of Health and Human Services (hereinafter "Division") to adopt regulations providing a nonexhaustive description of the documentation that may be submitted to the court as evidence of such compliance and any other regulations for the preparation of such compliance reports that are necessary for agencies which provide child welfare services to carry out their duties. **Section 49** also authorizes the Court Administrator to prepare and make

available to the public certain forms and information to assist petitioners and to design and offer trainings to courts having jurisdiction over adoption matters.

Section 50 of this bill establishes provisions governing tribal customary adoption, which is the adoption of an Indian child by and through the tribal custom, traditions or law of the child's tribe without the termination of parental rights. **Section 50** requires the Division to adopt certain regulations concerning tribal customary adoption and authorizes: (1) the Supreme Court to adopt rules necessary for the court processes to implement the provisions relating to tribal customary adoption; and (2) the Court Administrator to prepare necessary forms for the implementation of the provisions relating to tribal customary adoption. **Section 73** of this bill requires the Division to submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the implementation of tribal customary adoption as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

~~[Section 41.5 of this bill provides that the provisions of sections 42-50 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) a family member within the third degree of consanguinity of an Indian child is adopting the Indian child; (3) an Indian child who was conceived by means of assisted reproduction is being adopted; or (4) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption. Section 57 of this bill similarly provides that provisions relating to proceedings that otherwise concern the termination of parental rights of the parent of an Indian child do not apply in certain circumstances if a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent.]~~

Section 65 of this bill requires the Division to adopt regulations necessary for the implementation of **sections 2-38 and 42-50**.

Section 67 of this bill requires an agency which provides child welfare services to provide training for its personnel regarding the requirements of **sections 2-38 and 42-50**.

Sections 40, 51-62 and 64-70 of this bill make conforming changes to provisions of existing law to reflect the changes made in **sections 2-38**. **Section 78** of this bill repeals certain provisions of existing law that are no longer necessary because of the provisions of **sections 2-38**.

Section 72 of this bill requires the Division and the Court Administrator to submit biennial reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary containing certain data relating to Indian children in dependency proceedings. **Section 76** of this bill authorizes the Court

Administrator to adopt any rules necessary to implement **sections 2-38 and 42-50**.

WHEREAS, Current research shows that family, culture and community promote resiliency and health development in Indian children; and

WHEREAS, Congress, working with tribal nations, tribal leadership and advocates for Indian children, passed the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., in 1978 to stop the removal of Indian children from their homes, families and communities; and

WHEREAS, At the time Congress passed the Indian Child Welfare Act, Indian children were being removed by public and private agencies at rates as high as 25 percent to 35 percent; and

WHEREAS, Indian children continue to be removed from their homes at rates higher than other non-Indian children; and

WHEREAS, Despite requirements under the Indian Child Welfare Act, application of the Indian Child Welfare Act in Nevada courts is inconsistent; and

WHEREAS, Clearly addressing in state law the coordination between and respective roles of the state and tribes regarding the provision of child welfare services to Indian children will provide uniform and consistent direction to state courts, tribes and practitioners to prevent unlawful removals of Indian children from their families and promote the stable placement of Indian children in loving, permanent homes that are connected to family and culture; now, therefore,

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

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. 1. *The Legislature hereby finds that the United States Congress recognizes the special legal status of Indian tribes and their members. It is the policy of this State to protect the health and safety of Indian children and the stability and security of Indian tribes and families by promoting practices designed to prevent the removal of Indian children from their families and, if removal is necessary and lawful, to prioritize the placement of an Indian child with the Indian child's extended family and tribal community.*

2. *This State recognizes the inherent jurisdiction of Indian tribes to make decisions regarding the custody of Indian children and also recognizes the importance of ensuring that Indian children and Indian families receive appropriate services to obviate the need to remove an Indian child from the Indian child's home and, if removal is necessary and lawful, to effect the child's safe return home.*

3. Sections 2 to 38, inclusive, of this act create additional safeguards for Indian children to address disproportionate rates of removal, to improve the treatment of and services provided to Indian children and Indian families in the child welfare system and to ensure that Indian children who must be removed are placed with Indian families, communities and cultures.

Sec. 3. As used in sections 2 to 38, inclusive, of this act, the words and terms defined in sections 3.5 to 17, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3.5. “Agency” means an agency which provides child welfare services, as defined in NRS 432B.030.

Sec. 4. “Child custody proceeding” means a matter arising under chapter 432B of NRS in which the legal custody or physical custody of a child is an issue . It, including, without limitation, a matter arising under chapter 125A, 127, 128 or 432B of NRS. The term does not include an emergency proceeding.

Sec. 5. “Division” means the Division of Child and Family Services of the Department of Health and Human Services.

Sec. 6. “Emergency proceeding” means any court action that involves the emergency removal or emergency placement of an Indian child, with or without a protective custody order.

Sec. 7. “Extended family member” has the meaning given that term by the law or custom of an Indian child’s tribe or, if that meaning cannot be determined, means a person who has attained 18 years of age and who is the Indian child’s grandparent, aunt, uncle, brother, sister, sister-in-law, brother-in-law, niece, nephew, first cousin, second cousin, stepparent or another person determined by the Indian child’s tribe, clan or band member.

Sec. 8. “Indian” means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1606.

Sec. 9. “Indian child” means any unmarried person who has not attained 18 years of age and is:

1. A member or citizen of an Indian tribe; or
2. Eligible for membership or citizenship in an Indian tribe and is the biological child of a member of an Indian tribe.

Sec. 10. “Indian custodian” means an Indian, other than the Indian child’s parent, who has custody, as described in subsection 1 of section 18 of this act, of the Indian child, or to whom temporary physical care, custody and control has been transferred by the Indian child’s parent.

Sec. 11. “Indian tribe” or “tribe” means any Indian tribe, band, nation or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the United States Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).

Sec. 12. “Juvenile court” has the meaning ascribed to it in NRS 62A.180.

Sec. 13. “Member” or “membership” means a determination by an Indian tribe that a person is a member or citizen in that Indian tribe.

Sec. 14. “Parent” means:

1. A biological parent of an Indian child;
2. An Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom; or
3. A person who has established a parent and child relationship with an Indian child pursuant to the laws of this State.

Sec. 15. “Party” means a party to a proceeding.

Sec. 16. “Reservation” means Indian country as defined in 18 U.S.C. § 1151 and any lands not covered under that section, the title to which is held by the United States in trust for the benefit of an Indian tribe or person or held by an Indian tribe or person subject to a restriction by the United States against alienation.

Sec. 17. “Tribal court” means a court with jurisdiction over child custody proceedings involving an Indian child that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings involving an Indian child.

Sec. 17.5. ~~1. Notwithstanding any other provision of law, the provisions of sections 2 to 38, inclusive, of this act do not apply if:~~

~~—(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;~~

~~—(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;~~

~~—(c) An Indian child who was conceived by means of assisted reproduction is being adopted; or~~

~~—(d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.~~

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

~~—(a) “Assisted reproduction” has the meaning ascribed to it in NRS 126.510.~~

~~—(b) “Confirmatory adoption” means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent. (Deleted by amendment.)~~

Sec. 18. 1. A person has custody of an Indian child under sections 2 to 38, inclusive, of this act if the person has physical custody or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.

2. An Indian child’s parent has continued custody of the Indian child if the parent currently has, or previously had, custody of the Indian child.

Sec. 19. (Deleted by amendment.)

Sec. 20. *In a child custody proceeding involving an Indian child, when making a determination regarding the best interests of the child in accordance with sections 2 to 38, inclusive, of this act, chapter ~~[125A, 127, 128 or]~~ 432B of NRS, the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., or any applicable regulations or rules regarding sections 2 to 38, inclusive, of this act, chapter ~~[125A, 127, 128 or]~~ 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:*

1. *The protection of the safety, well-being, development and stability of the Indian child;*
2. *The prevention of unnecessary out-of-home placement of the Indian child;*
3. *The prioritization of placement of the Indian child in accordance with the placement preferences under section 37 of this act;*
4. *The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and*
5. *The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.*

Sec. 21. *For purposes of sections 2 to 38, inclusive, of this act:*

1. *A person's domicile is the place the person regards as home, where the person intends to remain or to which, if absent, the person intends to return.*
2. *An Indian child's domicile is, in order of priority, the domicile of:*
 - (a) *The Indian child's parents or, if the Indian child's parents do not have the same domicile, the Indian child's parent who has physical custody of the Indian child;*
 - (b) *The Indian child's Indian custodian; or*
 - (c) *The Indian child's guardian.*

Sec. 22. 1. *Unless an Indian child's parent objects, the appropriate agency shall provide assistance with enrolling an Indian child within the jurisdiction of the ~~juvenile~~ court ~~under NRS 432B.410~~ in a tribe with which the child is eligible for enrollment.*

2. *In any child custody proceeding ~~under chapter 432B of NRS~~ involving an Indian child, if the appropriate agency reasonably believes that the Indian child is eligible for enrollment in a tribe, the agency shall notify the Indian child's parents of their right to object to the agency's assistance under subsection 1. The provision of notice pursuant to this subsection is deemed to be satisfied by sending the notice to the last known mailing address of each of the Indian child's parents.*

Sec. 23. 1. *In a child custody proceeding in which an Indian child is alleged to be within the jurisdiction of the court, the Indian child's tribe is:*

(a) *If the Indian child is a member of or is eligible for membership in only one tribe, the tribe of which the Indian child is a member or eligible for membership.*

(b) *If the Indian child is a member of one tribe but is eligible for membership in one or more other tribes, the tribe of which the Indian child is a member.*

(c) *If the Indian child is a member of more than one tribe or if the Indian child is not a member of any tribe but is eligible for membership with more than one tribe:*

(1) *The tribe designated by agreement between the tribes of which the Indian child is a member or in which the Indian child is eligible for membership; or*

(2) *If the tribes are unable to agree on the designation of the Indian child's tribe, the tribe designated by the court.*

2. *When designating an Indian child's tribe under subparagraph (2) of paragraph (c) of subsection 1, the court shall, after a hearing, designate the tribe with which the Indian child has the more significant contacts, taking into consideration the following:*

(a) *The preference of the Indian child's parent;*

(b) *The duration of the Indian child's current or prior domicile or residence on or near the reservation of each tribe;*

(c) *The tribal membership of the Indian child's custodial parent or Indian custodian;*

(d) *The interests asserted by each tribe;*

(e) *Whether a tribe has previously adjudicated a case involving the Indian child; and*

(f) *If the court determines that the Indian child is of sufficient age and capacity to meaningfully self-identify, the self-identification of the Indian child.*

3. *If an Indian child is a member of or is eligible for membership in more than one tribe, the court may, in its discretion, permit a tribe, in addition to the Indian child's tribe, to participate in a child custody proceeding under chapter 422B of NRS involving the Indian child in an advisory capacity or as a party.*

Sec. 24. *In any child custody proceeding involving an Indian child that is based on allegations that the Indian child is within the jurisdiction of the court, the court must determine the residence and domicile of the Indian child and whether the Indian child is a ward of tribal court. The court shall communicate with any tribal courts to the extent necessary to make a determination under this section.*

Sec. 25. 1. *Agencies shall make a good faith effort to enter into a tribal-state agreement with any Indian tribe within the borders of this State. Agencies may also enter into a tribal-state agreement with any Indian tribe outside of this State having significant numbers of member children or membership-eligible children residing in this State.*

2. *The purposes of a tribal-state agreement are to promote the continued existence and integrity of the Indian tribe as a political entity and to protect the vital interests of Indian children in securing and maintaining political, cultural and social relationships with their tribe.*

3. *A tribal-state agreement may include agreements regarding default jurisdiction over cases in which the state courts and tribal courts have concurrent jurisdiction, the transfer of cases between state courts and tribal courts, the assessment, removal, placement, custody and adoption of Indian children and any other child welfare services provided to Indian children.*

4. *A tribal-state agreement must:*

(a) *Provide for the cooperative delivery of child welfare services to Indian children in this State, including, without limitation, the utilization, to the extent available, of services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population to implement the terms of the tribal-state agreement; and*

(b) *If services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population are unavailable, provide for an agency's use of community services and resources developed specifically for Indian families that have the demonstrated experience and capacity to provide culturally relevant and effective services to Indian children.*

Sec. 26. 1. *Except as otherwise provided in this section, the court's jurisdiction in a child custody proceeding involving an Indian child is concurrent with the Indian child's tribe.*

2. *The tribe has exclusive jurisdiction in a child custody proceeding involving an Indian child if:*

(a) *The Indian child is a ward of a tribal court of the tribe; or*

(b) *The Indian child resides or is domiciled within the reservation of the tribe.*

3. *Communications between the court and a tribal court regarding calendars, court records and similar matters may occur without informing the parties or creating a record of the communications.*

4. *Notwithstanding the provisions of this section, the juvenile court has temporary exclusive jurisdiction over an Indian child who is placed in protective custody pursuant to chapter 432B of NRS.*

5. *As used in this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 27. 1. *Except as otherwise provided in subsection 4, the court shall transfer a child custody proceeding involving an Indian child if, at any time during the proceeding, the Indian child's parent, Indian custodian or tribe petitions the court to transfer the proceeding to the tribal court.*

2. *Upon receipt of a transfer motion, the court shall contact the Indian child's tribe and request a timely response regarding whether the tribe intends to decline the transfer.*

3. If a party objects to the transfer motion for good cause, the court shall fix the time for hearing on objections to the motion. At the hearing, the objecting party has the burden of proof of establishing by clear and convincing evidence that good cause exists to deny the transfer. If the Indian child's tribe contests the assertion that good cause exists to deny the transfer, the court shall give the tribe's argument substantial weight. When making a determination whether good cause exists to deny the transfer motion, the court may not consider:

- (a) Whether the proceeding is at an advanced stage;
- (b) Whether there has been a prior proceeding involving the Indian child in which a transfer motion was not filed;
- (c) Whether the transfer could affect the placement of the Indian child;
- (d) The cultural connections of the Indian child with the tribe or the tribe's reservation; or
- (e) The socioeconomic conditions of the Indian child's tribe or any negative perception of tribal or United States Bureau of Indian Affairs' social services or judicial systems.

4. The court shall deny the transfer motion if:

- (a) The tribe declines the transfer orally on the record or in writing;
- (b) The Indian child's parent objects to the transfer; or
- (c) The court finds by clear and convincing evidence, after hearing, that good cause exists to deny the transfer.

5. Notwithstanding paragraph (b) of subsection 4, the objection of the Indian child's parent does not preclude the transfer if:

- (a) The objecting parent dies or the objecting parent's parental rights are terminated and have not been restored; and
- (b) The Indian child's remaining parent, Indian custodian or tribe files a new transfer motion subsequent to the death of the objecting parent or the termination of the parental rights of the objecting parent.

6. If the court denies a transfer under this section, the court shall document the basis for the denial in a written order.

Sec. 28. Upon granting a transfer motion under section 27 of this act, the court shall expeditiously:

- 1. Notify the tribal court of the pending dismissal of the child custody proceeding;
- 2. Transfer all information regarding the proceeding, including, without limitation, pleadings and court records, to the tribal court;
- 3. ~~If the Indian child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, direct~~ Direct the appropriate agency to:

- (a) Coordinate with the tribal court and the Indian child's tribe to ensure that the transfer of the proceeding and the transfer of custody of the Indian child is accomplished with minimal disruption of services to the Indian child and the Indian child's family; and

(b) Provide the Indian child's tribe with documentation related to the Indian child's eligibility for state and federal assistance and information related to the Indian child's social history, treatment diagnosis and services and other relevant case and service related data; and

4. Dismiss the proceeding upon confirmation from the tribal court that the tribal court received the transferred information.

Sec. 29. (Deleted by amendment.)

Sec. 29.5. Notwithstanding any other provision of law and in addition to any other requirements, in any child custody proceeding:

1. Each petitioner and every other person otherwise required by the court or by any applicable law shall:

(a) Determine whether there is reason to know that the child is an Indian child; and

(b) Demonstrate to the court that he or she made efforts to determine whether a child is an Indian child.

2. The court shall:

(a) Make a finding regarding whether there is reason to know that the child is an Indian child, unless the court has previously found that the child is an Indian child; and

(b) Not enter a custody order in the matter until all applicable inquiry and notice requirements set forth in sections 2 to 38, inclusive, of this act have been met.

Sec. 30. 1. ~~[At the commencement of any child custody proceeding, the court must ask each party whether the party knows or has reason to know that the child is an Indian child. All responses to such an inquiry must be made on the record. The court must instruct the parties to inform the court if they subsequently receive information that provides reason to know the child is an Indian child.]~~ Except if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, without limitation, by consulting with:

(a) The child;

(b) The child's parent or parents;

(c) Any person having custody of the child or with whom the child resides;

(d) Extended family members of the child;

(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in a Indian tribe; and

(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.

2. ~~[If there is reason to know that a child in a child custody proceeding is an Indian child but the court does not have sufficient evidence to determine whether the child is an Indian child, the court must:~~

~~(a) Confirm, by way of a report, declaration or testimony included in the record that an agency or party used due diligence to identify and work with all of the tribes of which there is reason to know the child may be a member or is eligible for membership to verify whether the child is a member or the child's parent is a member and the child is eligible for membership; and~~

~~(b) Treat the child as an Indian child, unless and until it is determined on the record that the child is not an Indian child.~~

~~3.} A court ~~}, upon conducting the inquiry required pursuant to subsection 1,~~ or person has reason to know that a child in a child custody proceeding is an Indian child if:~~

~~(a) The person knows that the child is an Indian child;~~

~~(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;~~

~~(c) Any ~~party,~~ person present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court or the person that the child is an Indian child ~~};~~~~

~~(b) Any party, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court or that it has discovered information has been discovered indicating that the child is an Indian child;~~

~~(c) (d) The child ~~}, who is the subject of the proceeding gives,~~ indicates to the court ~~reason to know,~~ or the person that the child is an Indian child;~~

~~(d) (e) The court or the person is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;~~

~~(e) (f) The court or the person is informed that the child is or has been a ward of a tribal court; ~~for~~~~

~~(f) (g) The court or the person is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe ~~};~~~~

~~(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or~~

~~(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.~~

3. Except as otherwise provided in section 49 of this act, whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian

child and shall make a finding regarding whether there is reason to know that the child is an Indian child.

~~4. In seeking verification of a child's status in a child custody proceeding in which there is a consenting parent who evidences, by written request or statement in the record, a desire for anonymity, the court must keep relevant documents pertaining to the inquiry required under this section confidential and under seal. A request for anonymity does not relieve the court, an agency or any party from any duty of compliance with the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., including, without limitation, the duty to verify whether the child is an Indian child. A tribe receiving information related to this inquiry must keep documents and information confidential. If the court finds under subsection 3 that there is:~~

(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.

(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.

5. If the court finds under subsection 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the appropriate agency or other party to submit a report, declaration or testimony on the record that the agency or other party used due diligence to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.

6. A person making an inquiry under this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential.

Sec. 31. 1. In an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child and the nature of the emergency allows, the appropriate agency shall notify by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member. Notification under this subsection must include the basis for the child's removal, the time, date and place of the initial hearing and a statement that the tribe has the right to participate in the proceeding as a party or in an advisory capacity.

2. Except as provided in subsection 1, if there is reason to know that a child in a child custody proceeding who is alleged to be within the court's jurisdiction is an Indian child and notice is required, the party providing notice shall:

(a) Promptly send notice of the proceeding as described in subsection 3; and

(b) File a copy of each notice sent pursuant to this section with the court, together with any return receipts or other proof of service.

3. Notice under subsection 2 must be:

(a) Sent to:

(1) Each tribe of which the child may be a member or of which the Indian child may be eligible for membership; or

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's tribe cannot be ascertained.

(b) Sent by registered or certified mail, return receipt requested.

(c) In clear and understandable language and include the following:

(1) The child's name, date of birth and, if known, place of birth;

(2) To the extent known:

(I) All names, including maiden, married and former names or aliases, of the child's parents, the places of birth of the child's parents' and tribal enrollment numbers; and

(II) The names, dates of birth, places of birth and tribal enrollment information of other direct lineal ancestors of the child;

(3) The name of each Indian tribe of which the child is a member or in which the Indian child may be eligible for membership;

(4) If notice is required to be sent to the appropriate Regional Director of the United States Bureau of Indian Affairs under subparagraph (2) of paragraph (a), to the extent known, information regarding the child's direct lineal ancestors, an ancestral chart for each biological parent, and the child's tribal affiliations and blood quantum;

(5) In a child custody proceeding, a copy of the petition or motion initiating the proceeding and, if a hearing has been scheduled, information on the date, time and location of the hearing;

(6) The name of the petitioner and the name and address of the attorney of the petitioner;

(7) ~~In a proceeding under chapter 432B of NRS:~~

~~(I)~~ (I) A statement that the child's parent or Indian custodian has the right to participate in the proceeding as a party to the proceeding;

~~(II)~~ (II) (8) A statement that the child's tribe has the right to participate in the proceeding as a party or in an advisory capacity;

~~(III)~~ (III) (9) A statement that if the court determines that the child's parent or Indian custodian is unable to afford counsel, the parent or Indian custodian has the right to court-appointed counsel; ~~and~~

~~(IV)~~ (IV) (10) A statement that the child's parent, Indian custodian or tribe has the right, upon request, to up to 20 additional days to prepare for the proceeding;

~~[(9)]~~ (11) *A statement that the child's parent, Indian custodian or tribe has the right to petition the court to transfer the child custody proceeding to the tribal court;*

~~[(9)]~~ (12) *A statement describing the potential legal consequences of the proceeding on the future parental and custodial rights of the parent or Indian custodian;*

~~[(10)]~~ (13) *The mailing addresses and telephone numbers of the court and contact information for all parties to the proceeding; and*

~~[(11)]~~ (14) *A statement that the information contained in the notice is confidential and that the notice should not be shared with any person not needing the information to exercise rights under sections 2 to 38, inclusive, of this act.*

4. *If there is a reason to know that the Indian child's parent or Indian custodian has limited English proficiency, the court must provide language access services as required by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and other applicable federal and state laws. If the court is unable to secure translation or interpretation support, the court shall contact or direct a party to contact the Indian child's tribe or the local office of the United States Bureau of Indian Affairs for assistance identifying a qualified translator or interpreter.*

5. *If a child is known to be an Indian child, a hearing may not be held until at least 10 days after the receipt of the notice by the Indian child's tribe or, if applicable, the United States Bureau of Indian Affairs. Upon request, the court shall grant the Indian child's parent, Indian custodian or tribe up to 20 additional days from the date upon which notice was received by the tribe to prepare for participation in the hearing. Nothing in this subsection prevents a court at an emergency proceeding before the expiration of the waiting period described in this subsection from reviewing the removal of an Indian child from the Indian child's parent or Indian custodian to determine whether the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child.*

Sec. 32. 1. *In any child custody proceeding involving an Indian child that requires the testimony of a qualified expert witness, the petitioner shall contact the Indian child's tribe and request that the tribe identify one or more persons meeting the criteria described in subsection 3 or 4. The petitioner may also request the assistance of the United States Bureau of Indian Affairs in locating persons meeting the criteria described in subsection 3 or 4.*

2. *At a hearing in a child custody proceeding, if the court has found that a child is an Indian child, at least one qualified expert witness must testify regarding whether the continued custody of the Indian child by the child's parent or custody by the child's Indian custodian is likely to result in serious emotional or physical damage to the Indian child.*

3. A person is a qualified expert witness under this section if the Indian child's tribe has designated the person as being qualified to testify to the prevailing social and cultural standards of the tribe.

4. If the Indian child's tribe has not identified a qualified expert witness, the following persons, in order of priority, may testify as a qualified expert witness:

(a) A member of the Indian child's tribe or another person who is recognized by the tribe as knowledgeable about tribal customs regarding family organization or child rearing practices;

(b) A person having substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

(c) Any person having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural standards and child rearing practices in Indian tribes with cultural similarities to the child's tribe.

5. In addition to testimony from a qualified expert witness, the court may hear supplemental testimony regarding information described in subsection 2 from a professional having substantial education and experience in the area of the professional's specialty.

6. No petitioning party, employees of the petitioning party or an employee of an agency may serve as a qualified expert witness or a professional under this section.

Sec. 33. 1. If a child in a child custody proceeding is an Indian child and active efforts are required, the court must determine whether active efforts have been made to prevent the breakup of the family or to reunite the family.

2. Active efforts require a higher standard of conduct than reasonable efforts.

3. Active efforts must:

(a) Be documented in detail in writing and on the record;

(b) ~~If the child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, include~~ Include assisting the Indian child's parent or parents or Indian custodian through the steps of a case plan;

(c) Include, to the extent possible, providing assistance with the cooperation of the Indian child's tribe;

(d) Be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians and tribe; and

(e) Be tailored to the facts and circumstances of the case.

4. As used in this section, "active efforts" means efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family.

Sec. 34. 1. Notwithstanding the provisions of NRS 7.285, a tribe that is a party to a child custody proceeding involving an Indian child may be

represented by any person, regardless of whether the person is licensed to practice law.

2. An attorney who is not barred from practicing law in this State may appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that:

(a) The attorney will appear in a court in this State for the limited purpose of participating in a proceeding under chapter 432B of NRS subject to the provisions of sections 2 to 38, inclusive, of this act;

(b) The attorney represents an Indian child's parent, Indian custodian or tribe; and

(c) The Indian child's tribe has affirmed the Indian child's membership or eligibility for membership under tribal law.

3. An Indian custodian or tribe may notify the court, orally on the record or in writing, that the Indian custodian or tribe withdraws as a party to the proceeding.

Sec. 35. 1. If a child in a child custody proceeding ~~under chapter 432B of NRS~~ is an Indian child:

(a) The court shall appoint counsel to represent the Indian child.

(b) If the Indian child's parent or Indian custodian requests counsel to represent the parent or Indian custodian but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court shall appoint suitable counsel to represent the Indian child's parent or Indian custodian if the parent or Indian custodian is determined to be financially eligible for the appointment of such counsel.

2. Except as otherwise provided in this subsection, upon presentation of the order of appointment under this section by the attorney for the Indian child, any agency, hospital, school organization, division or department of this State, doctor, nurse or other health care provider, psychologist, psychiatrist, law enforcement agency or mental health clinic shall permit the attorney for the Indian child to inspect and copy any records of the Indian child involved in the case, without the consent of the Indian child or the Indian child's parent or Indian custodian. This subsection does not apply to records of a law enforcement agency relating to an ongoing investigation before bringing charges.

Sec. 36. 1. In any child custody proceeding, if the child is an Indian child, each party has the right to timely examine all reports or other documents held by an agency that are not otherwise subject to a discovery exception or precluded under state or federal law.

2. The preservation of confidentiality under this section does not relieve the court or any petitioners in an adoption proceeding from the duty to comply with the placement preferences under section 37 of this act if the child is an Indian child.

Sec. 37. 1. *Except as otherwise provided in subsection 3, if the parental rights of an Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care, the child must be placed in the least restrictive setting that:*

(a) Most closely approximates a family, taking into consideration sibling attachment;

(b) Allows the Indian child's special needs, if any, to be met;

(c) Is in reasonable proximity to the Indian child's home, extended family or siblings; and

(d) Is in accordance with the order of preference established by the Indian child's tribe or, if the Indian child's tribe has not established placement preferences, is in accordance with the following order of preference:

(1) A member of the Indian child's extended family;

(2) A foster home licensed, approved or specified by the Indian child's tribe;

(3) A foster home licensed or approved by a licensing authority in this State and in which one or more of the licensed or approved foster parents is an Indian; or

(4) An institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization.

2. *Except as otherwise provided in subsection 3, if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement, the Indian child shall be placed:*

(a) In accordance with the order of preference established by the Indian child's tribe; or

(b) If the Indian child's tribe has not established placement preferences, according to the following order of preference:

(1) With a member of the Indian child's extended family;

(2) With other members of the Indian child's tribe; or

(3) With other Indian families.

3. *If an Indian child is placed outside of the placement preferences set forth in subsection 1 or 2, the party placing the child shall file a motion requesting that the court make a finding that good cause exists for placement outside of such placement preferences. If the court determines that the moving party has established, by clear and convincing evidence, that there is good cause to depart from the placement preferences under this section, the court may authorize placement in an alternative placement. The court's determination under this subsection:*

(a) Must be in writing and be based on:

(1) The preferences of the Indian child;

(2) The presence of a sibling attachment that cannot be maintained through placement consistent with the placement preferences established by subsection 1 or 2;

(3) Any extraordinary physical, mental or emotional needs of the Indian child that require specialized treatment services if, despite active efforts, those services are unavailable in the community where families who meet the placement preferences under subsection 1 or 2 reside; or

(4) Whether, despite a diligent search, a placement meeting the placement preferences under this section is unavailable, as determined by the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(b) Must, in applying the placement preferences under this subsection, give weight to a parent's request for anonymity if the placement is an adoptive placement to which the parent has consented.

(c) May be informed by but not determined by the placement request of a parent of the Indian child, after the parent has reviewed the placement options, if any, that comply with the placement preferences under this section.

(d) May not be based on:

(1) The socioeconomic conditions of the Indian child's tribe;

(2) Any perception of the tribal or United States Bureau of Indian Affairs social services or judicial systems;

(3) The distance between a placement meeting the placement preferences under this section that is located on or near a reservation and the Indian child's parent; or

(4) The ordinary bonding or attachment between the Indian child and a nonpreferred placement arising from time spent in the nonpreferred placement.

Sec. 38. 1. A petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights may be filed in a pending child custody proceeding involving the Indian child or, if none, in any court of competent jurisdiction by:

(a) The Indian child who was alleged to be within the jurisdiction of the court;

(b) The Indian child's parent or Indian custodian from whose custody such child was removed or whose parental rights were terminated; or

(c) The Indian child's tribe.

2. The court shall vacate an order or judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights if the court determines that any provision of section 26 or 27, subsection 2 or 5 of section 31, paragraph (a) or (b) of subsection 3 of section 31, subsection 1 of section 35 or section 36 of this act or, if required, subsection 2 of section 32 or section 33 or 37 of this act has been violated and the court determines it is appropriate to vacate the order or judgment.

3. *If the vacated order or judgment resulted in the removal or placement of the Indian child, the court shall order the child immediately returned to the Indian child's parent or Indian custodian and the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.*

4. *If the vacated order or judgment terminated parental rights, the court shall order the previously terminated parental rights to be restored.*

5. *If the State or any other party affirmatively asks the court to reconsider the issues under the vacated order or judgment, the court's findings or determinations must be readjudicated.*

6. *As used in this section, "termination of parental rights" includes, without limitation, the involuntary termination of parental rights under chapter 128 or 432B of NRS.*

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 125A.215 is hereby amended to read as follows:

125A.215 1. ~~[A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., is not subject to the provisions of this chapter to the extent that the proceeding is governed by the Indian Child Welfare Act.~~

~~—2.—~~ A court of this state shall treat ~~[a]~~ **an Indian** tribe as if it were a state of the United States for the purpose of applying NRS 125A.005 to 125A.395, inclusive.

~~[3.]~~ 2. A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of the provisions of this chapter must be recognized and enforced pursuant to NRS 125A.405 to 125A.585, inclusive.

Sec. 41. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 41.5 to 50, inclusive, of this act.

Sec. 41.5. ~~[1. Notwithstanding any other provision of law, the provisions of sections 42 to 50, inclusive, of this act, do not apply if:~~

~~—(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;~~

~~—(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;~~

~~—(c) An Indian child who was conceived by means of assisted reproduction is being adopted; or~~

~~—(d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.~~

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

~~—(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.~~

~~(b) “Confirmatory adoption” means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.~~

~~(c) “Extended family member” has the meaning ascribed to it in section 7 of this act. (Deleted by amendment.)~~

Sec. 42. 1. In addition to the requirements set forth in NRS 127.110, a petition for adoption of a child must contain:

(a) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, of the petitioner’s good faith efforts described in subsection 1 of section 30 of this act, to determine whether there is reason to know that the child is an Indian child;

(b) A statement as to whether the petitioner has reason to know that the child is an Indian child; and

~~(b)~~ (c) If the petitioner has reason to know that the child is an Indian child:

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, showing that the proposed adoptive placement complies with the requirements under section 37 of this act; or

(2) A statement that the petitioner is moving the court under subsection 3 of section 37 of this act for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of section 37 of this act.

2. A petition for adoption of a child must, if applicable, request the following:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act;

(b) A finding of whether there is reason to know that the child is an Indian child; and

~~(b)~~ (c) If the court finds that the child is an Indian child:

(1) The determinations required under section 24 of this act regarding the Indian child’s residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act; and

(3) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if not, that upon the petitioner’s motion under subsection 3 of section 37 of this act, good cause exists for placement contrary to the placement preferences in section 37 of this act.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) *Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, to:*

(1) *Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;*

(2) *The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and*

(3) *The appropriate agency which provides child welfare services.*

(b) *File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.*

Sec. 43. 1. *If a petition for adoption of a child concerns the adoption of an Indian child, except as otherwise provided in subsection 4 and unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.*

2. *An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.*

3. *Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:*

(a) *The right to legal counsel;*

(b) *The terms and consequences of the consent in detail; and*

(c) *That at any time before the entry of the judgment of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.*

4. *After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.*

5. *At any time before the entry of a judgment of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws his or her consent may petition the court for the return of the child.*

6. *As used in this section, "parent" has the meaning ascribed to it in section 14 of this act.*

Sec. 44. (Deleted by amendment.)

Sec. 45. 1. *If, upon a petition for adoption of a child duly presented and consented to, the court is satisfied as to the identity and relations of the persons, that the petitioner is of sufficient ability to bring up the child and*

furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption be effected, a judgment shall be made setting forth the facts and ordering that from the date of the judgment, the child, for all legal intents and purposes, is the child of the petitioner.

2. A judgment entered under this section must include ~~for~~ :

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

3. In an adoption of an Indian child, the judgment must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the biological parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under section 24 of this act;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if the placement does not comply with the placement preferences under section 37 of this act, a finding upon the petitioner's motion under subsection 3 of section 37 of this act that good cause exists for placement contrary to the placement preferences.

4. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

5. Upon entry of the judgment of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the judgment entered under this section, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 46. 1. A petition to vacate a judgment of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the judgment of adoption if:

(a) The petition is filed not later than 2 years following the date of the judgment; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates a judgment of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 47. 1. If a judgment of adoption of an Indian child under this chapter is vacated, the court vacating the judgment must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate agency which provides child welfare services.

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of a judgment of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver

executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If a judgment of adoption of an Indian child under this chapter is vacated other than as provided in section 38 of this act, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of section 31 of this act to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

↪ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in section 20 of this act. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the legal parent of an Indian child subject to a judgment of adoption under this chapter and whose parental rights have not been restored under section 46 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to a judgment of adoption of the child under this chapter.

Sec. 48. 1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceeding, the complete record of the placement finding and, if the placement departs from the placement preferences under section 37 of this act, detailed documentation of the efforts to comply with the placement preferences.

Sec. 49. 1. In a proceeding for the adoption of a minor child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to section 42 of this act, the agency shall file with the court an ICWA compliance report, which must reflect the agency's review of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the ~~finding~~ findings required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.

2. ~~Except as otherwise provided in this subsection, upon~~ Upon receiving an ICWA compliance report, the court shall order the matter to proceed ~~if notice is required, the court shall not order the matter to proceed unless~~ if the court finds that the petitioner satisfied the inquiry requirements under subsection 1 of section 30 of this act and, if applicable, the notice requirements under subsection 2 of section 31 of this act. If the court finds that:

(a) ~~The~~ Subject to the procedures under subsection 3 of section 30 of this act, the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under section 37 of this act. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of section 37 of this act, for authority to make the placement contrary to the placement preferences under section 37 of this act.

(b) The petitioner failed to satisfy ~~the~~ the inquiry requirements under subsection 1 of section 30 of this act or, if applicable, the notice requirements under subsection 2 of section 31 of this act, or if the documentation supplied by the petitioner is insufficient for the court to make ~~that finding,~~ those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall

order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry requirements under subsection 1 of section 30 of this act and notice requirements under subsection 2 of section 31 of this act and the placement preferences under section 37 of this act, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection 1 of section 30 of this act and subsection 3 of section 31 of this act and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection 1 of section 30 of this act and subsection 3 of section 31 of this act;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 42 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the requirements under this section and sections 30, 31, 37 and 42 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 42 of this act, motions to request a deviation from the placement preferences under subsection 3 of section 37 of this act and notices required under subsection 3 of section 31 of this act; and

(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection 1 of section 30 of this act and the notices required under subsection 2 of section 31 of this act, and assessing whether proposed adoptive placements satisfy the preferences under section 37 of this act.

6. The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this

act to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice and the appropriateness of adoptive placements.

7. As used in this section, “ICWA compliance report” means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.

Sec. 50. 1. If the court determines that tribal customary adoption is in the best interests, as described in section 20 of this act, of a ward who is an Indian child and the Indian child’s tribe consents to the tribal customary adoption:

(a) The appropriate agency which provides child welfare services shall provide the Indian child’s tribe and proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child’s parents, and the Indian child’s educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child’s tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child’s tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child’s needs; and

(4) Except where the proposed adoptive placement is the Indian child’s current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe’s order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define “crime involving violence” for the purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child’s tribe if:

(a) *The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;*

(b) *The court finds that the tribal customary adoption is in the Indian child's best interests, as described in section 20 of this act; and*

(c) *The order or judgment:*

(1) *Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;*

(2) *Includes a description of the Indian child's legal relationship with the tribe; and*

(3) *Does not include any child support obligation from the Indian child's parents or Indian custodian.*

↪ *The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.*

3. *A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.*

4. *After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 45 of this act and enter a judgment of adoption. In addition to the requirements under section 45 of this act, the judgment of adoption must include a statement that any parental rights or obligations not specified in the judgment are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.*

5. *A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.*

6. *Upon the court's entry of a judgment of adoption under this section, the court's jurisdiction over the Indian child terminates.*

7. *Any parental rights or obligations not specifically retained by the Indian child's parents in the judgment of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.*

8. *This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.*

9. *The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary*

adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, “tribal customary adoption” means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child’s tribe, and which may be effected without the termination of parental rights.

Sec. 51. NRS 127.003 is hereby amended to read as follows:

127.003 As used in this chapter, unless the context otherwise requires:

1. “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

2. “Division” means the Division of Child and Family Services of the Department of Health and Human Services.

3. “Indian child” has the meaning ascribed to it in ~~{25 U.S.C. § 1903.~~

~~4. “Indian Child Welfare Act” means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.}~~ **section 9 of this act.**

Sec. 51.5. (Deleted by amendment.)

Sec. 52. NRS 127.010 is hereby amended to read as follows:

127.010 Except ~~{if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,}~~ **as otherwise provided in section 26 of this act**, the district courts of this State have original jurisdiction in adoption proceedings.

Sec. 53. NRS 127.018 is hereby amended to read as follows:

127.018 1. ~~{Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,}~~ **Except as otherwise provided in sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act**, a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding;
or

(b) Was the home state within 6 months before the commencement of the proceeding,

➡ may not be adopted except upon an order of a district court in this State.

2. As used in this section, “home state” means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 54. NRS 127.053 is hereby amended to read as follows:

127.053 No consent to a specific adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

1. Identifies the child to be adopted by name, if any, sex and date of birth.

2. Is in writing and signed by the person consenting to the adoption as required in this chapter.

3. Is acknowledged by the person consenting and signing the consent to adoption in the manner and form required for conveyances of real property.

4. Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given.

5. ***Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the judgment of adoption under section 45 of this act, the person receives information that provides reason to know that the child is an Indian child.***

6. Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a social worker employed by:

- (a) An agency which provides child welfare services;
- (b) An agency licensed in this state to place children for adoption;
- (c) A comparable state or county agency of another state; or
- (d) An agency authorized under the laws of another state to place children for adoption, if the natural parent resides in that state.

Sec. 55. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

- (a) The full name and age of the petitioners.
- (b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.
- (c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.
- (d) Their desire that the name of the child be changed, together with the new name desired.
- (e) That the petitioners are fit and proper persons to have the care and custody of the child.
- (f) That they are financially able to provide for the child.
- (g) That there has been a full compliance with the law in regard to consent to adoption.
- (h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.
- (i) Whether the ***petitioners have reason to know that the*** child is ~~known to be~~ an Indian child.
- (j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. ~~No~~ ***Except as otherwise provided in sections 17.5 and 41.5 of this act,*** order of adoption may be entered unless there has been full compliance

with the provisions of NRS 127.220 to 127.310, inclusive ~~{ }~~ , **and the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.**

Sec. 56. NRS 128.020 is hereby amended to read as follows:

128.020 Except ~~{if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,}~~ **as otherwise provided in section 26 of this act**, the district courts have jurisdiction in all cases and proceedings under this chapter. The jurisdiction of the district courts extends to any child who should be declared free from the custody and control of either or both of his or her parents.

Sec. 57. NRS 128.023 is hereby amended to read as follows:

128.023 1. ~~If **{Except as otherwise provided in subsection 3, if}**~~ proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall ~~{~~:

~~—(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~—(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~—(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.}~~ **require that notice of the proceedings and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.**

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,
↪ as provided in the Indian Child Welfare Act.

~~**{3. The provisions of this section do not apply if a parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child. As used in this subsection, "extended family member" has the meaning ascribed to it in section 7 of this act.}**~~

Sec. 58. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to, a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative, if no parent or guardian can be found.

(g) Whether the ***petitioner has reason to know that the*** child is ~~known to be~~ an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 59. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except ~~if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.,~~ ***as otherwise provided in section 26 of this act,*** in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 60. NRS 7.285 is hereby amended to read as follows:

7.285 1. ~~1A] Except as otherwise provided in section 34 of this act, a~~ person shall not practice law in this state if the person:

(a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the Supreme Court; or

(b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the Supreme Court.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense within the immediately preceding 7 years, a misdemeanor.

(b) For a second offense within the immediately preceding 7 years, a gross misdemeanor.

(c) For a third and any subsequent offense within the immediately preceding 7 years, a category E felony and shall be punished as provided in NRS 193.130.

3. The State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.

Sec. 61. NRS 62A.160 is hereby amended to read as follows:

62A.160 “Indian child” has the meaning ascribed to it in ~~125 U.S.C. § 1903.]~~ **section 9 of this act.**

Sec. 62. NRS 62D.210 is hereby amended to read as follows:

62D.210 1. If a proceeding conducted pursuant to the provisions of this title involves the placement of an Indian child into foster care, the juvenile court shall ~~1:~~

~~—(a) Cause the Indian child’s tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~—(b) Transfer the proceedings to the Indian child’s tribe in accordance with the Indian Child Welfare Act or, if a tribe declines or is unable to exercise jurisdiction, exercise jurisdiction as provided in the Indian Child Welfare Act.]~~

require that notice of the proceeding and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.

2. If the juvenile court determines that the parent of an Indian child for whom foster care is sought is indigent, the juvenile court, as provided in the Indian Child Welfare Act:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney.

Sec. 63. (Deleted by amendment.)

Sec. 64. NRS 432B.067 is hereby amended to read as follows:

432B.067 “Indian child” has the meaning ascribed to it in ~~{25 U.S.C. § 1903.}~~ **section 9 of this act.**

Sec. 65. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:
 - (a) Child welfare services provided in this State;
 - (b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;
 - (c) The development of local councils involving public and private organizations;
 - (d) Reports of abuse or neglect, records of these reports and the response to these reports;
 - (e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;
 - (f) The management and assessment of reported cases of abuse or neglect;
 - (g) The protection of the legal rights of parents and children;
 - (h) Emergency shelter for a child;
 - (i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;
 - (j) Developing and distributing to persons who are responsible for a child’s welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

- (1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

- (2) The procedures for taking a child for placement in protective custody; and

- (3) The state and federal legal rights of:

- (I) A person who is responsible for a child’s welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➔ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for ~~the~~:

(a) *The* administration of NRS 432B.010 to 432B.606, inclusive.

(b) *The implementation of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.*

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries in accordance with subsection 1 of section 30 of this act to determine whether ***there is reason to know that*** the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act ~~[-]~~, ***sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 68. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. Except ~~if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the court has exclusive original jurisdiction in proceedings concerning any child domiciled, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 69. NRS 432B.425 is hereby amended to read as follows:

432B.425 If proceedings pursuant to this chapter involve the protection of an Indian child, the court shall ~~[-]~~:

~~1. Cause the Indian child's tribe to be notified in writing at the beginning of the proceedings in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~2. Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~3. If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.]~~ ***require that notice of the proceedings and any other notice required by this chapter be provided in accordance with section 31 of this act.***

Sec. 70. NRS 432B.5902 is hereby amended to read as follows:

432B.5902 1. After a motion for the termination of parental rights is filed pursuant to NRS 432B.5901, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known

address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;

(b) If ~~applicable, each Indian tribe of~~ the child who is ~~the~~ subject ~~of~~ to the ~~motion, in accordance with NRS 128.023;~~ **motion is known to be an Indian child, the child's Indian tribe;** and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in NRS 432B.5904 or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 71. The provisions of subsection 3 of section 25 of this act apply to tribal-state agreements entered into or renewed on or after January 1, 2024.

Sec. 72. Not later than September 15, 2024, and each even-numbered year thereafter, the Division of Child and Family Services of the Department of Health and Human Services and the Court Administrator shall report to the Chairs of the Senate and Assembly Standing Committees on Judiciary regarding, as applicable:

1. The number of Indian children involved in dependency proceedings during the prior 2-year period.

2. The average duration Indian children were in protective custody.

3. The ratio of Indian children to non-Indian children in protective custody.

4. Which tribes the Indian children in protective custody were members of or of which they were eligible for membership.

5. The number of Indian children in foster care who are in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

6. The number of Indian children placed in adoptive homes in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

7. The number of available placements and common barriers to recruitment and retention of appropriate placements.

8. The number of times the court found that good cause existed to deviate from the statutory placement preferences under section 37 of this act, when making a finding regarding the placement of a child in a dependency proceeding.

9. The number of cases that were transferred to tribal court under section 28 of this act.

10. The number of times the court found good cause to decline to transfer jurisdiction of a dependency proceeding to tribal court upon request and the most common reasons the court found good cause to decline a transfer petition.

11. The efforts the Division and the Court Administrator have taken to ensure compliance with the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act in dependency proceedings.

12. The number of ICWA compliance reports in which an agency which provides child welfare services reported the petitioner's documentation was insufficient for the court to make a finding regarding whether the petitioner complied with the **inquiry requirements under subsection 1 of section 30 of this act and** notice requirements under subsection 2 of section 31 of this act. As used in this subsection:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "ICWA compliance report" has the meaning ascribed to it in section 49 of this act.

Sec. 73. Not later than March 15, 2025, the Division of Child and Family Services of the Department of Health and Human Services shall submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the Division's implementation of tribal customary adoption as described in section 50 of this act as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Sec. 74. 1. A court shall give full faith and credit to the public acts, records and judicial proceedings of an Indian tribe applicable to an Indian child in a child custody proceeding.

2. As used in this section, "child custody proceeding" has the meaning ascribed to it in section 4 of this act.

Sec. 75. 1. If any provision of sections 2 to 38, inclusive, of this act or sections 42 to 50, inclusive, of this act is found to provide a lower standard of

protection to the rights of an Indian child or the Indian child's parent, Indian custodian or tribe than that provided in the Indian Child Welfare Act:

(a) The higher standard of protection in the Indian Child Welfare Act controls; and

(b) It shall not serve to render inoperative any remaining provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act that may be held to provide a higher standard of protection than that provided in the Indian Child Welfare Act.

2. As used in this section, "Indian Child Welfare Act" means the federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., and any related regulations.

Sec. 76. The Court Administrator may adopt any rules necessary to implement the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 77. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 78. NRS 62D.200, 127.013, 127.017, 128.027, 432B.451 and 432B.465 are hereby repealed.

Sec. 79. This act becomes effective:

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

2. On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

62D.200 Full faith and credit given to proceedings of Indian tribe.

127.013 Transfer of proceedings to Indian tribe.

127.017 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

128.027 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

432B.451 Qualified expert witness required in proceeding to place Indian child in foster care.

432B.465 Full faith and credit to judicial proceedings of Indian tribe.

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 444.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 35, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 734 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA1, which is attached to and hereby made a part of this report.

SENATOR MELANIE SCHEIBLE
SENATOR ROCHELLE NGUYEN
SENATOR JEFF STONE
Senate Conference Committee

ASSEMBLYWOMAN BRITTNEY MILLER
ASSEMBLYWOMAN VENICIA CONSIDINE
ASSEMBLYWOMAN MELISSA HARDY
Assembly Conference Committee

Amendment No. CA1.

AN ACT relating to controlled substances; establishing the crimes of trafficking and high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured fentanyl ~~or~~ **or any derivative of fentanyl;** establishing the crime of intentional misrepresentation of a fentanyl product; requiring each state and local law enforcement agency and the Nevada Sentencing Commission to submit certain reports to the Joint Interim Standing Committee on the Judiciary; requiring, to the extent that money is available, the establishment of certain programs to provide certain offenders or prisoners who have a substance use disorder with medication-assisted treatment; requiring the Joint Interim Standing Committee on the Judiciary to conduct an interim study concerning certain matters relating to forensic laboratories; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of a schedule I controlled substance, other than marijuana, a schedule II controlled substance or certain other controlled substances is guilty of: (1) low-level trafficking if the quantity of the controlled substance is 100 grams or more but less than 400 grams; and (2) high-level trafficking if the quantity of the controlled substance is 400 grams or more. A person who commits the crime of: (1) low-level trafficking is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties. (NRS 453.3385)

Existing regulations of the State Board of Pharmacy include fentanyl in the list of controlled substances in schedule II and various derivatives of fentanyl in the list of controlled substances in schedule I. (NAC 453.510, as amended by LCB File No. R023-21, NAC 453.520) **Section 1.5** of this bill establishes the crimes of trafficking and high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured fentanyl ~~or~~ **or any derivative of fentanyl.** Under **section 1.5**, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured fentanyl **or any derivative of fentanyl** is guilty of: (1) trafficking if the quantity involved is 28 grams or more but less than 42 grams; and (2) high-level trafficking if the quantity involved is 42 grams or more but less than 100 grams. Under **section 1.5**, a

person who commits the crime of trafficking or high-level trafficking is guilty of a category B felony and subject to certain prescribed penalties.

Section 1.7 of this bill establishes the crime of intentional misrepresentation of a fentanyl product. Under **section 1.7**, a person who sells to another person a mixture containing fentanyl and another controlled substance is guilty of intentional misrepresentation of a fentanyl product if the person: (1) knows that the mixture contains fentanyl; and (2) intentionally fails to inform the purchaser that the mixture contains fentanyl. **Section 1.7** provides that such a person is guilty of a category B felony and subject to certain prescribed penalties.

Sections ~~1.9~~ 2, 5 and 6 of this bill provide that a person found guilty of intentional misrepresentation of a fentanyl product or trafficking or high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl or any derivative of fentanyl** is subject to the greater penalty for that crime if the acts constituting the crime could subject the person to a lesser punishment under another statute.

Sections 3-13 of this bill add references to **section 1.5** so that the crimes of trafficking and high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured fentanyl **or any derivative of fentanyl** are treated the same as the crimes of low-level and high-level trafficking involving schedule I controlled substances, other than marijuana, and schedule II controlled substances for certain purposes. **Section 12** adds a reference to **section 1.7** so that the crime of intentional misrepresentation of a fentanyl product is treated the same as the crime of selling other controlled substances for certain purposes.

Existing law prohibits, with certain exceptions, a court from suspending the sentence of a person convicted of trafficking in a controlled substance. (NRS 453.3405) **Section 9** extends this prohibition to a person found guilty of trafficking or high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured fentanyl **or any derivative of fentanyl**. **Section 9** provides an exemption from this prohibition if the person convicted establishes, by a preponderance of the evidence, that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl.

Existing law provides that a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating certain provisions of existing law governing controlled substances if the evidence to support the penalty was obtained as a result of the person seeking medical assistance. (NRS 453C.150) **Section 10** of this bill includes trafficking and high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** mixture that

contains illicitly manufactured fentanyl **or any derivative of fentanyl** among the offenses for which a person may not be penalized under such circumstances.

Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) **Section 12.3** of this bill requires the Director, to the extent that money is available, to establish a program to provide for the treatment of offenders with a substance use disorder using medication-assisted treatment. **Section 12.3** requires: (1) the program to provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and (2) each offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director to be deemed eligible to participate in the program and offered the opportunity to participate. **Section 12.3** prohibits the Director from denying an offender the ability to participate in the program or terminating his or her participation in the program for certain reasons. Finally, **section 12.3** provides that an offender who participates in the program is not subject to discipline on the basis that the results of a screening test administered to the offender indicated the presence of a controlled substance. **Section 12.7** of this bill requires, to the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility to establish a program similar to that set forth in **section 12.3** to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

Section 1.8 of this bill requires each state and local law enforcement agency and the Nevada Sentencing Commission to submit to the Joint Interim Standing Committee on the Judiciary on or before March 1 and October 1 of each even-numbered year a report containing certain information regarding: (1) persons who have been charged with trafficking or high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture that contains illicitly manufactured fentanyl **or any derivative of fentanyl** or intentional misrepresentation of a fentanyl product; (2) programs for the treatment of persons incarcerated in the state prison or a county, city or town jail or detention facility; and (3) drug overdoses that resulted in the death of certain persons which were due to fentanyl or a controlled substance analog for fentanyl.

Section 14 of this bill requires the Joint Interim Standing Committee on the Judiciary to conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such laboratories to perform quantitative testing involving controlled substances.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5, 1.7 and 1.8 of this act.

Sec. 1.5. *Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl ~~or~~ or any derivative of fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:*

1. *Is 28 grams or more, but less than 42 grams, is guilty of trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.*

2. *Is 42 grams or more, but less than 100 grams, is guilty of high-level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.*

Sec. 1.7. *Unless a greater penalty is provided pursuant to NRS 453.333 or 453.334, a person who sells to another person a mixture containing fentanyl and another controlled substance and who:*

1. *Knows that the mixture contains fentanyl; and*
2. *Intentionally fails to inform the purchaser that the mixture contains fentanyl,*
↪ is guilty of intentional misrepresentation of a fentanyl product and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than \$50,000.

Sec. 1.8. 1. *On or before March 1 and October 1 of each even-numbered year, each law enforcement agency and the Nevada Sentencing Commission, with the assistance of the Department of Sentencing Policy, shall submit to the Joint*

Interim Standing Committee on the Judiciary a report which must contain the following information, to the extent that such information is in the possession of the agency:

(a) *The number of persons that were charged with a violation of section 1.5 or 1.7 of this act in the period since the last report;*

(b) *For each person who has ever been charged with a violation of section 1.5 or 1.7 of this act, the following information, if the information has not been included in a previous report:*

(1) *The race, gender, zip code, employment status and age of the person;*

(2) *Whether another criminal charge was filed in the person's case and, if so, what charge;*

(3) *Whether the person was represented by court-appointed counsel or otherwise determined to be indigent;*

(4) *The disposition of the case, including, without limitation, any sentence imposed on the person;*

(5) *Whether any portion of the sentence of the person was suspended or the person was granted probation and, if so:*

(I) *Whether the person has successfully completed the suspended sentence or probation; and*

(II) *Whether the suspension of sentence or probation has been revoked and, if so, whether the revocation was a result of a technical violation or a new criminal case; and*

(6) *Whether the court ordered the person to complete treatment for a substance use disorder and, if so, the type of treatment so ordered;*

(c) *The number of deaths in the period since the last report caused by a drug overdose due to fentanyl or a controlled substance analog for fentanyl that occurred in the state prison or any county or city jail or detention facility or other correctional facility in this State or while the deceased person was under a suspended sentence or on probation, parole or pretrial release; and*

(d) *Any significant developments in the period since the last report concerning any program of treatment implemented for the treatment of persons incarcerated in the state prison or any county, city or town jail or detention facility or other correctional facility in this State who have a substance use disorder using medication-assisted treatment and other appropriate withdrawal management care.*

2. *As used in this section, "law enforcement agency" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.*

Sec. 1.9. NRS 453.321 is hereby amended to read as follows:

453.321 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to:

(a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance;

(b) Manufacture or compound a counterfeit substance; or

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.333 or 453.334, **or section 1.7 of this act**, if a person violates subsection 1 and the controlled substance is classified in schedule I or II, the person shall be punished:

(a) For the first offense, for a category C felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction under this subsection, the offender has previously been convicted of an offense under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an

offense under this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$20,000.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.

3. Unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of subsection 2.

4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1, and the controlled substance is classified in schedule III, IV or V, the person shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the offender has previously been convicted of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$15,000 for each offense.

5. Unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of subsection 4.

Sec. 2. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection 5; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 5, is commonly used in manufacturing or compounding such a controlled substance.

➔ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385, **or section 1.5 of this act**, a person who violates any provision of subsection 1 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 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$100,000.

3. If a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and the violation causes a fire or explosion, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.

4. The court shall not grant probation to a person convicted pursuant to this section.

5. The following chemicals are identified for the purposes of subsection 1:

- (a) Acetic anhydride.
- (b) Acetone.
- (c) N-Acetylanthranilic acid, its esters and its salts.
- (d) Anthranilic acid, its esters and its salts.
- (e) Benzaldehyde, its salts, isomers and salts of isomers.
- (f) Benzyl chloride.
- (g) Benzyl cyanide.
- (h) 1,4-Butanediol.
- (i) 2-Butanone (or methyl ethyl ketone or MEK).
- (j) Ephedrine, its salts, isomers and salts of isomers.
- (k) Ergonovine and its salts.
- (l) Ergotamine and its salts.
- (m) Ethylamine, its salts, isomers and salts of isomers.
- (n) Ethyl ether.
- (o) Gamma butyrolactone.
- (p) Hydriodic acid, its salts, isomers and salts of isomers.
- (q) Hydrochloric gas.
- (r) Iodine.
- (s) Isosafrole, its salts, isomers and salts of isomers.

- (t) Lithium metal.
- (u) Methylamine, its salts, isomers and salts of isomers.
- (v) 3,4-Methylenedioxy-phenyl-2-propanone.
- (w) N-Methylephedrine, its salts, isomers and salts of isomers.
- (x) Methyl isobutyl ketone (MIBK).
- (y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
- (z) Nitroethane, its salts, isomers and salts of isomers.
- (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
- (bb) Phenylacetic acid, its esters and its salts.
- (cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
- (dd) Piperidine and its salts.
- (ee) Piperonal, its salts, isomers and salts of isomers.
- (ff) Potassium permanganate.
- (gg) Propionic anhydride, its salts, isomers and salts of isomers.
- (hh) Pseudoephedrine, its salts, isomers and salts of isomers.
- (ii) Red phosphorous.
- (jj) Safrole, its salts, isomers and salts of isomers.
- (kk) Sodium metal.
- (ll) Sulfuric acid.
- (mm) Toluene.

Sec. 3. NRS 453.333 is hereby amended to read as follows:

453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 or 453.339 **or section 1.5 of this act** or a law of any other jurisdiction which prohibits the same conduct.

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, **or section 1.5 of this act**, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

↪ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, **or section 1.5 of this act**, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

↪ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section:

(a) “Marijuana” does not include concentrated cannabis.

(b) “Premises” means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

↪ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, **or section 1.5 of this act**, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II, and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

- (a) Performing not more than 24 hours of community service;
- (b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or
- (c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,
➤ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

- (a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.
- (b) "Marijuana" does not include concentrated cannabis.
- (c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.337 is hereby amended to read as follows:

453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, **or section 1.5 of this act**, a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.

3. Except as otherwise provided in this subsection, unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 7. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385 and 453.339, **and section 1.5 of this act**, the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in ~~subsection~~ **subsections 2, 3 and 4**, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385 or 453.339 **or section 1.5 of this act** must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385 or 453.339 **or section 1.5 of this act** if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity

to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

4. *The court may suspend the sentence of any person convicted of violating any provision of section 1.5 of this act if the person establishes, by a preponderance of the evidence, that the person did not know that the mixture at issue contained illicitly manufactured fentanyl. If a person convicted of violating any provision of section 1.5 of this act claims that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl, the court shall, at sentencing, make findings of fact and state its reasoning on the record as to whether the person has met the burden of proof pursuant to this subsection.*

Sec. 10. NRS 453C.150 is hereby amended to read as follows:

453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:

(a) Except as otherwise provided in subsection 4, ~~for~~ **section 1.5 of this act or any other** provision of chapter 453 of NRS relating to:

(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;

(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405; or

(3) Use of a controlled substance, including, without limitation, NRS 453.336;

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;

(c) A restraining order; or

(d) A condition of the person's parole or probation,

↪ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;

(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, “drug or alcohol overdose” means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

- (a) Through an electronic network;
- (b) On a medium of magnetic storage; or
- (c) In the manner prescribed by the Director of the Department,

↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

- (a) In the manner prescribed by the Director of the Department;
- (b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and
- (c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

- (a) Collect, maintain and arrange all information submitted to it relating to:
 - (1) Records of criminal history; and
 - (2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.
- (b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.
- (c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

- (a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;
- (b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and
- (c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

↪ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

↪ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been

convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, **or section 1.5 of this act**, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↪ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, **or section 1.5 of this act**, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information

pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) “Mobile identification” means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) “Private school” has the meaning ascribed to it in NRS 394.103.

Sec. 12. NRS 207.360 is hereby amended to read as follows:

207.360 “Crime related to racketeering” means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;
14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;
15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;
16. Any violation of NRS 199.280 which is punished as a felony;
17. Burglary;
18. Grand larceny;
19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;

20. Battery with intent to commit a crime in violation of NRS 200.400;
21. Assault with a deadly weapon;
22. Any violation of NRS 453.232, 453.316 to 453.339, inclusive, **and sections 1.5 and 1.7 of this act**, or NRS 453.375 to 453.401, inclusive;
23. Receiving or transferring a stolen vehicle;
24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
26. Receiving, possessing or withholding stolen goods valued at \$650 or more;
27. Embezzlement of money or property valued at \$650 or more;
28. Obtaining possession of money or property valued at \$650 or more, or obtaining a signature by means of false pretenses;
29. Perjury or subornation of perjury;
30. Offering false evidence;
31. Any violation of NRS 201.300, 201.320, 201.360 or 201.395;
32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
33. Any violation of NRS 205.506, 205.920 or 205.930;
34. Any violation of NRS 202.445 or 202.446;
35. Any violation of NRS 205.377;
36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or
37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 12.3. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the Director shall, with the approval of the Board, establish a program of treatment for offenders with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible offender as part of his or her medication-assisted treatment be made by a treating physician and the eligible offender.

3. Except as otherwise provided in this section, any offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If an offender received medication-

assisted treatment immediately preceding his or her incarceration, the offender is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the Director may impose reasonable conditions for an offender to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The Director shall not deny an offender the ability to participate in the program or terminate the participation of an offender in the program on the basis that:

(a) The results of a screening test administered to the offender upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The offender committed an infraction of the rules of the institution or facility before or during the participation of the offender in the program.

5. An offender who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the offender during his or her participation in the program indicated the presence of a controlled substance.

6. As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 12.7. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall establish a program to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible prisoner who participates in the program with appropriate medication-assisted treatment for the period in which the prisoner is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible prisoner as part of his or her medication-assisted treatment be made by a treating physician and the eligible prisoner.

3. Except as otherwise provided in this section, any prisoner who the sheriff, chief of police or town marshal has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the sheriff, chief of police or town marshal pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If a prisoner received medication-assisted treatment immediately preceding his or her incarceration, the prisoner is eligible to continue that medication-

assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. *Except as otherwise provided in this subsection, the sheriff, chief of police or town marshal may impose reasonable conditions for a prisoner to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The sheriff, chief of police or town marshal shall not deny a prisoner the ability to participate in the program or terminate the participation of a prisoner in the program on the basis that:*

(a) The results of a screening test administered to the prisoner upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The prisoner committed an infraction of the rules of the county, city or town jail or detention facility before or during the participation of the prisoner in the program.

5. *A prisoner who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the prisoner during his or her participation in the program indicated the presence of a controlled substance.*

6. *As used in this section, “medication-assisted treatment” means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.*

Sec. 13. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. “Administrator” means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. “Board” means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

3. “Demotion” means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. “Immorality” means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, **and section 1.5 of this act**, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, “sexual conduct” has the meaning ascribed to it in NRS 201.520.

5. “Postprobationary employee” means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. “Probationary employee” means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. “Superintendent” means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. “Teacher” means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 14. 1. The Joint Interim Standing Committee on the Judiciary shall conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such laboratories to perform quantitative testing involving controlled substances. The study must include, without limitation, an analysis of:

- (a) The costs and benefits of performing such upgrades; and
- (b) The impact of such upgrades on this State.

2. The Committee shall include its finding and recommendations for legislation relating to the study in the report required by subsection 4 of NRS 218E.330 to be prepared and submitted to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

Sec. 15. Notwithstanding the provisions of section 1.8 of this act, each law enforcement agency and the Nevada Sentencing Commission shall submit to the Joint Interim Standing Committee on the Judiciary the first report required by that section on or before March 1, 2024. For the purposes of the first report submitted by an agency pursuant to this section, any reference in section 1.8 of this act to the period since the last report shall be deemed to refer to the period beginning on October 1, 2023, and ending on the date on which the first report is submitted by the agency.

Sec. 16. 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 Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 35.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 104, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 634 and 737 of the Assembly be concurred in.

SENATOR ROCHELLE NGUYEN
SENATOR MELANIE SCHEIBLE
SENATOR IRA HANSEN
Senate Conference Committee

ASSEMBLYWOMAN ELAINE MARZOLA
ASSEMBLYWOMAN VENICIA CONSIDINE
ASSEMBLYWOMAN ALEXIS HANSEN
Assembly Conference Committee

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 104.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 196, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 602 of the Assembly be concurred in.

SENATOR ROBERTA LANGE
SENATOR MELANIE SCHEIBLE
SENATOR SCOTT HAMMOND
Senate Conference Committee

ASSEMBLYWOMAN NATHA ANDERSON
ASSEMBLYWOMAN ANGIE TAYLOR
ASSEMBLYMAN GREGORY KOENIG
Assembly Conference Committee

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 196.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 283, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 681 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA5, which is attached to and hereby made a part of this report.

SENATOR PAT SPEARMAN
SENATOR JULIE PAZINA
SENATOR JEFF STONE
Senate Conference Committee

ASSEMBLYWOMAN SARAH PETERS
ASSEMBLYWOMAN SELENA TORRES
ASSEMBLYMAN GREGORY T. HAFEN
Assembly Conference Committee

Amendment No. CA5.

SUMMARY—Revises certain provisions relating to health care ~~records~~ (BDR 54-555)

AN ACT relating to health care; requiring a custodian of health care records to furnish health care records electronically under certain circumstances; prohibiting 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; **revising the circumstances under which a physician is authorized to prescribe or recommend and a manufacturer is authorized to provide or make available an investigational drug, biological product or device; authorizing a physician to prescribe or recommend an individualized investigational treatment under certain circumstances; requiring the reporting of certain information concerning individualized investigational treatments and investigational drugs, biological products and devices to certain governmental entities; revising the method by**

which a collection agency must notify a medical debtor before taking any action to collect a medical debt; authorizing a manufacturer to provide or make available an individualized investigational treatment to a patient under certain circumstances; authorizing the imposition of administrative penalties for certain violations; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing an individualized investigational treatment; 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; **providing a penalty;** 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 \$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 federal law prohibits the introduction of a drug or biological product into interstate commerce if the drug or biological product has not received approval from the United States Food and Drug Administration. (21 U.S.C. § 355; 42 U.S.C. § 262) Existing federal regulations allow expanded access to investigational drugs and biological products for patients who have a life-threatening or severely debilitating disease or condition, or a serious or immediately life-threatening illness, under certain circumstances. (21 C.F.R. Part 312, Subparts E and I) Existing Nevada law authorizes the manufacturer of an investigational drug,

biological product or device, upon the prescription or recommendation of a physician, to provide or make available the investigational drug, biological product or device to a patient who has been diagnosed with a terminal condition that will, without the administration of life-sustaining treatment, result in death within 1 year. (NRS 454.690) Existing law authorizes a physician to issue a prescription or recommendation for an investigational drug, biological product or device if the physician has: (1) diagnosed the patient with a terminal condition; (2) consulted with the patient and the patient and physician have determined that no treatment currently approved by the United States Food and Drug Administration is adequate to treat the terminal condition; and (3) obtained informed, written consent to the use of the investigational drug, biological product or device from the patient or his or her representative, parent or guardian. (NRS 630.3735, 633.6945) Sections 1.6, 1.9 and 2.7 of this bill: (1) remove the requirement that a patient be diagnosed with a terminal condition before a physician is authorized to prescribe or recommend, and a manufacturer is authorized to provide, an investigational drug, biological product or device; and (2) instead require the patient to be diagnosed with a life-threatening or severely debilitating disease or condition before such actions are authorized. Section 2.7 additionally: (1) authorizes the manufacturer of an individualized investigational treatment to make the treatment available to such a patient under similar conditions to an investigational drug, biological product or device if the manufacturer operates in a facility that meets certain federal requirements for the protection of human subjects; and (2) defines “individualized investigational treatment” to mean a drug, biological product or device that is unique to and produced exclusively for use by an individual patient based on the genetic profile of the patient. Sections 1.6 and 1.9 authorize a physician to prescribe or recommend an individualized investigational treatment under similar conditions to those under which a physician is authorized to recommend an investigational drug, biological product or device, except that sections 1.6 and 1.9 require the physician to additionally conduct certain biochemical analyses.

Section 2.7 requires a manufacturer that provides or makes available an individualized investigational treatment or investigational drug, biological product or device to establish a hotline for patients who develop adverse effects or symptoms. Section 2.7 also requires such a manufacturer to submit quarterly reports to the Board of Medical Examiners and the State Board of Osteopathic Medicine summarizing the individualized investigational treatments or investigational drugs, biological products or devices provided to patients of physicians who are licensed by those boards. Section 2.7 establishes an administrative penalty to be imposed against a manufacturer that fails to submit the required report. Section 2.7 also provides that if a patient dies while being treated with an individualized investigational treatment or investigational drug,

biological product or device, the heir or heirs of the deceased patient are not personally liable for any outstanding debt related to such treatment.

Existing law makes it a misdemeanor for any officer, employee or agent of this State to prevent or attempt to prevent a patient from accessing an investigational drug, biological product or device if certain requirements are met. (NRS 454.690) Section 2.7 additionally: (1) provides that counseling, advice or a recommendation from a physician consistent with medical standards of care is not a violation; and (2) makes it a misdemeanor for such an officer, employee or agent to prevent or attempt to prevent a patient from accessing an individualized investigational treatment if the same requirements are met.

Sections 1.6 and 1.9 revise the requirements concerning the informed, written consent that a physician is required to obtain before prescribing or recommending an individualized investigational treatment or an investigational drug, biological product or device. Sections 1.6 and 1.9 also require a physician who prescribes or recommends an individualized investigational treatment or an investigational drug, biological product or device to provide the patient with a form that contains certain information concerning: (1) the individualized investigational treatment or investigational drug, biological product or device; and (2) the treatment of adverse effects or symptoms caused by the individualized investigational treatment or investigational drug, biological product or device. Sections 1.6 and 1.9 require such a physician to report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as appropriate, if a patient dies or is hospitalized as the result of using an individualized investigational treatment or investigational drug, biological product or device. Sections 1.6 and 1.9 require those boards to submit to the Legislature a biennial summary of the information reported to those boards pursuant to sections 1.6, 1.9 and 2.7 concerning individualized investigational treatments and investigational drugs, biological products and devices. Sections 1.6 and 1.9 additionally authorize those boards to adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices.

Existing law: (1) generally makes it a misdemeanor for any person to possess, procure, obtain, process, produce, derive, manufacture, sell, offer for sale, give away or otherwise furnish any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act; and (2) exempts from that criminal penalty a person who engages in certain acts to make an investigational drug or biological product available when certain requirements are met. (NRS 454.351) Section 2.5 of this bill additionally exempts from the criminal penalty a manufacturer who provides an individualized investigational treatment.

Existing law provides that a physician or person engaged in the practice of professional nursing who procures or administers a controlled substance or dangerous drug is not subject to professional discipline if the controlled substance or dangerous drug is an investigative drug or biological product prescribed by a physician. (NRS 630.306, 632.347, 633.511) Sections 1.55, 1.7 and 1.8 of this bill additionally exempt such persons from professional discipline if the substance is an individualized investigational treatment.

Existing law requires a collection agency, not less than 60 days before taking any action to collect a medical debt, to send by registered or certified mail to the medical debtor written notification setting forth certain information. (NRS 649.366) Section 2.3 of this bill removes the requirement that the written notification be sent by mail that is registered or certified.

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, **section 3** of this bill requires an insurer, third-party administrator or employer to 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** 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.

Section 8 of this bill provides that the provisions of sections 1.55-1.9, 2.5 and 2.7 expire on July 1, 2027. Section 6 of this bill authorizes a patient who is being treated with an individualized investigational treatment or an investigational drug, biological product or device on June 30, 2027, to continue to receive such treatment on and after July 1, 2027, regardless of whether the patient remains eligible to receive such treatment.

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. *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 \$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.

5. *As used in this section:*

(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:

(1) No person other than the intended recipient receives the information;

(2) The identity and signature of the sender of the information can be authenticated; and

(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; ~~for~~

9. By an agency of criminal justice pursuant to NRS 179A.075 ~~for~~; **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. 1.55. NRS 630.306 is hereby amended to read as follows:

630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

(b) Engaging in any conduct:

(1) Which is intended to deceive;

(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(3) Which is in violation of a provision of chapter 639 of NRS, or a regulation adopted by the State Board of Pharmacy pursuant thereto, that is applicable to a licensee who is a practitioner, as defined in NRS 639.0125.

(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

(h) Having an alcohol or other substance use disorder.

(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

(j) Failing to comply with the requirements of NRS 630.254.

(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction. The provisions of this paragraph do not apply to any disciplinary action taken by the Board or taken because of any disciplinary action taken by the Board.

(l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

(n) Operation of a medical facility at any time during which:

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

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

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(o) Failure to comply with the requirements of NRS 630.373.

(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

(q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not

approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

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

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

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

(4) Is an **individualized investigational treatment or** investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(s) Failure to comply with the provisions of NRS 630.3745.

(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

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

(w) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

2. As used in this section ~~the “investigational”~~:

(a) “Individualized investigational treatment” has the meaning ascribed to it in NRS 454.690.

(b) “Investigational” drug or biological product” has the meaning ascribed to it in NRS 454.351.

Sec. 1.6. NRS 630.3735 is hereby amended to read as follows:

630.3735 1. A physician may prescribe or recommend an **individualized investigational treatment or** investigational drug, biological product or device to a patient if the physician has:

(a) Diagnosed the patient with a ~~terminal~~ **life-threatening or severely debilitating disease or** condition;

(b) Discussed with the patient all available methods of treating the ~~terminal~~ **life-threatening or severely debilitating disease or** condition that have been approved by the United States Food and Drug Administration and the patient and the physician have determined that no such method of treatment is adequate to treat the ~~terminal~~ **life-threatening or severely debilitating disease or** condition of the patient; ~~and~~

(c) **For an individualized investigational treatment, conducted an analysis of the patient’s genomic sequence, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products or metabolites or an immunity panel, as applicable to the individualized investigational treatment; and**

(d) Obtained informed, written consent to the use of the **individualized investigational treatment or** investigational drug, biological product or device, **as applicable**, from:

- (1) The patient;
- (2) If the patient is incompetent, the representative of the patient; or
- (3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable. ~~It, that contains:~~ **The form must:**

~~(a) **And**~~ **To the extent practicable, be in the preferred language of the patient, or the representative or parent or legal guardian of the patient, as applicable.**

(b) Be in language that is at the reading level of an eighth grader or a pupil enrolled in a lower grade.

(c) Include or be accompanied by:

(1) An overview of the provisions of this section and NRS 454.690, including, without limitation, a detailed description of the provisions of subsection 1 and the terms defined in subsection 8;

(2) A comprehensive explanation of all methods of treating the ~~terminal~~ life-threatening or severely debilitating disease or condition of the patient that are currently approved by the United States Food and Drug Administration, ~~it~~, including, without limitation, information concerning such methods published by the United States Food and Drug Administration, the National Institutes of Health or other federal agencies;

~~[(b)]~~ **(3) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the physician agree that no such method is likely to ~~significantly prolong the life~~ adequately treat the life-threatening or severely debilitating disease or condition of the patient;**

~~[(c)]~~ **(4) Clear identification of the specific **individualized investigational treatment or** investigational drug, biological product or device proposed to treat the ~~terminal~~ life-threatening or severely debilitating disease or condition of the patient;**

~~[(d)]~~ **(5) A **detailed** description of the consequences of using the **individualized investigational treatment or** investigational drug, biological product or device, which must include, without limitation:**

~~[(1)]~~ **(I) A **detailed** description of the best and worst possible outcomes;**

~~[(2)]~~ **(II) A realistic **and detailed** description of the most likely outcome, in the opinion of the physician;**

(III) A detailed description of relevant information that is not known about the **individualized investigational treatment or investigational drug, biological product or device; and**

~~[(3)]~~ **(IV) A statement of the possibility that using the **individualized investigational treatment or** investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of**

the patient occurring sooner than if the individualized investigational treatment or investigational drug, biological product or device is not used ~~it~~ and a detailed description of any known new, different or worse symptoms the patient may suffer;

(6) A statement of the rights of the patient, including, without limitation, the rights to:

(I) Make an informed decision concerning the use of the individualized investigational treatment or investigational drug, biological product or device; and

(II) Withdraw from or refuse treatment using the individualized investigational treatment or investigational drug, biological product or device at any time;

(7) Information concerning resources that may be useful to the patient, including, without limitation, the contact information for agencies or organizations that may be able to provide support to the patient;

(8) A means by which the patient may contact the manufacturer of the individualized investigational treatment or investigational drug, biological product or device with any additional questions or concerns;

~~(e)~~ (9) A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the individualized investigational treatment or investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the individualized investigational treatment or investigational drug, biological product or device; and

~~(f)~~ (10) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the individualized investigational treatment or investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the individualized investigational treatment or investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. A physician who prescribes or recommends an individualized investigational treatment or investigational drug, biological product or device to a patient shall provide to the patient a form that:

(a) To the extent practicable, is in the preferred language of the patient; and

(b) Contains:

(1) The name of the individualized investigational treatment or investigational drug, biological product or device;

(2) The instructions for use and, where applicable, the recommended dosage of the individualized investigational treatment or investigational drug, biological product or device;

(3) Where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;

(4) The telephone number for the hotline established pursuant to subsection 4 of NRS 454.690;

(5) The contact information, telephone number, hours of operation and physical address of an emergency room or urgent care facility that is easily accessible to the patient if the patient experiences an adverse effect or symptom; and

(6) Any other information concerning the individualized investigational treatment or investigational drug, biological product or device that is relevant to the care of the patient.

4. Not later than 72 hours after the death or hospitalization of a patient which results from the use of an individualized investigational treatment or investigational drug, biological product or device, the physician who prescribed or recommended the individualized investigational treatment or investigational drug, biological product or device shall notify the Board.

5. On or before January 31 of each odd-numbered year, the Board shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a summary of the information reported to the Board pursuant to subsection 4 and subsection 4 of NRS 454.690 during the immediately preceding biennium.

6. A physician is not subject to disciplinary action for prescribing or recommending an individualized investigational treatment or investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

7. The Board may adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices prescribed or recommended pursuant to this section.

~~4.~~ 8. As used in this section:

(a) “Individualized investigational treatment” has the meaning ascribed to it in NRS 454.690.

(b) “Investigational drug, biological product or device” has the meaning ascribed to it in NRS 454.690.

~~{(b) “Terminal condition”}~~

(c) “Life-threatening disease or condition” has the meaning ascribed to it in NRS 454.690.

(d) “Severely debilitating disease or condition” has the meaning ascribed to it in NRS 454.690.

Sec. 1.7. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➔ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the

United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

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

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

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

(4) Is an **individualized investigational treatment or** investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed 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.

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(t) Has violated the provisions of NRS 454.217 or 629.086.

(u) Has performed or supervised the performance of a pelvic examination in violation of NRS 629.085.

(v) Has failed to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section ~~is “investigational”~~ :

(a) “Individualized investigational treatment” has the meaning ascribed to it in NRS 454.690.

(b) “Investigational drug or biological product” has the meaning ascribed to it in NRS 454.351.

Sec. 1.8. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

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

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

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

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

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

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

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

(4) Is an **individualized investigational treatment or** investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter, except for a violation of NRS 633.4717, or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

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

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

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

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

(aa) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

2. As used in this section ~~["investigational"]~~ :

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational" drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 1.9. NRS 633.6945 is hereby amended to read as follows:

633.6945 1. An osteopathic physician may prescribe or recommend an **individualized investigational treatment or** investigational drug, biological product or device to a patient if the osteopathic physician has:

(a) Diagnosed the patient with a ~~terminal~~ **life-threatening or severely debilitating disease or** condition;

(b) Discussed with the patient all available methods of treating the ~~terminal~~ **life-threatening or severely debilitating disease or** condition that have been approved by the United States Food and Drug Administration and the patient and the osteopathic physician have determined that no such method of treatment is adequate to treat the ~~terminal~~ **life-threatening or severely debilitating disease or** condition of the patient; ~~and~~

(c) **For an individualized investigational treatment, conducted an analysis of the patient's genomic sequence, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products or metabolites or an immunity panel, as applicable to the individualized investigational treatment; and**

(d) Obtained informed, written consent to the use of the individualized investigational treatment or investigational drug, biological product or device **, as applicable,** from:

(1) The patient;

(2) If the patient is incompetent, the representative of the patient; or

(3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable. ~~["that contains:"]~~ **The form must:**

(a) ~~["And"]~~ **To the extent practicable, be in the preferred language of the patient, or the representative or parent or legal guardian of the patient, as applicable.**

(b) Be in language that is at the reading level of an eighth grader or a pupil enrolled in a lower grade.

(c) Include or be accompanied by:

(1) An overview of the provisions of this section and NRS 454.690, including, without limitation, a detailed description of the provisions of subsection 1 and the terms defined in subsection 8;

(2) A comprehensive explanation of all methods of treating the ~~terminal~~ life-threatening or severely debilitating disease or condition of the patient that are currently approved by the United States Food and Drug Administration, ~~and~~ including, without limitation, information concerning such methods published by the United States Food and Drug Administration, the National Institutes of Health or other federal agencies;

~~[(b)]~~ (3) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the osteopathic physician agree that no such method is likely to ~~significantly prolong the life~~ adequately treat the life-threatening or severely debilitating disease or condition of the patient;

~~[(c)]~~ (4) Clear identification of the specific individualized investigational treatment or investigational drug, biological product or device proposed to treat the ~~terminal~~ life-threatening or severely debilitating disease or condition of the patient;

~~[(d)]~~ (5) A detailed description of the consequences of using the individualized investigational treatment or investigational drug, biological product or device, which must include, without limitation:

~~[(1)]~~ (I) A detailed description of the best and worst possible outcomes;

~~[(2)]~~ (II) A realistic and detailed description of the most likely outcome, in the opinion of the osteopathic physician;

(III) A detailed description of relevant information that is not known about the individualized investigational treatment or investigational drug, biological product or device; and

~~[(2)]~~ (IV) A statement of the possibility that using the individualized investigational treatment or investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the individualized investigational treatment or investigational drug, biological product or device is not used, ~~and~~ and a detailed description of any known new, different or worse symptoms the patient may suffer;

(6) A statement of the rights of the patient, including, without limitation, the rights to:

(I) Make an informed decision concerning the use of the individualized investigational treatment or investigational drug, biological product or device; and

(II) Withdraw from or refuse treatment using the individualized investigational treatment or investigational drug, biological product or device at any time;

(7) Information concerning resources that may be useful to the patient, including, without limitation, the contact information for agencies or organizations that may be able to provide support to the patient;

(8) A means by which the patient may contact the manufacturer of the individualized investigational treatment or investigational drug, biological product or device with any additional questions or concerns;

~~[(c)]~~ (9) A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the individualized investigational treatment or investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the individualized investigational treatment or investigational drug, biological product or device; and

~~[(d)]~~ (10) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the individualized investigational treatment or investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the individualized investigational treatment or investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. An osteopathic physician who prescribes or recommends an individualized investigational treatment or investigational drug, biological product or device to a patient shall provide to the patient a form that:

(a) To the extent practicable, is in the preferred language of the patient; and

(b) Contains:

(1) The name of the individualized investigational treatment or investigational drug, biological product or device;

(2) The instructions for use and, where applicable, the recommended dosage of the individualized investigational treatment or investigational drug, biological product or device;

(3) Where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;

(4) The telephone number for the hotline established pursuant to subsection 4 of NRS 454.690;

(5) The contact information, telephone number, hours of operation and physical address of an emergency room or urgent care facility that is easily accessible to the patient if the patient experiences an adverse effect or symptom; and

(6) Any other information concerning the individualized investigational treatment or investigational drug, biological product or device that is relevant to the care of the patient.

4. Not later than 72 hours after the death or hospitalization of a patient which results from the use of an individualized investigational treatment or investigational drug, biological product or device, the osteopathic physician

who prescribed or recommended the individualized investigational treatment or investigational drug, biological product or device shall notify the Board.

5. On or before January 31 of each odd-numbered year, the Board shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a summary of the information reported to the Board pursuant to subsection 4 and subsection 4 of NRS 454.690 during the immediately preceding biennium.

6. An osteopathic physician is not subject to disciplinary action for prescribing or recommending an individualized investigational treatment or investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

7. The Board may adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices prescribed or recommended pursuant to this section.

~~{4.}~~ 8. As used in this section:

(a) “Individualized investigational treatment” has the meaning ascribed to it in NRS 454.690.

(b) “Investigational drug, biological product or device” has the meaning ascribed to it in NRS 454.690.

~~{(b)} “Terminal condition”~~

(c) “Life-threatening disease or condition” has the meaning ascribed to it in NRS 454.690.

(d) “Severely debilitating disease or condition” has the meaning ascribed to it in NRS 454.690.

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 ~~1-4~~ , **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. 2.3. NRS 649.366 is hereby amended to read as follows:

649.366 1. Not less than 60 days before taking any action to collect a medical debt, a collection agency shall send by ~~registered or certified~~ mail to the medical debtor written notification that sets forth:

(a) The name of the medical facility, provider of health care or provider of emergency medical services that provided the goods or services for which the medical debt is owed;

(b) The date on which those goods or services were provided; and

(c) The principal amount of the medical debt.

2. The written notification required by subsection 1 must:

(a) Identify the name of the collection agency; and

(b) Inform the medical debtor that, as applicable:

(1) The medical debt has been assigned to the collection agency for collection; or

(2) The collection agency has otherwise obtained the medical debt for collection.

Sec. 2.5. NRS 454.351 is hereby amended to read as follows:

454.351 1. Any person within this State who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. The provisions of this section do not apply:

(a) To physicians licensed to practice in this State who have been authorized by the United States Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the United States Food and Drug Administration.

(b) To any substance which has been licensed by the State Board of Health for manufacture in this State but has not been approved as a drug by the United States Food and Drug Administration. The exemption granted in this paragraph does not grant authority to transport such a substance out of this State.

(c) To any person or governmental entity who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes an **individualized investigational treatment or** investigational drug or biological product when authorized pursuant to NRS 454.690.

(d) To any physician who prescribes or recommends an **individualized investigational treatment or** investigational drug or biological product pursuant to NRS 630.3735 or 633.6945.

3. As used in this section:

(a) “Biological product” has the meaning ascribed to it in NRS 454.690.

(b) **“Individualized investigational treatment” has the meaning ascribed to it in NRS 454.690.**

(c) “Investigational drug or biological product” means a drug or biological product that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

Sec. 2.7. NRS 454.690 is hereby amended to read as follows:

454.690 1. The manufacturer of an investigational drug, biological product or device may provide or make available the investigational drug, biological product or device to a patient in this State who has been diagnosed with a ~~terminal~~ **life-threatening or severely debilitating disease or** condition if a physician has prescribed or recommended the investigational drug, biological product or device to the patient as authorized pursuant to NRS 630.3735 or 633.6945.

2. **The manufacturer of an individualized investigational treatment may provide or make available the individualized investigational treatment to a patient in this State who has been diagnosed with a life-threatening or severely debilitating disease or condition if:**

(a) The manufacturer operates within a health care institution that:

(1) Operates under a Federalwide Assurance for the protection of human subjects pursuant to 45 C.F.R. Part 46; and

(2) Is subject to all Federalwide Assurance regulations, policies and guidelines, including, without limitation, renewals and updates; and

(b) A physician has prescribed or recommended the individualized investigational treatment to the patient as authorized pursuant to NRS 630.3735 or 633.6945.

3. A manufacturer who provides or makes available an **individualized investigational treatment or** investigational drug, biological product or device **, as applicable,** to a patient pursuant to subsection 1 may:

(a) Provide the investigational drug, biological product or device to the patient without charge; or

(b) Charge the patient only for the costs associated with the manufacture of the **individualized investigational treatment or** investigational drug, biological product or device **, as applicable.**

4. **A manufacturer that provides or makes available an individualized investigational treatment or investigational drug, biological product or device to a patient pursuant to subsection 1 or 2 shall:**

(a) Establish a hotline that operates 24 hours a day, 7 days a week, including holidays, for patients who develop adverse effects or symptoms.

(b) On or before January 1, April 1, July 1 and October 1 of each year, or, if that date falls on a Saturday, Sunday or legal holiday, the next business day thereafter, submit to the Board of Medical Examiners and the State Board of Osteopathic Medicine a report summarizing information concerning the individualized investigational treatments or the investigational drugs, biological products or devices provided or made available to patients of physicians licensed by the board to which the report is submitted during the immediately preceding calendar quarter. The report must include, without limitation:

(1) The number of patients who received the individualized investigational treatment or the investigational drug, biological product or device;

(2) Where applicable, the average number of doses received by patients;

(3) The name of the individualized investigational treatment or the investigational drug, biological product or device and, where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;

(4) The disease or condition that the individualized investigational treatment or the investigational drug, biological product or device is intended to treat;

(5) The uses for which the individualized investigational treatment or the investigational drug, biological product or device was provided or made available; and

(6) Any known adverse effects or symptoms associated with the administration of the individualized investigational treatment or the investigational drug, biological product or device.

~~§ 24~~ 5. An officer, employee or agent of this State shall not prevent or attempt to prevent a patient from accessing an individualized investigational treatment or investigational drug, biological product or device that is authorized to be provided or made available to a patient pursuant to this section. Counseling, advice or a recommendation from a physician consistent with medical standards of care is not a violation of this subsection.

6. This section does not create a private cause of action against the manufacturer of an individualized investigational treatment or investigational drug, biological product or device, or against any other person or entity involved in the care of a patient who uses an individualized investigational treatment or investigational drug, biological product or device for any harm done to the patient resulting from the individualized investigational treatment or investigational drug, biological product or device, if the manufacturer or other person or entity is complying in good faith with the provisions of this section and has exercised reasonable care.

7. Notwithstanding any provision of law to the contrary, if a patient dies while being treated with an individualized investigational treatment or investigational drug, biological product or device, the heir or heirs of the deceased patient must not be held personally liable for any outstanding debt related to such treatment.

~~§ 44~~ 8. A violation of any provision of this section, except for subsection 4, is a misdemeanor.

9. If a manufacturer fails to comply with the provisions of subsection 4 and such failure is not caused by excusable neglect, technical problems or other extenuating circumstances, the manufacturer is liable for a civil penalty to be recovered by the Attorney General in an amount of \$5,000 for each day of such failure. The Attorney General shall deposit any civil penalties collected pursuant to this subsection with the State Treasurer for credit to the State General Fund.

~~§ 54~~ 10. As used in this section:

(a) “Biological product” has the meaning ascribed to it in 42 U.S.C. § 262.

(b) *“Individualized investigational treatment” means a drug, biological product or device that is unique to and produced exclusively for use by an individual patient based on the genetic profile of the patient, including, without limitation, by an analysis of the genomic sequence of the patient, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products such as enzymes and other types of proteins or metabolites. The term includes, without limitation, individualized gene therapy, antisense oligonucleotides and individualized neoantigen vaccines.*

(c) “Investigational drug, biological product or device” means a drug, biological product or device that:

- (1) Has successfully completed Phase 1 of a clinical trial;
- (2) Has not been approved by the United States Food and Drug Administration; and
- (3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

~~[(c) “Terminal condition” means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within 1 year.]~~

(d) *“Life-threatening disease or condition” has the meaning ascribed to it in 21 C.F.R. § 312.81, as interpreted by any guidance of the United States Food and Drug Administration.*

(e) *“Severely debilitating disease or condition” has the meaning ascribed to it in 21 C.F.R. § 312.81, as interpreted by any guidance of the United States Food and Drug Administration.*

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 from an insurer, third-party administrator or employer pursuant to subsection 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 furnish a copy of the requested records to the injured employee or legal representative. Such records 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 in an electronic format pursuant to subsection 1 must not exceed:*

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

Sec. 6. 1. A patient who is being treated with an individualized investigational treatment or an investigational drug, biological product or device on June 30, 2027, may continue to receive such treatment on and

after July 1, 2027, regardless of whether the patient remains eligible to receive such treatment.

2. As used in this section:

(a) “Individualized investigational treatment” has the meaning ascribed to it in NRS 454.690, as amended by section 2.7 of this act.

(b) “Investigational drug, biological product or device” has the meaning ascribed to it in NRS 454.690, as amended by section 2.7 of this act.

~~{Sec. 5.}~~ **Sec. 7.** 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. 8. 1. This section and sections 1.55 to 1.9, inclusive, 2.5, 2.7, 5 and 6 of this act become effective on July 1, 2023.

2. Sections 1, 1.5, 2, 2.3, 3, 4 and 7 of this act become effective on October 1, 2023.

3. Sections 1.55 to 1.9, inclusive, 2.5 and 2.7 of this act expire by limitation on July 1, 2027.

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 283.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 355, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 669 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA6, which is attached to and hereby made a part of this report.

SENATOR ROBERTA LANGE
SENATOR PAT SPEARMAN
SENATOR SCOTT HAMMOND
Senate Conference Committee

ASSEMBLYWOMAN SANDRA JAUREGUI
ASSEMBLYWOMAN ELAINE MARZOLA
ASSEMBLYMAN TOBY YUREK
Assembly Conference Committee

Amendment No. CA6.

SUMMARY—Revises provisions relating to ~~{financial services.}~~ **commerce.** (BDR 55-59)

AN ACT relating to ~~{financial services.}~~ **commerce;** prohibiting the Commissioner of Financial Institutions from requiring an applicant for a license to establish a new depository institution to identify the physical address of the proposed depository institution in the application for the license; authorizing certain persons employed by financial institutions to temporarily delay certain financial transactions involving the suspected exploitation of an older person or vulnerable person; exempting certain persons from liability for certain actions relating to the suspected exploitation of an older person or vulnerable person; authorizing ~~{the employee of a person licensed to engage in the business of lending in this State}~~ **certain persons** to perform certain work from a remote location under certain circumstances; setting forth various

requirements concerning such work performed at a remote location; requiring a person licensed to engage in the business of lending in this State to provide notice to the Attorney General and certain other persons of certain breaches of security involving personal information; revising the circumstances under which a person is not required to accept an acknowledged power of attorney; **prohibiting certain deceptive service agreements between an owner of residential property and a service provider; revising provisions governing persons who hold a permit to engage in property management; revising the method by which a collection agency must notify a medical debtor before taking any action to collect a medical debt; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of various types of financial institutions, including, without limitation, depository institutions, by the Commissioner of Financial Institutions. (Title 55 of NRS) Existing law requires the Commissioner, during the process for the organization and licensing of a banking corporation or company, to examine all the facts connected with the formation of the proposed banking corporation or company, including its location. (NRS 659.045) Similarly, existing law requires a person who desires to organize a savings bank to submit to the Commissioner an application that contains, among other things, the location of the proposed main office of the savings bank. (NRS 673.080) **Section 1** of this bill prohibits the Commissioner from requiring an applicant for a license to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located. **Section 1** authorizes the Commissioner to require such an applicant to: (1) identify the location of the proposed main office, described in general terms, in the application; and (2) provide the physical address of the proposed main office before the depository institution commences business. **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 engaging in the business of lending in this State without having first obtained a license from the Commissioner for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) **Section 5** of this bill authorizes an employee of a licensee to engage in the business of lending in this State at a remote location if authorized by the licensee. **Section 5** requires a licensee: (1) to enter into a written agreement with an employee before authorizing the employee to work at a remote location; and (2) to ensure that the employee and the remote location meet certain requirements. **Section 6** of this bill requires a licensee who authorizes an employee to engage in the business of lending in this State at a remote location to develop and adhere to a written data security policy meeting certain requirements. **Section 7** of this bill sets forth certain prohibited acts with respect to an employee who engages in the business of lending in this State at a remote location. **Section 8** of this bill

requires a licensee who authorizes any employee to engage in the business of lending in this State at a remote location to conduct an annual review and evaluation of the operations of the licensee which are conducted by employees working at remote locations. **Section 11** of this bill defines words and terms for the purposes of this bill. **Sections 12-16** of this bill make certain changes to provisions governing the licensing of persons engaged in the business of lending to account for the provisions of **sections 5-8** which authorize an employee of a licensee to engage in the business of lending in this State at a remote location.

Existing law requires a data collector that owns, licenses or maintains computerized data which includes personal information to, after discovery or notification of a breach of security in which personal information maintained by the data collector was, or is reasonably believed to have been, acquired by an unauthorized person, notify each affected resident of this State and certain other persons. (NRS 603A.220) **Section 17** of this bill exempts a person licensed to engage in the business of lending in this State from those requirements. **Section 9** of this bill instead sets forth similar provisions which require a licensee, after discovery or notification of a breach of security in which personal information maintained by the licensee was, or is reasonably believed to have been, acquired by an unauthorized person, to notify each affected resident if the breach is reasonably likely to subject the resident to a risk of harm and certain other conditions are met. **Section 9** sets forth certain requirements for such a notification. **Section 10** of this bill requires a licensee who is required to notify more than 500 residents of this State pursuant to **section 9** as the result of a single breach also to notify the Attorney General.

Existing law requires certain financial institutions to designate a person to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person. (NRS 657.290) **Section 3** of this bill authorizes a designated reporter to delay a requested disbursement or transaction involving an older person or vulnerable person if the designated reporter knows or has reasonable cause to believe that the older person or vulnerable person has been exploited. **Section 3** sets forth procedures and requirements for the imposition of such a delay. Additionally, **section 3** provides that a financial institution and its officers, employees and designated reporters are immune from criminal, civil and administrative liability for: (1) making a report concerning the known or suspected exploitation of an older person or vulnerable person; (2) delaying a requested disbursement or transaction involving such exploitation pursuant to **section 3**; and (3) taking certain other actions relating to known or suspected exploitation of an older person or vulnerable person.

Under existing law, a person who refuses to accept an acknowledged power of attorney, with certain exceptions, is subject to: (1) a court order mandating acceptance of the power of attorney; and (2) liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

(NRS 162A.370) **Section 16.5** of this bill provides that a designated reporter who delays a requested disbursement or transaction pursuant to **section 3** or certain other persons who make a report concerning the exploitation of an older person or vulnerable person are not required to accept an acknowledged power of attorney under certain circumstances.

Section 16.3 of this bill prohibits a service provider from entering into or recording a service agreement with an owner of residential property that provides for the performance of the agreement more than 1 year from the date of the execution of the agreement if the service agreement: (1) purports to run with the land or bind future owners; (2) allows for the assignment of the right to provide service without requiring notice to and the agreement of the owner; or (3) purports to create a security interest in residential property. Section 16.3 provides that such a service agreement is void and unenforceable. Section 16.3 also: (1) provides that a county recorder may refuse to record such an agreement; (2) provides that any person who attempts to record such an agreement is guilty of a misdemeanor; and (3) authorizes a person with an interest in residential property subject to such a service agreement to bring a civil action. Additionally, section 16.3 requires a service provider that has entered into a service agreement on or before the passage and approval of this bill to record a notice of the service agreement with the county recorder of the county in which the real property that is subject to the service agreement is located. Finally, section 16.3 provides that a service provider who enters into or records a service agreement prohibited by section 16.3 is engaged in a deceptive trade practice.

Existing law authorizes a person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson to apply to the Real Estate Division of the Department of Business and Industry for a permit to engage in property management. (NRS 645.6052) A real estate broker who holds a permit to engage in property management is prohibited from acting as a property manager unless the broker has first obtained a property management agreement signed by the broker and the client for whom the broker will manage the property. (NRS 645.6056) Section 18 of this bill sets forth certain duties of a person who acts as a property manager when entering into a property management agreement and performing his or her duties pursuant to such agreement. Section 22 of this bill prohibits a property manager from waiving any of those duties. Section 23 of this bill authorizes a person who has suffered damages as the proximate result of a property manager's failure to perform any of those duties to bring an action against the property manager.

Section 19 of this bill revises the definition of the term “agency” to include a relationship arising out of a property management agreement. Section 20 of this bill requires the Division to prepare and distribute certain forms to property managers.

Existing law provides that if a real estate broker assigns different licensees affiliated with his or her brokerage to separate parties to a real estate transaction, the licensees are not required to obtain the written consent of each party to the transaction. (NRS 645.252, 645.253) Section 21 of this bill provides that property managers affiliated with a brokerage who are assigned to separate parties to a property management agreement are also not required to obtain such written consent.

Existing law requires an applicant for a license as a mortgage company to state in the application: (1) for an applicant who is not a wholesale lender, the location of each principal office and branch office at which the mortgage company will conduct business in this State; and (2) the location of any principal office, office or other place of business located outside this State from which the mortgage company will conduct business in this State. Existing law also requires a mortgage company that will conduct business at one or more branch offices to apply for a license for each branch office. (NRS 645B.020)

Section 24 of this bill authorizes an employee of a mortgage company, including, without limitation, a mortgage loan originator employed by or associated with the mortgage company, to conduct the business of the mortgage company at a remote location if authorized by the mortgage company. Section 24 defines “remote location” to mean, in general, any location, including the residence of an employee, that is not a location for which a license as a mortgage company has been issued. Section 24 sets forth certain requirements for a mortgage company to authorize an employee to conduct the business of the mortgage company at a remote location. Additionally, section 24 prohibits: (1) an employee from interacting with a customer in person at the residence of the employee; and (2) the maintenance of physical records at a remote location. Finally, section 24 requires: (1) a mortgage company to maintain certain records relating to business conducted at a remote location at its principal office or a branch office; and (2) the Commissioner of Mortgage Lending to adopt regulations governing the conducting of the business of a mortgage company at a remote location.

Existing law requires each mortgage company to keep and maintain at each location where the mortgage company conducts business in this State records of all mortgage transactions made by the mortgage company at that location. (NRS 645B.080) Section 25 of this bill exempts a remote location from that requirement and instead requires a mortgage company to keep and maintain records of all mortgage transactions made by an employee at a remote location in accordance with the requirements established by the Commissioner of Mortgage Lending by regulation.

Existing law requires a collection agency, not less than 60 days before taking any action to collect a medical debt, to send by registered or certified mail to the medical debtor written notification setting forth certain information. (NRS 649.366) Section 26 of this bill removes the

requirement that the written notification be sent by mail that is registered or certified.

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

Section 1. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Commissioner shall not require an applicant for a license to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located.*

2. *The Commissioner may require an applicant for a license to establish a new depository institution to:*

(a) *Identify in the application for the license the location, described in general terms, where the main office of the proposed depository institution will be located; and*

(b) *Provide to the Commissioner the physical address of the main office of the proposed depository institution before the depository institution commences business.*

Sec. 2. NRS 657.150 is hereby amended to read as follows:

657.150 As used in NRS 657.150 to 657.290, inclusive, ***and section 1 of this act***, unless the context otherwise requires, the words and terms defined in NRS 657.160 and 657.170 have the meanings ascribed to them in those sections.

Sec. 3. NRS 657.290 is hereby amended to read as follows:

657.290 1. Each financial institution shall designate a person or persons to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter : ~~{shall:}~~

(a) Except as otherwise provided in subsection 3, ***shall*** report the known or suspected exploitation 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;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; ~~{and}~~

(b) ~~{Make}~~ ***Shall make*** such a report as soon as reasonably practicable ~~{:}~~ ;
and

(c) May temporarily delay a requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary if the designated reporter:

(1) Not later than 2 business days after the date on which the requested disbursement or transaction is delayed:

(I) Provides written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, except a party who is reasonably believed to have engaged in the suspected exploitation; and

(II) Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a local law enforcement agency of the delay; and

(2) Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and the appropriate local law enforcement agency of any new information that is relevant to the delay within a reasonable time after becoming aware of the information.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation 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 designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

5. ~~{An officer, employee}~~ **A financial institution and any of its officers, employees and {the} designated {reporter} reporters** are ~~{entitled to the immunity}~~ **immune from civil, criminal and administrative liability {set forth in NRS 200.5096 for making a report in good faith.}** **arising from:**

(a) Making a report in good faith pursuant to this section;

(b) Delaying a requested disbursement or transaction involving the known or suspected exploitation of an older person or vulnerable person pursuant to this section; or

(c) Taking any reasonable action which is:

(1) Performed in furtherance of a duty or authorization created by subsection 2, 3 or 4; and

(2) Based upon a reasonable belief that an older person or vulnerable person has been exploited.

6. Except as otherwise provided in this subsection and subsections 7 and 8, a delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 expires 15 business days after the date on which the requested disbursement or transaction was delayed. If the local office of the Aging and Disability Services Division of the Department of Health and Human Services or a local law enforcement agency requests in writing that the designated reporter extend the delay, the delay expires upon the earlier of:

(a) Twenty-five business days after the date on which the requested disbursement or transaction was delayed; or

(b) Upon the written request of the local office of the Aging and Disability Services Division of the Department of Health and Human Services or the local law enforcement agency that requested the extension of the delay or upon the order of a court of competent jurisdiction.

7. A delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 may expire before the period set forth in subsection 6 and the designated reporter may proceed with the requested disbursement or transaction if the designated reporter reasonably believes that the requested disbursement or transaction will not result in exploitation of the older person or vulnerable person.

8. A court of competent jurisdiction may issue an order extending a delay of a requested disbursement or transaction authorized by paragraph (c) of subsection 2 based on the petition of the local office of the Aging and Disability Services Division of the Department of Health and Human Services, a local law enforcement agency or any other interested party.

9. When determining whether an older person or vulnerable person has been exploited, a designated reporter may consider any of the following circumstances, if applicable and without limitation:

(a) A requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary that the older person or vulnerable person cannot explain;

(b) A request to close a certificate of deposit of an older person or vulnerable person that is made:

(1) Before the date of maturity of the certificate of deposit; and

(2) With apparent disregard for any penalty associated with closing the certificate of deposit before the date of maturity of the certificate of deposit;

(c) A check written by an older person or vulnerable person under suspicious circumstances;

(d) An uncharacteristic attempt by an older person or vulnerable person to initiate a wire transfer of a significant sum of money;

(e) A suspicious signature on documentation relating to an account of an older person or vulnerable person;

(f) A suspicious alteration to a:

(1) Trust to which an older person or vulnerable person is a beneficiary; or

(2) Will or trust for which an older person or vulnerable person is a testator or trustee;

(g) A suspicious alteration in a power of attorney relating to an older person or a vulnerable person; and

(h) A person attempting to initiate a financial transaction on behalf of an older person or vulnerable person without proper documentation.

Sec. 4. Chapter 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 10, inclusive, of this act.

Sec. 5. 1. *An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act if authorized by the licensee.*

2. *Before authorizing an employee to engage in the business of lending in this State at a remote location, a licensee must enter into a written agreement with the employee that is signed by the employee in which the employee:*

(a) Agrees to:

(1) Maintain the confidentiality of data concerning borrowers and potential borrowers while working at the remote location;

(2) Maintain all data of the licensee electronically while working at the remote location;

(3) Read and comply with the data security policy adopted by the licensee pursuant to section 6 of this act; and

(4) Keep any equipment provided to the employee by the licensee for use at the remote location safe and secure in the manner prescribed by the licensee;

(b) Agrees not to:

(1) Print or otherwise reproduce physical documents containing any data of the licensee at the remote location;

(2) Except as authorized by section 7 of this act, disclose to a borrower or potential borrower that the employee is working at a remote location;

(3) Convey to a borrower or potential borrower that the remote location at which the licensee is working is the place of business of the licensee; and

(4) Conduct any interactions with a borrower or potential borrower in person at the remote location.

3. *A licensee shall not authorize an employee to engage in the business of lending in this State at a remote location unless the remote location:*

(a) Is located in the United States;

(b) Is secure and sufficiently closed off from the public to enable the employee to maintain the confidentiality of borrowers and potential borrowers; and

(c) Contains all the equipment necessary for the employee to perform his or her work for the licensee, which must:

(1) Be sufficiently connected to the systems used by the licensee, including, without limitation, telephone systems, computerized data systems and other computer systems, to allow the licensee to monitor and oversee the work of the employee as though the employee were performing the same work at the place of business of the licensee; and

(2) Require the employee to enter unique credentials, passwords or similar information to access the computerized data system of the licensee and other computer systems used by the licensee to conduct business.

4. A licensee shall ensure that each employee of the licensee who engages in the business of lending at a remote location:

(a) Before beginning work at a remote location, completes a training program at the place of business of the licensee that includes, without limitation, instruction on privacy, confidentiality, monitoring and security in the context of remote work and compliance with applicable laws and the policies of the licensee;

(b) Receives the same level of communication, management, oversight and monitoring he or she would receive while working at the place of business of the licensee; and

(c) Complies with the provisions of this chapter and the regulations adopted pursuant thereto.

5. As used in this section, “place of business” means an office or place of business for which a license has been issued pursuant to this chapter.

Sec. 6. A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall develop and adhere to a written data security policy. The data security policy must set forth procedures and requirements to ensure that:

1. Data of the licensee that is stored at or accessible from a remote location is protected against unauthorized or accidental disclosure, access, use, modification, duplication or destruction;

2. An employee working at a remote location is able to access the computerized data system of the licensee and other computer systems of the licensee only through the use of a virtual private network or other system that:

(a) Requires the use of a username and password, frequent password changes, multifactor authentication, a system that automatically prevents a person from accessing an account upon the failure of the person to enter the appropriate credentials after a set number of attempts or any combination thereof; and

(b) Uses data encryption;

3. Any updates or repairs necessary to keep data and equipment secure are installed or implemented immediately;

4. All data of the licensee is stored in a safe and secure manner and the computerized data system of the licensee is capable of being modified to accommodate the storage of data necessary for an employee working at a remote location to perform his or her work;

5. *Each remote location at which an employee works contains computers or other electronic devices which make use of reasonable security measures, such as antivirus software and firewalls;*

6. *The computerized data system of the licensee and other computer systems of the licensee may only be accessed through computers or other electronic devices which:*

(a) Are issued by the licensee; and

(b) May only be used by an employee while performing activities approved by the licensee;

7. *An internal or external risk assessment is performed annually on the protection of the data of the licensee from reasonably foreseeable internal or external risks;*

8. *After the performance of a risk assessment pursuant to subsection 7, the data security policy is updated to correct any deficiencies identified in the risk assessment;*

9. *The licensee has procedures in place which establish the actions that must be taken upon the:*

(a) Discovery of a breach of the security of the computerized data system, including, without limitation, any actions that must be taken concerning the disclosure of the breach as required by section 9 of this act or other applicable law; and

(b) Occurrence of an emergency, including, without limitation, a fire or natural disaster, that has the potential to impact the storage of or access to data of the licensee;

10. *The data of the licensee is disposed of in a timely and secure manner as required by applicable law and contractual requirements; and*

11. *The licensee is able, without the licensee or an agent of the licensee being physically present at a remote location, to disconnect any computer or device provided to an employee at a remote location from the computerized data system of the licensee or other computer systems of the licensee and disable and erase any data from such a computer or device upon termination of the employee's employment with the licensee.*

Sec. 7. 1. *An employee who engages in the business of lending in this State at a remote location shall not print or store physical records containing any data of the licensee at the remote location.*

2. *Except as otherwise provided in subsection 3, an employee who engages in the business of lending in this State at a remote location or the licensee who employs such an employee shall not represent in any manner to a borrower, potential borrower or any other person that the employee is working at a remote location, including, without limitation, by:*

(a) Advertising in any form the address of the remote location where the employee works or a personal telephone number or facsimile number associated with the remote location;

(b) Meeting a borrower or potential borrower at, or inviting a borrower or potential borrower to, the remote location; or

(c) *Directly or indirectly suggesting or holding out in any manner that the address of the remote location is the address of the place of business of the licensee, including, without limitation, by receiving mail intended for the licensee at the remote location or storing physical records of the licensee at the remote location.*

3. *An employee may respond to an inquiry concerning his or her location by stating that he or she is working remotely or working at a remote location.*

4. *As used in this section, “place of business” has the meaning ascribed to it in section 5 of this act.*

Sec. 8. *A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall, at least once each year, conduct a review and evaluation of the operations of the licensee which are conducted by employees working at remote locations to determine whether such operations comply with the provisions of sections 5 to 8, inclusive, of this act. The Commissioner may require a licensee to conduct such a review and evaluation at such other times as the Commissioner deems necessary.*

Sec. 9. 1. *If a licensee that owns or licenses computerized data that includes personal information discovers or is notified of a breach of the security of the computerized data system of the licensee, the licensee shall notify any resident of this State whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person if:*

(a) *The breach is reasonably likely to subject the resident to a risk of harm; and*

(b) *Either:*

(1) *The personal information acquired or believed to have been acquired was not encrypted; or*

(2) *The breach resulted in, or is reasonably believed to have resulted in, an unauthorized person acquiring an encryption key or other means of converting encrypted personal information acquired by the person into an unencrypted or otherwise intelligible form.*

2. *Except as otherwise provided in this subsection and subsection 4, the notification required by subsection 1 must be made in the most expedient time possible and not more than 30 days after the date on which the licensee discovered or was notified of the breach. A licensee may delay providing the notification beyond the period required by this subsection, as authorized by subsection 4 or if the delay is caused by any measures necessary to determine the scope of the breach and restore the reasonable integrity of the computerized data system of the licensee.*

3. *Except as otherwise provided in subsection 4, a licensee that maintains data which includes personal information that the licensee does not own shall notify the owner of the information of any breach of the security of the computerized data system of the licensee immediately*

following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

4. A notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification must be made after the law enforcement agency determines that the notification will not impede a criminal investigation.

5. Except as otherwise provided in subsections 6 and 8, a notification required by this section may be provided by any of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the licensee demonstrates that the cost of providing notification would exceed \$250,000, the affected class of subject persons to be notified exceeds 500,000 or the licensee does not have sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the licensee has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the licensee, if the licensee maintains an Internet website.

(3) Notification to major statewide media.

6. If a breach involves a username, password or other login credentials to an electronic mail account furnished by the licensee, the licensee shall not provide the notification required pursuant to this section to that electronic mail account.

7. A notification provided by a licensee pursuant to this section must be written in plain language and contain, at a minimum, the following information:

(a) The name and contact information of the licensee;

(b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach;

(c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach;

(d) The toll-free telephone numbers and addresses of the major credit reporting agencies; and

(e) If the breach involved personal information that includes a username, password or other login credentials to an online account, an advisement to the person whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person to promptly change any relevant passwords or security questions or answers associated with the online account and to take any other appropriate steps to protect the online account

and any other online account for which the person uses any of the same information to access.

8. A licensee who maintains his or her own notification procedures as part of a data security policy for the treatment of personal information that are otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if the licensee notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the computerized data system of the licensee.

Sec. 10. *1. A licensee who is required to notify more than 500 residents of this State pursuant to section 9 of this act as the result of a single breach shall notify the Attorney General of the breach not more than 30 days after the date on which the licensee discovered or was notified of the breach. The notification must include, without limitation:*

(a) The number of residents of this State affected or estimated to be affected by the breach.

(b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach.

(c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach.

(d) A summary of the actions taken to contain the breach.

(e) A sample copy of the notification the licensee provided to persons affected or reasonably believed to be affected by the breach which excludes any personally identifiable information.

2. If any of the information described in subsection 1 is unavailable to a licensee at the time the licensee submits the notification to the Attorney General, the licensee shall promptly provide the information to the Attorney General after the information becomes available to the licensee.

Sec. 11. NRS 675.020 is hereby amended to read as follows:

675.020 As used in this chapter, unless the context otherwise requires:

1. “Amount of cash advance” means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. “Amount of loan obligation” means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. “*Breach of the security of the computerized data system*” or “*breach*” means the unauthorized acquisition of computerized data from the computerized data system of the licensee that compromises the security, confidentiality or integrity of personal information maintained by the licensee. The term does not include the good faith acquisition of personal information by an employee or agent of a licensee for a legitimate purpose of the licensee, so long as the personal information is not used for a purpose unrelated to the licensee or subject to further authorized disclosure.

4. *“Business of lending in this State” means that a person:*

(a) *Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or*

(b) *Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.*

5. “Commissioner” means the Commissioner of Financial Institutions.

~~{4-}~~ 6. “Community” means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

~~{5-}~~ 7. *“Computerized data system” means a system of software, hardware or firmware, including, without limitation, a system of web-based applications, that:*

(a) *Is owned, leased or licensed by a licensee;*

(b) *Is located at the place of business of the licensee or hosted remotely;*
and

(c) *Stores or provides access to personal information, financial information or other data related to borrowers or potential borrowers.*

8. “Consumer credit” has the meaning ascribed to it in NRS 604A.036.

~~{6-}~~ 9. “Covered service member” has the meaning ascribed to it in NRS 604A.038.

~~{7-}~~ 10. “Dependent” has the meaning ascribed to it in NRS 604A.057.

~~{8-}~~ 11. “Internet business lender” means a person who makes business loans exclusively through the Internet.

~~{9-}~~ 12. “License” means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~{10-}~~ 13. “Licensee” means a person to whom one or more licenses have been issued.

~~{11-}~~ 14. “Nationwide Multistate Licensing System and Registry” or “Registry” has the meaning ascribed to it in NRS 604A.083.

15. *“Personal information” has the meaning ascribed to it in NRS 603A.040.*

16. *“Remote location” means a location other than an office or place of business for which a license has been issued pursuant to this chapter and at which the employee of a licensee engages in the business of lending in this State pursuant to sections 5 to 8, inclusive, of this act.*

Sec. 12. NRS 675.060 is hereby amended to read as follows:

675.060 ~~{1-}~~ No person may engage in the business of lending in this State without first having obtained a license from the Commissioner pursuant to this chapter for each office or other place of business at which the person engages in such business, except that ~~{#}~~:

1. *If* a person intends to engage in the business of lending in this State as a deferred deposit loan service, high-interest loan service or title loan service, as those terms are defined in chapter 604A of NRS, the person must obtain a

license from the Commissioner pursuant to chapter 604A of NRS before the person may engage in any such business.

2. ~~For the purpose of this section, a person engages in the business of lending in this State if he or she:~~

~~—(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or~~

~~—(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.]~~

An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.

Sec. 13. NRS 675.120 is hereby amended to read as follows:

675.120 If the Commissioner finds:

1. That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, within the purposes of this chapter; and

2. That the applicant, unless he or she will function solely as a loan broker, has available for the operation of the business at the specified location ***identified in the application*** liquid assets of at least \$50,000,

➡ he or she shall thereupon enter an order granting the application, and file his or her findings of fact together with the transcript of any hearing held under this chapter, and forthwith issue and deliver a license to the applicant.

Sec. 14. NRS 675.130 is hereby amended to read as follows:

675.130 Each license shall:

1. State the address at which the business is to be conducted ~~to~~, ***not including any remote location;*** and

2. State fully the name of the licensee, and if the licensee is a copartnership or association, the names of its members, and if a corporation, the date and place of its incorporation.

Sec. 15. NRS 675.210 is hereby amended to read as follows:

675.210 Not more than one place of business may be maintained under the same license. The Commissioner may issue additional licenses to the same licensee for other business locations upon compliance with all the provisions of this chapter governing issuance of a single license. Nothing herein requires a license for ~~any~~:

1. ***Any*** place of business devoted to accounting, recordkeeping or administrative purposes only ~~to~~; ***or***

2. ***A remote location.***

Sec. 16. NRS 675.240 is hereby amended to read as follows:

675.240 No licensee shall conduct the business of making loans provided for by this chapter under any name or at any place other than that stated in the license. Nothing herein shall prevent ~~the~~:

1. *The making of loans by mail nor prohibit accommodations to individual borrowers when necessitated by hours of employment, sickness or other emergency situations ~~1-1~~; or*

2. *A licensee from authorizing an employee to engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.*

Sec. 16.3. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A service provider shall not enter into or record a service agreement with an owner of residential property that provides for performance of the service agreement more than 1 year from the date of execution of the service agreement if the service agreement:

(a) Purports to run with the land or bind future owners of interests in the residential property;

(b) Allows for the assignment of the right to provide service without requiring notice to and agreement of the owner of the residential property;
or

(c) Purports to create a security interest in the residential property, including, without limitation, a lien or encumbrance.

2. The provisions of this section do not apply to:

(a) A home warranty or similar product that covers the cost of maintenance of a major housing system, including, without limitation, a plumbing or electrical system, for a set period of time;

(b) An insurance contract;

(c) An option to purchase or right of refusal;

(d) A maintenance or repair agreement entered into by a homeowners' association in a common interest community;

(e) A mechanic's lien;

(f) A mortgage loan or a commitment to make or receive a mortgage loan;

(g) A security agreement relating to the sale or rental of personal property or fixtures;

(h) Any utility service provided by a public utility, including, without limitation, water, sewer, electrical, telephone or cable; or

(i) A declaration created in the formation of a common-interest community or an amendment thereto.

3. A service agreement prohibited pursuant to this section that is recorded on or after the effective date of this act is void and unenforceable. A county recorder may refuse to record any written instrument that contains a service agreement that is prohibited pursuant to this section. A person who submits a written instrument for recordation to the county recorder that contains such a service agreement is guilty of a misdemeanor.

4. The recording of a service agreement prohibited pursuant to this section does not provide actual or constructive notice to a bona fide purchaser or creditor of residential property.

5. A violation of subsection 1 constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. Any person with an interest in a residential property for which a service agreement prohibited pursuant to this section is recorded may bring a civil action in any court of competent jurisdiction for such a violation. If a person brings such an action, the court may award the person:

(a) Any equitable relief that the court deems appropriate;

(b) Actual damages; and

(c) Actual costs and attorney's fees.

6. On or before July 31, 2023, a service provider that has entered into a service agreement on or before the effective date of this act shall record a notice of service agreement with the county recorder of the county in which the real property that is the subject of the service agreement is located, which must include, without limitation:

(a) The title "Notice of Service Agreement" in not less than 14-point boldface type;

(b) A legal description of the real property;

(c) The amount of the fee provided in the service agreement or the method by which the fee must be calculated;

(d) The date or circumstances under which the obligation set forth in the service agreement expires;

(e) The name, address and telephone number of the service provider; and

(f) If the service provider is:

(1) A natural person, the notarized signature of the service provider; or

(2) A business entity, the notarized signature of an authorized officer or employee of the business entity.

7. If a service provider fails to record the notice required pursuant to subsection 6 on or before July 31, 2023, the service agreement is hereby declared void and unenforceable and any interest in the real property that is subject to the service agreement may be conveyed free and clear of the service agreement.

8. As used in this section:

(a) "Residential property" means any land in this State which is primarily used for personal, family or household purposes to which is affixed not less than one nor more than four dwelling units.

(b) "Service agreement" means a contract under which a person agrees to provide services in connection with the maintenance, purchase or sale of residential property.

(c) "Service provider" means a person who provides services to another party.

Sec. 16.5. NRS 162A.370 is hereby amended to read as follows:

162A.370 1. Except as otherwise provided in subsection 2:

(a) A person shall either accept an acknowledged power of attorney, or request a certification, a translation or an opinion of counsel pursuant to NRS

162A.360, not later than 10 business days after presentation of the power of attorney for acceptance;

(b) If a person requests a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, the person shall accept the power of attorney not later than 5 business days after receipt of the certification, translation or opinion of counsel; and

(c) A person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

2. A person is not required to accept an acknowledged power of attorney if:

(a) The person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(b) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;

(c) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(d) A request for a certification, a translation or an opinion of counsel pursuant to NRS 162A.360 is refused;

(e) The person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation or an opinion of counsel has been requested or provided pursuant to NRS 162A.360; ~~for~~

(f) The person makes, or has actual knowledge that another person has made, a report pursuant to NRS 200.5093 stating a good faith belief that the principal may be subject to abuse, neglect, exploitation, isolation or abandonment by the agent or a person acting for or with the agent ~~for~~; **or**

(g) The person:

(1) Makes, or has actual knowledge that another person has made, a report pursuant to NRS 657.290 of the known or suspected exploitation by the agent, or a person acting for or with the agent, of the principal who is an older person or vulnerable person; or

(2) Is a designated reporter of a financial institution who, pursuant to NRS 657.290, delays a requested disbursement or transaction involving a principal who is an older person or vulnerable person whom the designated reporter knows or has reasonable cause to believe is being exploited.

3. A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to:

(a) A court order mandating acceptance of the power of attorney; and

(b) Liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

4. As used in this section:

(a) "Designated reporter" has the meaning ascribed to it in NRS 657.230.

(b) "Older person" has the meaning ascribed to it in NRS 657.250.

(c) "Vulnerable person" has the meaning ascribed to it in NRS 657.270.

Sec. 17. NRS 603A.220 is hereby amended to read as follows:

603A.220 1. ~~Any~~ **Except as otherwise provided in subsection 7, a** data collector that owns or licenses computerized data which includes personal information shall disclose any breach of the security of the system data following discovery or notification of the breach to any resident of this State whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection 3, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system data.

2. Any data collector that maintains computerized data which includes personal information that the data collector does not own shall notify the owner or licensee of the information of any breach of the security of the system data immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

3. The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this section must be made after the law enforcement agency determines that the notification will not compromise the investigation.

4. For purposes of this section, except as otherwise provided in subsection 5, the notification required by this section may be provided by one of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the data collector demonstrates that the cost of providing notification would exceed \$250,000, the affected class of subject persons to be notified exceeds 500,000 or the data collector does not have sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the data collector has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the data collector, if the data collector maintains an Internet website.

(3) Notification to major statewide media.

5. A data collector which:

(a) Maintains its own notification policies and procedures as part of an information security policy for the treatment of personal information that is otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if the data collector notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the system data.

(b) Is subject to and complies with the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., shall be deemed to be in compliance with the notification requirements of this section.

6. If a data collector determines that notification is required to be given pursuant to the provisions of this section to more than 1,000 persons at any one time, the data collector shall also notify, without unreasonable delay, any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, as that term is defined in 15 U.S.C. § 1681a(p), of the time the notification is distributed and the content of the notification.

7. *The provisions of this section do not apply to a person licensed pursuant to chapter 675 of NRS.*

Sec. 18. Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who holds a permit to engage in property management when entering into a property management agreement and performing his or her duties pursuant to such property management agreement, as applicable:

1. Shall disclose to each party to the property management agreement as soon as practicable:

(a) Any material and relevant facts, data or information which the property manager knows, or which by the exercise of reasonable care and diligence should have known, relating to the property which is the subject of the property management agreement.

(b) Each source from which the property manager will receive compensation as a result of the agreement.

(c) That the property manager is a principal to the agreement or has an interest in a principal to the agreement.

(d) That the property manager is acting for more than one party to the agreement. If a property manager makes such a disclosure, he or she must obtain the written consent of each party to the agreement for whom the property manager is acting before he or she may continue to act in his or her capacity as an agent. The written consent must include:

(1) A description of the property management agreement.

(2) A statement that the property manager is acting for two or more parties to the agreement who have an adverse interest and that in acting for these parties, the property manager has a conflict of interest.

(3) A statement that the property manager will not disclose any confidential information for 1 year after the revocation or termination of any property management agreement entered into with a party to the agreement, unless he or she is required to do so by a court of competent jurisdiction or is given written permission to do so by that party.

(4) A statement that a party is not required to consent to the property manager acting on behalf of the party.

(5) A statement that the party is giving consent without coercion and understands the terms of the consent given.

(6) Any changes in the property manager's relationship to a party to the agreement or activity.

2. Shall exercise reasonable skill and care with respect to all parties to the property management agreement in carrying out the terms of the property management agreement and performing his or her duties.

3. Shall provide the appropriate form prepared by the Division pursuant to NRS 645.193 to:

(a) Each party for whom the property manager is acting as a property manager in the property management agreement; and

(b) Each unrepresented party to the property management agreement, if any.

4. Shall seek a rental or lease of real property at the price and terms stated in the property management agreement or at a price acceptable to the client.

5. Shall advise the client to obtain advice from an expert relating to matters which are beyond the expertise of the property manager.

6. Shall account for all money and property the property manager receives in which the client may have an interest as soon as is practicable.

7. Unless otherwise agreed upon in writing, owes no duty to:

(a) Independently verify the accuracy of a statement made by an inspector certified pursuant to chapter 645D of NRS or another appropriate licensed or certified expert.

(b) Conduct an independent inspection of the financial condition of a party to the property management agreement.

(c) Conduct an investigation of the condition of the property which is the subject of the property management agreement.

Sec. 19. NRS 645.0045 is hereby amended to read as follows:

645.0045 1. "Agency" means a relationship between a principal and an agent arising out of a brokerage agreement **or property management agreement** whereby the agent is engaged to do certain acts on behalf of the principal in dealings with a third party.

2. The term does not include a relationship arising solely from negotiations or communications with a client of another broker with the written permission of the broker in accordance with the provisions of subsection 2 of NRS 645.635.

Sec. 20. NRS 645.193 is hereby amended to read as follows:

645.193 The Division shall prepare and distribute to licensees ~~the~~ **and property managers:**

1. A form which sets forth the duties owed by a licensee **or property manager** who is acting for only one party to a real estate transaction ~~the~~ **or property management agreement, as applicable.**

2. A form which sets forth the duties owed by a licensee **or property manager** who is acting for more than one party to a real estate transaction ~~the~~ **or property management agreement, as applicable.**

3. A form which sets forth the duties owed by a real estate broker who assigns different licensees or property managers affiliated with his or her brokerage to separate parties to a real estate transaction ~~or~~ or property management agreement, as applicable.

Sec. 21. NRS 645.253 is hereby amended to read as follows:

645.253 If a real estate broker assigns different ~~licensees~~ :

1. Licensees affiliated with his or her brokerage to separate parties to a real estate transaction, the licensees are not required to obtain the written consent required pursuant to paragraph (d) of subsection 1 of NRS 645.252. Each licensee shall not disclose, except to the real estate broker, confidential information relating to a client in violation of NRS 645.254.

2. Licensees affiliated with his or her brokerage who hold permits to engage in property management to separate parties to a property management agreement, the property managers are not required to obtain the written consent required pursuant to paragraph (d) of subsection 1 of section 18 of this act. Each property manager shall not disclose, except to the real estate broker, confidential information relating to a client in violation of section 18 of this act.

Sec. 22. NRS 645.255 is hereby amended to read as follows:

645.255 Except as otherwise provided in subsection 4 of NRS 645.254, no duty of a licensee set forth in NRS 645.252 or 645.254 or a property manager set forth in section 18 of this act may be waived.

Sec. 23. NRS 645.257 is hereby amended to read as follows:

645.257 1. A person who has suffered damages as the proximate result of a licensee's or property manager's failure to perform any duties required by NRS 645.252, 645.253 or 645.254 or section 18 of this act or the regulations adopted to carry out those sections may bring an action against the licensee or property manager for the recovery of the person's actual damages.

2. In such an action, any knowledge of the client ~~to~~ :

(a) Of the licensee of material facts, data or information relating to the real property which is the subject of the real estate transaction may not be imputed to the licensee ~~to~~; and

(b) Of the property manager of material facts, data or information relating to the real property which is the subject of the property management agreement may not be imputed to the property manager.

3. In an action brought by a person ~~against a licensee~~ pursuant to subsection 1 ~~to~~ :

(a) The standard of care owed by a licensee is the degree of care that a reasonably prudent real estate licensee would exercise and is measured by the degree of knowledge required to be obtained by a real estate licensee pursuant to NRS 645.343 and 645.345 ~~to~~; and

(b) The standard of care owed by a property manager is the degree of care that a reasonably prudent property manager would exercise and is measured by the degree of knowledge required to be obtained by a permit to engage in property management pursuant to NRS 645.6052.

Sec. 24. Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee of a mortgage company may conduct the business of the mortgage company at a remote location if authorized by the mortgage company.

2. A mortgage company may authorize an employee to conduct the business of the mortgage company at a remote location if the mortgage company:

(a) Has adopted written policies and procedures for the supervision of employees working at a remote location to ensure that:

(1) Each employee working from a remote location complies with the provisions of this section and the regulations adopted pursuant thereto; and

(2) The mortgage company exercises reasonable supervision and control over the activities of his or her mortgage loan originators pursuant to NRS 645B.460;

(b) Has adopted a comprehensive written plan for the security of the information systems of the mortgage company and any customer information collected and maintained by the mortgage company, which must contain specific provisions regarding cybersecurity and the use of a virtual private network or other secure connection at the remote location that requires:

(1) Multifactor authentication;

(2) A backup system and data recovery system; and

(3) Protocols in the event of a cybersecurity incident; and

(c) Ensures that the information systems of the mortgage company and any customer information collected and maintained by the mortgage company are accessed by employees working at a remote location only in accordance with the security plan adopted pursuant to paragraph (b).

3. An employee of a mortgage company shall not interact with a customer of the mortgage company in person at the residence of the employee unless a license has been issued for that residence pursuant to NRS 645B.020.

4. Any physical records of a mortgage company must not be maintained at a remote location. Any underlying origination records obtained through the conduct of the business of a mortgage company at a remote location must be maintained at the principal office or a branch office of the mortgage company.

5. The Commissioner shall adopt regulations governing the conducting of the business of a mortgage company at a remote location. The regulations:

(a) Must include, without limitation, requirements for the keeping and maintenance of complete and suitable records of all mortgage transactions made by an employee of a mortgage company at a remote location; and

(b) May include, without limitation, any additional requirements for an employee of a mortgage company to conduct the business of a mortgage company from a remote location.

6. As used in this section:

(a) “Business of a mortgage company” includes, without limitation, any activity for which a license is required pursuant to this chapter that is conducted by an employee who is a mortgage loan originator employed by or associated with a mortgage company.

(b) “Employee” includes, without limitation, a mortgage loan originator who is employed by or associated with a mortgage company.

(c) “Remote location” means a location, other than a principal office, branch office or other office or place of business for which a license has been issued pursuant to NRS 645B.020, at which an employee of a mortgage company conducts the business of the mortgage company pursuant to this section. The term includes, without limitation, the residence of an employee.

Sec. 25. NRS 645B.080 is hereby amended to read as follows:

645B.080 1. Each mortgage company shall keep and maintain at all times at each location , other than a remote location, where the mortgage company conducts business in this state complete and suitable records of all mortgage transactions made by the mortgage company at that location. Each mortgage company shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage company. Each mortgage company shall keep and maintain complete and suitable records of all mortgage transactions made by an employee of the mortgage company at a remote location in accordance with the requirements established by the Commissioner by regulation pursuant to section 24 of this act.

2. Except as otherwise provided in subsection 3, each mortgage company shall submit to the Commissioner each month a report of the mortgage company’s activity for the previous month. The report must:

(a) Specify the volume of loans arranged and loans made by the mortgage company for the month or state that no loans were arranged or made in that month;

(b) Include any information required pursuant to NRS 645B.260 or pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. The Commissioner may waive the requirement to submit a report pursuant to subsection 2 if substantially similar information is available to the Commissioner from another source.

4. The Commissioner may adopt regulations prescribing accounting procedures for mortgage companies handling trust accounts and the requirements for keeping records relating to such accounts.

5. Each mortgage company who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner

a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

6. As used in this section, “remote location” has the meaning ascribed to it in section 24 of this act.

Sec. 26. NRS 649.366 is hereby amended to read as follows:

649.366 1. Not less than 60 days before taking any action to collect a medical debt, a collection agency shall send by ~~registered or certified~~ mail to the medical debtor written notification that sets forth:

(a) The name of the medical facility, provider of health care or provider of emergency medical services that provided the goods or services for which the medical debt is owed;

(b) The date on which those goods or services were provided; and

(c) The principal amount of the medical debt.

2. The written notification required by subsection 1 must:

(a) Identify the name of the collection agency; and

(b) Inform the medical debtor that, as applicable:

(1) The medical debt has been assigned to the collection agency for collection; or

(2) The collection agency has otherwise obtained the medical debt for collection.

~~{Sec. 18.}~~ **Sec. 27. 1. This section ~~(becomes)~~ and section 16.3 of this act become** effective upon passage and approval.

2. Sections 1 to ~~17,~~ **16,** inclusive, **16.5 to 23, inclusive, and 26** of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

3. Sections 24 and 25 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 Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 355.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 370, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 679 and 742 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA2, which is attached to and hereby made a part of this report.

SENATOR ROBERTA LANGE
SENATOR PAT SPEARMAN
SENATOR SCOTT HAMMOND
Senate Conference Committee

ASSEMBLYWOMAN ELAINE MARZOLA
ASSEMBLYWOMAN SHEA BACKUS
ASSEMBLYMAN P.K. O'NEILL
Assembly Conference Committee

Amendment No. CA2.

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; 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, 9-14 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.

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, **section 34** of this bill provides that a person who violates any provision of **sections 2-34** is guilty of a deceptive trade practice. **Sections 1 and 34** of this bill provide that a person injured by such a violation does not have a private right of action. **Section 34** additionally provides that

the provisions of **sections 2-34** must not be construed to affect any other provision of law.

Section 35 of this bill exempts consumer health data 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**.

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 ~~HH~~ *Except as otherwise provided in section 34 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 geolocation information of a consumer 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~~ :

(a) Provide access to or enable gameplay by a person on a video game platform ~~for~~; or

(b) Identify the shopping habits or interests of a consumer, if that information is not used to identify the specific past, present or future health status of the consumer.

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 ~~or~~ or in accordance with the version of the Guideline for Good Clinical Practice prescribed by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use published on November 9, 2016.

(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) Information processed by or for any 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, contractors of law enforcement agencies and law enforcement activities.

(n) Information that has been de-identified in accordance with the requirements for de-identification set forth in 45 C.F.R. § 164.514.

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 processor 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 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.

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. (Deleted by amendment.)

Sec. 34.2. (Deleted by amendment.)

Sec. 34.3. (Deleted by amendment.)

Sec. 34.35. (Deleted by amendment.)

Sec. 34.4. (Deleted by amendment.)

Sec. 34.45. (Deleted by amendment.)

Sec. 34.5. (Deleted by amendment.)

Sec. 34.6. (Deleted by amendment.)

Sec. 34.7. (Deleted by amendment.)

Sec. 34.8. (Deleted by amendment.)

Sec. 34.9. (Deleted by amendment.)

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; ~~for~~
6. ***Any consumer health data subject to the provisions of sections 2 to 34, inclusive, of this act; or***
7. 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.

Sec. 36. This act becomes effective on March 31, 2024.

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 370.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 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. 45, 448.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 58, Amendments Nos. 981, 1000; Assembly Bill No. 480, Amendment No. 999; Assembly Bill No. 527, Amendment No. 993, 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 adopted the report of the Conference Committee concerning Assembly Bill No. 444.

SHERRY L. Rodriguez
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 58.

The following Senate amendment was read:

Amendment No. 981.

AN ACT relating to economic development; **revising the membership of the Nevada Air Service Development Commission**; providing that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year; **revising provisions governing grants awarded by the Commission from the Nevada Air Service Development Fund**; making an appropriation to the Nevada Air Service Development Fund; making an appropriation to the Fund for Aviation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic Development in the Office of the Governor and the members of the Commission on Tourism. (NRS 231.680) Existing law also creates the Nevada Air Service Development Fund and requires the Commission to develop a program to make grants of money from the Fund to air carriers that will service or provide enhanced air service routes that will service certain airports in this State. (NRS 231.690, 231.710) **Section 1.8 of this bill provides that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year and must be carried forward to the next fiscal year. Section 2 of this bill makes an appropriation from the State General Fund to the Nevada Air Service Development Fund in the amount of \$5,000,000 for Fiscal Year 2023-2024 and \$5,000,000 for Fiscal Year 2024-2025 for the purpose of making grants of money to air carriers that will service or provide enhanced air service routes that will service certain airports in this State and for the purpose of conducting a study of the development of intrastate and interstate air service in this State.**

Section 1.6 of this bill provides that the Nevada Air Service Development Commission is part of the Office of Economic Development. Section 1.6 also maintains the Executive Director of the Office of Economic Development as a member of the Nevada Air Service Development Commission, but revises the membership of the Nevada Air Service Development Commission to include: (1) one member of the Commission on Tourism who is appointed by the Governor rather than all of the members of the Commission on Tourism; (2) one member who represents the Nevada Aviation Association; (3) one member who represents the department of aviation in a county whose population is 700,000 or more (currently only Clark County); (4) one member who represents the Reno-Tahoe Airport Authority; (5) one member who represents the Nevada Resort Association; (6) one member who represents the Nevada League of Cities; and (7) one member who represents the Nevada Association of Counties. Section 1.6 further provides that the terms of office for the members of the Nevada Air Service Development Commission are 2 years and must be staggered.

Section 1.9 of this bill revises the entities to which the Nevada Air Service Development Commission is authorized to award grants to

include governmental entities. Sections 1.1, 1.2, 1.9 and 1.91 of this bill: (1) remove the limitation that the Commission is authorized to award grants only to air carriers that will establish or enhance air service routes to nonhub or small hub airports or to large hub airports that service nonhub or small hub airports; and (2) instead, authorize the Commission to award grants to air carriers for the purpose of establishing or enhancing air service routes that service any public use airport in this State that are part of the National Plan of Integrated Airport Systems published by the United States Secretary of Transportation. Section 1.5 of this bill clarifies that the air carriers eligible to receive such grants include, without limitation, air taxi operators. Section 2.7 of this bill repeals the statutory definitions of “large hub airport,” “nonhub airport” and “small hub airport” because those terms would no longer be used for the purpose of determining eligibility for the award of a grant from the Commission.

Existing law creates the Fund for Aviation in the State Treasury and authorizes the Director of the Department of Transportation to award grants to counties, cities and other local governments, except for facilities owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more (currently Clark County) for the planning, establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government. (NRS 494.048) **Section 2.5** of this bill makes an appropriation to the Fund for Aviation in the amount of \$1,000,000 for Fiscal Year 2023-2024 and \$1,000,000 for Fiscal Year 2024-2025 for these purposes.

Section 1.3 of this bill requires the Commission to prepare and submit an annual report to the Director of the Legislative Counsel Bureau relating to applications for grants received and grants awarded by the Commission during the immediately preceding calendar year.

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

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1, 1.2 and 1.3 of this act.

Sec. 1.1. “National Plan of Integrated Airport Systems public airport” or “NPIAS airport” means an airport in this State that is part of the most recent version of the National Plan of Integrated Airport Systems published by the United States Secretary of Transportation pursuant to 49 U.S.C. § 47103.

Sec. 1.2. “Public use airport” has the meaning ascribed to it in 49 U.S.C. § 47102.

Sec. 1.3. On or before February 1 of each year, the Commission shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the

Legislative Commission, a report detailing for the immediately preceding calendar year:

1. The total number of applications for grants of money from the Fund that were received;

2. The total amount of grants from the Fund that were awarded by the Commission to air carriers; and

3. For each grant of money awarded from the Fund, the amount of each grant and an explanation of how the grant will be used by the air carrier to provide or enhance air service to an airport.

Sec. 1.4. NRS 231.600 is hereby amended to read as follows:

231.600 As used in NRS 231.600 to 231.720, inclusive, and sections 1.1, 1.2 and 1.3 of this act, unless the context otherwise requires, the words and terms defined in NRS 231.610 to ~~[231.670,]~~ 231.650, inclusive, and sections 1.1 and 1.2 of this act have the meanings ascribed to them in those sections.

Sec. 1.5. NRS 231.610 is hereby amended to read as follows:

231.610 “Air carrier” means a person who provides commercial air transportation to passengers. The term includes, without limitation, an air taxi operator designated pursuant to 14 C.F.R. § 298.3.

Sec. 1.6. NRS 231.680 is hereby amended to read as follows:

231.680 1. There is hereby created within the Office of Economic Development the Nevada Air Service Development Commission, consisting of:

(a) The Executive Director; and

(b) ~~[The members]~~ One member appointed by the Governor who is a member of the Commission on Tourism ~~[as provided in NRS 231.170.];~~

(c) One member appointed by the Governor who represents the Nevada Aviation Association or its successor organization;

(d) One member appointed by the Governor who represents the department of aviation in a county whose population is 700,000 or more;

(e) One member appointed by the Governor who represents the Reno-Tahoe Airport Authority;

(f) One member appointed by the Governor who represents the Nevada Resort Association or its successor organization;

(g) One member appointed by the Governor who represents the Nevada Association of Counties or its successor organization; and

(h) One member appointed by the Governor who represents the Nevada League of Cities or its successor organization.

2. The Governor shall ensure that at least one member appointed pursuant to subsection 1 is a resident of a county whose population is less than 100,000.

3. The terms of office for the members of the Commission appointed pursuant to paragraphs (b) to (h), inclusive, of subsection 1 are 2 years, which terms must be staggered.

4. At the first meeting of each fiscal year, the Commission shall elect from among its members a Chair, a Vice Chair and a Secretary.

~~[3.]~~ 5. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

~~[4.]~~ 6. A majority of the members of the Commission constitutes a quorum for the transaction of all business.

~~[Section 1.]~~ **Sec. 1.8.** NRS 231.690 is hereby amended to read as follows:

231.690 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund. ***Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.***

2. The Commission may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.

3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in NRS 231.710.

Sec. 1.9. NRS 231.710 is hereby amended to read as follows:

231.710 1. The Commission shall develop a program to provide grants of money from the Fund to an air carrier ~~[that will]~~ **or any governmental entity for the purpose of establishing air** service or ~~[provide]~~ **providing** enhanced air service routes that service ~~[an airport that is:~~

~~— (a) A small hub airport, a nonhub airport or, if the air carrier provides air service through a large hub airport that services small hub airports and nonhub airports, a large hub airport; and~~

~~— (b) Certified by the Federal Aviation Administration of the United States Department of Transportation pursuant to 14 C.F.R. Part 139.]~~ **a public use airport that is an NPIAS airport.**

2. An application for a grant of money from the Fund must be in the form prescribed by the Commission and must include, without limitation:

(a) A statement designating the ~~[small hub airport, nonhub airport or large hub]~~ airport described in subsection 1 for which the air carrier will commence or continue air service if the grant is awarded;

(b) Commitments from the air carrier that if the Commission awards the grant to the air carrier, the air carrier will enter into a written agreement with the Commission that provides for the air carrier to commence or continue air service to the airport designated in the application in exchange for receiving from the Commission one of the guarantees set forth in subsection 2 of NRS 231.720; and

(c) Letters of support from each airport that participates in the air service route offered by an air carrier pursuant to subsection 1.

Sec. 1.91. NRS 231.720 is hereby amended to read as follows:

231.720 1. The Commission may make a grant of money from the Fund if the Commission finds that the grant will:

(a) Enable an air carrier to commence or continue air service to ~~to a small hub airport, nonhub airport or large hub~~ an airport described in subsection 1 of NRS 231.710; and

(b) Provide economic benefit to this State.

2. The Commission may make a grant of money from the Fund only to:

(a) Guarantee that an air carrier will receive an agreed amount of revenue per flight that the air carrier operates into or out of the airport designated in the application pursuant to paragraph (a) of subsection 2 of NRS 231.710; or

(b) Guarantee a profit goal for the air carrier that is established by agreement between the air carrier and the Commission.

Sec. 2. There is hereby appropriated from the State General Fund to the Nevada Air Service Development Fund created pursuant to NRS 231.690 the following sums to conduct a study of the development of intrastate air service in this State and interstate air service to and from this State and to make grants of money to air carriers that satisfy the criteria set forth in NRS 231.710:

For the Fiscal Year 2023-2024 \$5,000,000

For the Fiscal Year 2024-2025 \$5,000,000

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Fund for Aviation created by NRS 494.048 the following sums:

For the Fiscal Year 2023-2024 \$1,000,000

For the Fiscal Year 2024-2025 \$1,000,000

2. The money appropriated by subsection 1 must be used by rural airports to match money that is available from the Federal Aviation Administration.

Sec. 2.6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 2.7. NRS 231.640, 231.660 and 231.670 are hereby repealed.

Sec. 3. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

231.640 “Large hub airport” has the meaning ascribed to it in 49 U.S.C. § 47102.

231.660 “Nonhub airport” has the meaning ascribed to it in 49 U.S.C. § 47102.

231.670 “Small hub airport” has the meaning ascribed to it in 49 U.S.C. § 47102.

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 981 to Assembly Bill No. 58.

Motion carried by a constitutional majority.

The following amendment was proposed by Senator Dondero Loop:

Amendment No. 1000.

AN ACT relating to economic development; ~~providing that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year; making an appropriation to the Nevada Air Service Development Fund;~~ making an appropriation to the Fund for Aviation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law creates the Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic Development in the Office of the Governor and the members of the Commission on Tourism. (NRS 231.680) Existing law also creates the Nevada Air Service Development Fund and requires the Commission to develop a program to make grants of money from the Fund to air carriers that will service or provide enhanced air service routes that will service certain airports in this State. (NRS 231.690, 231.710) Section 1 of this bill provides that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year and must be carried forward to the next fiscal year. Section 2 of this bill makes an appropriation from the State General Fund to the Nevada Air Service Development Fund in the amount of \$5,000,000 for Fiscal Year 2023-2024 and \$5,000,000 for Fiscal Year 2024-2025.~~

Existing law creates the Fund for Aviation in the State Treasury and authorizes the Director of the Department of Transportation to award grants to counties, cities and other local governments, except for facilities owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more (currently Clark County) for the planning, establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government. (NRS 494.048) **Section 2.5** of this bill makes an appropriation to the Fund for Aviation in the amount of \$1,000,000 for Fiscal Year 2023-2024 and \$1,000,000 for Fiscal Year 2024-2025 for these purposes.

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

Section 1. ~~NRS 231.690 is hereby amended to read as follows:~~

~~231.690 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund. **Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.**~~

~~2. The Commission may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.~~

~~3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the~~

~~Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.~~

~~4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in NRS 231.710.~~ **(Deleted by amendment.)**

~~Sec. 2. [There is hereby appropriated from the State General Fund to the Nevada Air Service Development Fund created pursuant to NRS 231.690 the following sums to make grants of money to air carriers that satisfy the criteria set forth in NRS 231.710:~~

~~For the Fiscal Year 2023-2024 \$5,000,000~~

~~For the Fiscal Year 2024-2025 \$5,000,000~~ **(Deleted by amendment.)**

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Fund for Aviation created by NRS 494.048 the following sums:

For the Fiscal Year 2023-2024 \$1,000,000

For the Fiscal Year 2024-2025 \$1,000,000

2. The money appropriated by subsection 1 must be used by rural airports to match money that is available from the Federal Aviation Administration.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 1000 to Assembly Bill No. 58.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 60, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 721 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA8, which is attached to and hereby made a part of this report.

SENATOR SKIP DALY

SENATOR LISA KRASNER

SENATOR JAMES OHRENSCHALL

Senate Conference Committee

ASSEMBLYWOMAN DANIELE MONROE-MORENO

ASSEMBLYMAN C.H. MILLER

ASSEMBLYWOMAN JILL DICKMAN

Assembly Conference Committee

Amendment No. CA8.

SUMMARY—Revises provisions relating to ~~elections.~~ campaign practices. (BDR 24-412)

~~{CONTAINS UNFUNDED MANDATE (\$\$ 1.5, 7, 7.6)~~

~~(Not Requested by Affected Local Government)}~~

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;}~~ **defining the term “inaugural committee”; requiring an inaugural committee to report certain contributions and expenditures; requiring a candidate who is elected to a constitutional office to report certain contributions and expenditures for a certain period preceding the election and preceding the next regular legislative session; prohibiting a foreign national from making a contribution or commitment to make a contribution to an inaugural committee;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~[Existing law requires 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 require the Secretary of State to allow any registered voter to 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 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 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 2 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.~~

Existing law requires certain persons who make independent expenditures and certain committees for political action, political parties and committees sponsored by a political party which receives certain contributions or makes certain expenditures to report such contributions and expenditures. (NRS 294A.140, 294A.150, 294A.210, 294A.220, 294A.230) Section 24 of this bill requires an inaugural committee to report certain contributions and expenditures.

Section 23 of this bill defines the term “inaugural committee.”

Existing law requires a candidate for office at a primary election or general election to report certain contributions made during the election year. (NRS 294A.120) Section 25 of this bill requires a candidate who has been elected to a constitutional office to report certain contributions and expenditures in relation to the transition to the constitutional office.

Section 22 of this bill defines the terms “constitutional office” and “constitutional officer.”

Section 26 of this bill makes a conforming change to indicate the proper placement of sections 22 and 23 in the Nevada Revised Statutes.

Section 27 of this bill prohibits a foreign national from making a contribution or a commitment to make a contribution to an inaugural committee.

Sections 28-31 of this bill make conforming changes to incorporate the requirements of sections 24 and 25 into existing law governing campaign practices.

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.}~~ (Deleted by amendment.)

Sec. 1.5. ~~{1. The Secretary of State shall allow any registered voter to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to 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. 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 203D.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 203D.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 203D.050.} (Deleted by amendment.)~~

~~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 2 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.] (Deleted by amendment.)~~

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**~~
~~**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.] (Deleted by amendment.)~~

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	\$20
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.] (Deleted by amendment.)~~

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.] **(Deleted by amendment.)**~~

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.] **(Deleted by amendment.)**~~

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.~~ (Deleted by amendment.)

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.~~ (Deleted by amendment.)

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.]~~

(Deleted by amendment.)

Sec. 6.15. (Deleted by amendment.)

Sec. 6.2. (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. H (Deleted by amendment.)~~

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.]~~

(Deleted by amendment.)

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.] (Deleted by amendment.)~~

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.]~~

(Deleted by amendment.)

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.]~~

(Deleted by amendment.)

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.~~ **(Deleted by amendment.)**

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.} (Deleted by amendment.)~~

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.} (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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.]~~

~~(Deleted by amendment.)~~

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.} (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

~~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. **(Deleted by amendment.)**~~

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 D 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.] (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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 293.291 or 293C.390.} (Deleted by amendment.)~~

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

~~1. The Secretary of State shall allow any registered voter to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military overseas ballot 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. 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.~~ **(Deleted by amendment.)**

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.** **(Deleted by amendment.)**~~

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.*** (Deleted by amendment.)~~

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.]~~

(Deleted by amendment.)

Sec. 9.6. (Deleted by amendment.)

Sec. 9.8. (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.]]~~ **(Deleted by amendment.)**

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 2.~~

~~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 2.~~

~~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.]~~

(Deleted by amendment.)

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.] (Deleted by amendment.)~~

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

~~293D.090 “Uninformed 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.]~~

(Deleted by amendment.)

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.]~~

(Deleted by amendment.)

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.]~~ **(Deleted by amendment.)**

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.*** (Deleted by amendment.)~~

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. (Deleted by amendment.)~~

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. (Deleted by amendment.)~~

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.**~~ **(Deleted by amendment.)**

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.] (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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. (Deleted by amendment.)~~

~~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.] (Deleted by amendment.)~~

~~Sec. 19. [NRS 293.365, 293.423, 293.567 and 293C.365 are hereby repealed.] (Deleted by amendment.)~~

~~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.] (Deleted by amendment.)~~

Sec. 21. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 25, inclusive, of this act.

Sec. 22. “Constitutional office” or “constitutional officer” means:

1. The Governor;
2. The Lieutenant Governor;
3. The Secretary of State;
4. The State Treasurer;
5. The State Controller; and
6. The Attorney General.

Sec. 23. “Inaugural committee” means any organization, person or group of persons that anticipates receiving contributions or making expenditures for the inauguration of a constitutional officer.

Sec. 24. 1. An inaugural committee shall report for each period required pursuant to subsection 2:

(a) Each contribution received relating to the inauguration in excess of \$1,000;

(b) Contributions received during the period relating to the inauguration from a contributor which cumulatively exceed \$1,000;

(c) The total number of all contributions received during the period relating to the inauguration which are not otherwise required to be reported pursuant to paragraph (b);

(d) Each expenditure relating to the inauguration made during the period in excess of \$1,000; and

(e) Expenditures made relating to the inauguration during the period to one recipient which cumulatively exceed \$1,000.

2. The report required pursuant to subsection 1 must be filed:

(a) Not later than the date that is the 90th day following the first day of the regular session of the Legislature that is immediately following the inauguration of the constitutional officer, for the period beginning on the date of the organization of the committee and ending on the 75th day of such regular session;

(b) Not later than 15 days after the end of such regular session, for the period of the following year, for the period beginning on the 76th day of such regular session and ending on the last day of such regular session; and

(c) Not later than January 15, for the period beginning on January 1 of any year other than the year immediately following the year of the general election and ending on December 31 of the previous year.

3. An inaugural committee that disbands shall:

(a) Notify the Secretary of State; and

(b) File a final report that sets forth:

(1) Each contribution and expenditure required to be reported pursuant to subsection 1 that has not previously been reported; and

(2) The disposition of any contributions made to the inaugural committee that are not spent or committed for expenditure by the inaugural committee.

↪ Nothing in this subsection requires an inaugural committee to report information that has previously been reported in a timely manner pursuant to this section.

4. An inaugural committee is not subject to the provisions of NRS 294A.100 or 294A.300.

5. Except as otherwise provided in NRS 294A.3737, the reports required by this section must be filed electronically with the Secretary of State.

6. A report filed pursuant to this section shall be deemed to be filed on the date that it was received by the Secretary of State. Every inaugural committee shall file a report as required by this section even if the committee receives no contributions.

Sec. 25. 1. A candidate for a constitutional office who is elected shall report, not later than the 90th day following the first day of the regular session of the Legislature that is immediately following the inauguration of the constitutional officer, for the period beginning on the day following the general election and ending on the day immediately preceding the beginning of the period set forth in NRS 294A.300:

(a) Each contribution in excess of \$100 received in relation to the transition to holding the office constitutional during the period;

(b) Contributions received in relation to the transition to holding the constitutional office during the period from a contributor which cumulatively exceed \$100;

(c) The total of all contributions received in relation to the transition to holding the constitutional office during the period which are \$100 or less

and which are not otherwise required to be reported pursuant to paragraph (b);

(d) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period; and

(e) Goods and services provided in kind in relation to the transition to holding the constitutional office and for which money would have otherwise been paid.

2. Nothing in this section requires the candidate to report information that has previously been reported in a timely manner pursuant to this chapter.

3. Except as otherwise provided in NRS 294A.3733, the reports required by this section must be filed electronically with the Secretary of State.

4. A report filed pursuant to this section shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 26. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, and sections 22 and 23 of this act have the meanings ascribed to them in those sections.

Sec. 27. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

- (a) A candidate;
- (b) A committee for political action;
- (c) A committee for the recall of a public officer;
- (d) A person who makes an independent expenditure;
- (e) A political party or committee sponsored by a political party that makes an expenditure for or against a candidate or group of candidates;
- (f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;
- (g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; ~~for~~

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225 ~~for~~; or

(i) An inaugural committee.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have

not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) “Foreign national” has the meaning ascribed to it in ~~[2 U.S.C. § 441e.]~~ **52 U.S.C. § 30121.**

(b) “Knowingly” means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 28. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Except as otherwise provided in subsection 2, every candidate for office shall file the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, **and section 25 of this act,** even though the candidate:

(a) Withdraws his or her candidacy pursuant to NRS 293.202 or 293C.195;

(b) Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;

(c) Receives no contributions;

(d) Has no campaign expenses;

(e) Is not opposed in the election by another candidate;

(f) Is defeated in the primary election;

(g) Is removed from the ballot by court order; or

(h) Is the subject of a petition to recall and the special election is not held.

2. A candidate described in paragraph (a), (b), (f) or (g) of subsection 1 may simultaneously file all the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362 **and section 25 of this act** that are due after the candidate disposes of any unspent or excess contributions as provided in NRS 294A.117 or subsections 4, 5 and 6 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. A candidate described in paragraph (b) of subsection 1 who simultaneously files reports pursuant to subsection 2 but is elected to office despite ending his or her campaign is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, **and section 25 of this act**, beginning with the next report that is due pursuant to those sections after his or her election to office.

Sec. 29. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 and 294A.200, **and section 25 of this act**, each candidate who is required to file a report pursuant to NRS 294A.120, 294A.125, 294A.128 or 294A.200 **and section 25 of this act** shall report on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

(a) Each such contribution in excess of \$100 received during the reporting period;

(b) Each such contribution from a contributor received during the reporting period which cumulatively exceeds \$100;

(c) Each such campaign expense in excess of \$100 incurred during the reporting period;

(d) The total of all such contributions received during the reporting period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such campaign expenses incurred during the reporting period which are \$100 or less.

2. The Secretary of State shall not require a candidate to list the contributions and campaign expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128 or 294A.200. ~~It~~ **or section 25 of this act.**

Sec. 30. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;
2. The registration of a nonprofit corporation pursuant to NRS 294A.225, a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or
3. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

↪ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 or 294A.280 **or section 24 and 25 of this act** relating to the making, accepting or reporting of contributions, campaign expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 31. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a candidate, person, organization, committee, political party or nonprofit corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 **or section 24 and 25 of this act** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, organization, committee, political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a candidate, person, organization, committee, political party or nonprofit corporation that violates an applicable provision of this chapter is subject to a civil penalty of not more than \$10,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a candidate, person, organization, committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

➡ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section.

5. When considering whether to waive, pursuant to subsection 4, a civil penalty that would otherwise be imposed pursuant to subsection 3, the Secretary of State may consider, without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;

(b) Any history of violations committed by the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed;

(c) Any mitigating factor, including, without limitation, whether the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;

(d) Whether the violation was inadvertent;

(e) Any knowledge or experience the candidate, person, organization, committee, political party or nonprofit corporation has with the provisions of this chapter; and

(f) Any other factor that the Secretary of State deems to be relevant.

6. If the Secretary of State waives a civil penalty pursuant to subsection 4, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

7. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 32. 1. On or before October 1, 2023, any inaugural committee that was formed in relation to a candidate for a constitutional office, as defined in section 22 of this act, at the 2022 General Election shall, for the period beginning on the day that the inaugural committee was formed and ending on the last day of the 82nd Regular Session of the Nevada Legislature, report to the Secretary of State:

(a) Each contribution received in relation to the inauguration in excess of \$1,000;

(b) Contributions received in relation to the inauguration during the period from a contributor which cumulatively exceed \$1,000;

(c) The total number of all contributions received in relation to the inauguration during the period which are not otherwise required to be reported pursuant to paragraph (b);

(d) Each expenditure made in relation to the inauguration during the period in excess of \$1,000; and

(e) Expenditures made during the period in relation to the inauguration to one recipient which cumulatively exceed \$1,000.

2. Nothing in this section requires an inaugural committee to report information that has previously been reported in a timely manner pursuant to the provisions of chapter 294A of NRS.

3. As used in this section, “inaugural committee” has the meaning ascribed to it in section 23 of this act.

Sec. 33. 1. On or before October 1, 2023, for the period beginning on the day following the 2022 General Election and ending on the day of the 2023 Inauguration, each constitutional officer shall report to the Secretary of State:

(a) Each contribution in excess of \$100 received in relation to the transition to holding the constitutional office during the period;

(b) Contributions received during the period in relation to the transition to holding the constitutional office from a contributor which cumulatively exceed \$100;

(c) The total of all contributions received during the period in relation to the transition to holding the constitutional office which are \$100 or less

and which are not otherwise required to be reported pursuant to paragraph (b); and

(d) Goods and services provided in kind in relation to the transition to holding the constitutional office and for which money would have otherwise been paid.

2. Nothing in this section requires a constitutional officer to report information that has previously been reported in a timely manner pursuant to chapter 294A of NRS.

3. As used in this section, “constitutional office” or “constitutional officer” have the meaning ascribed to those terms in section 22 of this act.

Sec. 34. This act becomes effective upon passage and approval.

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 60.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 480.

The following Senate amendment was read:

Amendment No. 999.

AN ACT making an appropriation to the Interim Finance Committee to allocate to certain state agencies to implement language access plans; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$25,000,000 for allocation in Fiscal Year 2024-2025 to agencies of the Executive Department of the State Government, as defined in NRS 232.0081, for the implementation of language access plans required pursuant to NRS 232.0081.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. This act becomes effective ~~for July 1, 2024,~~ upon passage and approval.

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 999 to Assembly Bill No. 480.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 527.

The following Senate amendment was read:

Amendment No. 993.

AN ACT relating to state financial administration; revising requirements relating to the preparation of the state budget; ~~revising provisions relating to revisions of work programs in the state budget;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chief of the Budget Division of the Office of Finance in the Office of the Governor to prepare a proposed budget for the Executive Department of the State Government. (NRS 353.185) Existing law requires the Judicial and Legislative Departments of the State Government, the Public Employees' Retirement System and the Tahoe Regional Planning Agency to submit to the Chief of the Budget Division for his or her information a copy of the budgets that they propose to submit to the Legislature. (NRS 353.210) Under existing law, the proposed budget for each fiscal year of a biennium is required to include a reserve of not less than 5 percent or more than 10 percent of the total of all proposed appropriations from the State General Fund for the operation of the State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year. (NRS 353.213) ~~Section 1 of this~~ **This** bill requires the Chief of the Budget Division to include the total amount of appropriations included in the budgets submitted by the Judicial and Legislative Departments of the State Government, the Public Employees' Retirement System and the Tahoe Regional Planning Agency in the calculation of the reserve in the proposed budget.

~~Under the State Budget Act, the head of a department, institution or other agency of the Executive Department of the State Government, with certain exceptions, is authorized, as a result of changed conditions, to request a revision to a work program within its budget. Such a revision is required to be approved or disapproved by the Governor or the Chief of the Budget Division. In addition, the department, institution or agency is required to obtain the approval of the Interim Finance Committee, or the Governor in certain emergency or expeditious circumstances, before revising a work program in an amount more than \$30,000 if the revision will increase or decrease by 10 percent or \$75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program. (NRS 353.220) Section 2 of this bill eliminates the initial monetary threshold of \$30,000 for the additional required approval of a work program and increases the dollar amount of the other threshold in existing law to \$100,000. Thus, under section 2, an agency must obtain additional approval of its work program from the Interim Finance Committee, or the Governor in certain emergency or expeditious circumstances, if the revision will increase or decrease by 10 percent or \$100,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program.~~

~~Under existing law, if the Governor approves a work program that meets the monetary threshold level in the case of an emergency or for the protection of life or property, the Governor is required to report his or her approval of the work program to the Interim Finance Committee at its next meeting. (NRS 353.220) Section 2 eliminates this reporting requirement and instead requires the Governor to notify the Chair of the Interim Finance Committee before approving the work program.~~

~~Under existing law, the Interim Finance Committee is required to consider a request for the revision of a work program within 45 days after its submission or the request is deemed approved. (NRS 353.220) Section 2 eliminates that requirement and instead requires, with an exception, the placement of the request on the agenda of the next meeting of the Interim Finance Committee.~~

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

Section 1. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsections 6 and 7, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of full-time equivalent positions within the department, institution or agency.

(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.

(c) Any existing contracts for services the department, institution or agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:

(1) A statement specifying the duration of the privatization contracts;

(2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and

(3) An analysis of each of the privatization contracts, which includes, without limitation:

(I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and

(II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were

regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.

(d) If the department, institution or agency has any existing performance contracts that it has entered into pursuant to chapter 333A of NRS, any request to reinvest any savings realized under such a contract for the next 2 fiscal years.

(e) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Office of Finance shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Office of Finance and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature. ***The Chief shall include the total amount of appropriations included in the budgets submitted pursuant to this subsection in the calculation of the reserve required pursuant to subsection 3 of NRS 353.213.***

7. On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:

(a) The Chief for his or her information in preparing the proposed executive budget. ***The Chief shall include the total amount of appropriations included in the budget submitted pursuant to this subsection in the calculation of the reserve required pursuant to subsection 3 of NRS 353.213.***

(b) The Fiscal Analysis Division of the Legislative Counsel Bureau.

8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.

9. As used in this section, “privatization contract” means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:

(a) Substantially similar to the services performed by the public employees of the department, institution or agency; and

(b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.

Sec. 2. ~~NRS 353.220 is hereby amended to read as follows:~~

~~353.220 1. The head of any department, institution or agency of the Executive Department of the State Government, whenever he or she deems it necessary because of changed conditions, may request the revision of the work program of his or her department, institution or agency at any time during the fiscal year, and submit the revised program to the Governor through the Chief with a request for revision of the allotments for the remainder of that fiscal year.~~

~~2. Every request for revision must be submitted to the Chief on the form and with supporting information as the Chief prescribes.~~

~~3. Before encumbering any appropriated or authorized money, every request for revision must be approved or disapproved in writing by the Governor or the Chief, if the Governor has by written instrument delegated this authority to the Chief.~~

~~4. Except as otherwise provided in subsection 8, whenever a request for the revision of a work program of a department, institution or agency [in an amount more than \$30,000] would, when considered with all other changes in allotments for that work program made pursuant to subsections 1, 2 and 3 and NRS 353.215, increase or decrease by 10 percent or [\$75,000,] **\$100,000**, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program, the request must be approved as provided in subsection 5 before any appropriated or authorized money may be encumbered for the revision.~~

~~5. If a request for the revision of a work program requires additional approval as provided in subsection 4 and:~~

~~(a) Is necessary because of an emergency as defined in NRS 353.263 or for the protection of life or property, the Governor shall take reasonable and proper~~

action to approve it [and shall report the action, and] ***after notifying the Chair of Interim Finance Committee*** of his or her reasons for determining that immediate action [was] ***is necessary***. [, to the Interim Finance Committee at its first meeting after the action is taken.] Action by the Governor pursuant to this paragraph constitutes approval of the revision, and other provisions of this chapter requiring approval before encumbering money for the revision do not apply.

~~—(b) The Governor determines that the revision is necessary and requires expeditious action, he or she may certify that the request requires expeditious action by the Interim Finance Committee. Whenever the Governor so certifies, the Interim Finance Committee has 15 days after the request is submitted to its Secretary within which to consider the revision. Any request for revision which is not considered within the 15 day period shall be deemed approved.~~

~~—(c) Does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. [The Interim Finance Committee has 45 days after the request is submitted to its Secretary within which to consider the revision. Any request which is not considered within the 45 day period shall be deemed approved.]~~

~~—6. [The] ***Except as otherwise provided in this subsection, the*** Secretary shall place each request submitted pursuant to paragraph (b) or (c) of subsection 5 on the agenda of the [next] ***first*** meeting of the Interim Finance Committee [.] ***after the submission of the request. If a request is submitted pursuant to paragraph (c) of subsection 5 within 30 days before the first meeting of the Interim Finance Committee after the submission of the request, the Secretary shall place the request on the agenda of the second meeting of the Interim Finance Committee after the submission of the request.***~~

~~—7. In acting upon a proposed revision of a work program, the Interim Finance Committee shall consider, among other things:~~

~~—(a) The need for the proposed revision; and~~

~~—(b) The intent of the Legislature in approving the budget for the present biennium and originally enacting the statutes which the work program is designed to effectuate.~~

~~—8. The provisions of subsection 4 do not apply to any request for the revision of a work program which is required:~~

~~—(a) As a result of the acceptance of a gift or grant of property or services pursuant to subsection 5 of NRS 353.335; or~~

~~—(b) To carry forward to a fiscal year, without a change in purpose, the unexpended balance of any money authorized for expenditure in the immediately preceding fiscal year.] **(Deleted by amendment.)**~~

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 993 to Assembly Bill No. 527.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 161, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 648 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA3, which is attached to and hereby made a part of this report.

SENATOR MELANIE SCHEIBLE
SENATOR FABIAN DOÑATE
SENATOR JEFF STONE
Senate Conference Committee

ASSEMBLYWOMAN SHEA BACKUS
ASSEMBLYWOMAN SARAH PETERS
ASSEMBLYWOMAN MELISSA HARDY
Assembly Conference Committee

Amendment No. CA3.

SUMMARY—~~Establishes programs to facilitate the purchase of menstrual products.~~ **Makes revisions relating to personal health and wellness.**
(BDR 38-811)

AN ACT relating to ~~public assistance;~~ **personal health; expanding required insurance coverage of contraception;** providing for the use of benefits under certain federal programs for persons with low incomes to purchase menstrual products; authorizing the establishment of a program to assist certain recipients of public assistance in the purchase of menstrual products; **authorizing certain persons and entities to acquire controlled substances and dangerous drugs directly from an outsourcing facility;** **revising requirements governing the dispensing of a drug used for contraception; enacting the Interstate Massage Compact; increasing the number of members of the Board of Massage Therapy required to constitute a quorum for the purposes of transacting the business of the Board; clarifying that a pharmacy benefit manager is subject to certain provisions of law governing an insurer for which the pharmacy benefit manager manages prescription drug coverage;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of insurance regulated under Nevada law to include coverage for up to a 12-month supply of contraceptive drugs. (NRS 287.010, 287.04335, 422.27172, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) Sections 1, 11 and 14-20 of this bill prohibit an insurer from requiring an insured to obtain prior authorization before receiving a contraceptive drug. Sections 1 and 14-20 also require an insurer to: (1) cover certain contraceptive services when provided by a pharmacist to the same extent as if the services were provided by another provider of health care in certain circumstances; and (2) reimburse a pharmacist for providing such services at a rate that is not less than the rate provided to a physician, physician assistant or advanced practice registered nurse. Sections 1 and

14-20 additionally prescribe certain limitations on the imposition of a copayment or coinsurance for a drug for contraception. Section 10 of this bill requires an insurer to: (1) demonstrate the capacity to adequately deliver family planning services provided by pharmacists to covered persons; and (2) make available to covered persons a notice of pharmacists and pharmacies that are available to provide family planning services to covered persons through the network of the insurer. Sections 12 and 13 of this bill make conforming changes to indicate the proper placement of section 10 in the Nevada Revised Statutes.

Existing law imposes certain duties on a pharmacy benefit manager. (NRS 683A.178) Section 9 of this bill clarifies that a pharmacy benefit manager that manages prescription drug benefits for an insurer is required to comply with the same provisions of the Nevada Insurance Code as are applicable to the insurer.

Existing law authorizes the Department of Health and Human Services to enter into a contract with a pharmacy benefit manager or a health maintenance organization to manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program. (NRS 422.4053) Section 2 of this bill requires such a contract to require the pharmacy benefit manager or health maintenance organization to comply with certain provisions of law regarding the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program.

Existing federal law establishes the Supplemental Nutrition Assistance Program, which provides assistance to certain low-income families for the purchase of food. (7 U.S.C. §§ 2011 et seq.) Existing federal law also establishes the Special Supplemental Nutrition Program for Women, Infants and Children, which provides, through eligible local agencies, nutrition education and supplemental foods to pregnant women, mothers, infants and children less than 5 years of age with low household incomes. (42 U.S.C. § 1786) Existing law requires the Department of Health and Human Services to administer these programs within this State. (NRS 422A.338) ~~This~~ Section 3 of this bill requires the Department to authorize recipients of benefits provided under those programs to use such benefits to purchase menstrual products: (1) to the extent authorized by federal law; and (2) to the extent that federal funding is available. This bill also authorizes the Department to: (1) establish and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division of Welfare and Supportive Services of the Department is responsible; and (2) accept gifts, grants and donations for the purposes of establishing such a program.

Existing law imposes certain requirements governing the purchase and sale of controlled substances and dangerous drugs. (NRS 639.268)

Existing regulations prescribe certain requirements concerning the operation of outsourcing facilities, which are federally registered facilities that engage in the compounding of drugs. (NAC 639.691-639.6916) Those requirements include requirements that an outsourcing facility: (1) be licensed by the State Board of Pharmacy as a manufacturer; and (2) comply with regulatory requirements governing manufacturers. (NAC 639.6915) Section 5 of this bill authorizes a person or entity authorized to dispense controlled substances and dangerous drugs to purchase or otherwise acquire controlled substances and dangerous drugs compounded or repackaged by an outsourcing facility directly from the outsourcing facility. Section 4 of this bill makes a conforming change to update an internal reference changed by section 5.

Existing law requires a pharmacist to dispense up to a 12-month supply of contraceptives or therapeutic equivalent or any amount which covers the remainder of the plan year, whichever is less, pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is less; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary. (NRS 639.28075) If a patient is not currently using a contraceptive or therapeutic equivalent, section 6 of this bill requires a pharmacist to dispense a full 3-month supply or the amount designated by the prescription or order, whichever is less, pursuant to a valid prescription or order unless the patient is unable or unwilling to pay the applicable charge, copayment or coinsurance. If the patient is currently using the contraceptive or therapeutic equivalent, section 6 requires a pharmacist to dispense a full 9-month supply or a full 12-month supply, as applicable, any amount designated by the prescription or order or any amount which covers the remainder of the plan year, whichever is less, pursuant to a valid prescription or order unless the patient is unable or unwilling to pay the applicable charge, copayment or coinsurance.

Existing law authorizes the Board of Massage Therapy to issue a license to practice massage therapy and sets forth the requirements that an applicant for a license must satisfy in order to become licensed. (NRS 640C.580) Section 7 of this bill adopts the Interstate Massage Compact, creating a multistate license with uniform licensing requirements, including a national licensing examination, for use by licensees in all member states.

The Compact requires that, in order to be eligible to join the Compact and maintain eligibility as a member state, a state must: (1) license and regulate the practice of massage therapy; (2) have a mechanism or entity in place to receive and investigate complaints from the public, regulatory

or law enforcement agencies or the Interstate Massage Compact Commission about licensees practicing in that state; (3) accept passage of a national licensing examination as a criterion for massage therapy licensure in that state; (4) require that licensees satisfy educational requirements before being licensed; (5) implement procedures for requiring background checks for a multistate license and other reporting requirements; (6) have continuing competence requirements; (7) participate in the Compact's data system; (8) notify the Commission and other member states of any disciplinary action taken against a licensee practicing under a multistate license; (9) comply with any rules of the Commission; and (10) accept licensees with valid multistate licenses from other member states. An applicant for a multistate license must: (1) hold a license to practice massage therapy in a member state; (2) complete 625 hours of massage therapy education or the substantial equivalent; (3) pass a national licensing examination or the substantial equivalent; (4) submit to and pass a background check; and (5) pay all required fees.

The Compact: (1) establishes the Interstate Massage Compact Commission as a joint governmental agency whose membership consists of all member states; and (2) provides for the Commission's rules and governance. The Compact also establishes a data system, provided for by the Commission, and requires member states to submit uniform data to the data system on all individuals to whom the Compact is applicable.

The Compact provides additional provisions to carry out the Compact, including providing procedures for the taking of adverse actions against licensees, provisions for active military members or their spouses, provisions for rulemaking by the Commission, provisions for oversight and dispute resolution and procedures for amendments and withdrawals. The Compact takes effect on the date on which the Compact is enacted into law by the seventh member state.

Existing law provides that four members of the Board of Massage Therapy constitute a quorum for the purposes of transacting the business of the Board. (NRS 640C.180) Section 8 of this bill increases the number of board members needed to constitute a quorum from four to five.

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

Section 1. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion or removal of a device for contraception;

(e) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception. *If the Plan requires a person enrolled in Medicaid to pay a copayment or coinsurance for a drug for contraception, the Plan may only require the person to pay the copayment or coinsurance:*

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

6. *The Plan must provide for the reimbursement of a pharmacist for providing services described in subsection 1 that are within the scope of practice of the pharmacist to the same extent as if the services were provided by another provider of health care. The Plan must not limit:*

(a) Coverage for such services provided by a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for such services provided by a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

7. *The Plan must not require a recipient of Medicaid to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.*

8. As used in this section:

(a) “Drug Use Review Board” has the meaning ascribed to it in NRS 422.402.

(b) **“Provider of health care” has the meaning ascribed to it in NRS 629.031.**

(c) “Therapeutic equivalent” means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 2. NRS 422.4053 is hereby amended to read as follows:

422.4053 1. Except as otherwise provided in subsection 2, the Department shall directly manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children’s Health Insurance Program.

2. The Department may enter into a contract with:

(a) A pharmacy benefit manager for the provision of any services described in subsection 1.

(b) A health maintenance organization pursuant to NRS 422.273 for the provision of any of the services described in subsection 1 for recipients of Medicaid or recipients of insurance through the Children’s Health Insurance Program who receive coverage through a Medicaid managed care program.

(c) One or more public or private entities from this State, the District of Columbia or other states or territories of the United States for the collaborative purchasing of prescription drugs in accordance with subsection 3 of NRS 277.110.

3. A contract entered into pursuant to paragraph (a) or (b) of subsection 2 must:

(a) Include the provisions required by NRS 422.4056; ~~and~~

(b) Require the pharmacy benefit manager or health maintenance organization, as applicable, to disclose to the Department any information relating to the services covered by the contract, including, without limitation, information concerning dispensing fees, measures for the control of costs, rebates collected and paid and any fees and charges imposed by the pharmacy benefit manager or health maintenance organization pursuant to the contract ~~;~~ **and**

(c) Require the pharmacy benefit manager or health maintenance organization to comply with the provisions of this chapter regarding the provision of prescription drugs under the State Plan for Medicaid and the Children’s Health Insurance Program to the same extent as the Department.

4. In addition to meeting the requirements of subsection 3, a contract entered into pursuant to:

(a) Paragraph (a) of subsection 2 may require the pharmacy benefit manager to provide the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, to the Department.

(b) Paragraph (b) of subsection 2 must require the health maintenance organization to provide to the Department the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, less an administrative fee in an amount prescribed by the contract. The Department shall adopt policies prescribing the maximum amount of such an administrative fee.

~~Section 4.~~ **Sec. 3.** Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent authorized by federal law and to the extent that federal funding is available, the Department shall authorize recipients of benefits provided under Supplemental Nutrition Assistance or the Special Supplemental Nutrition Program for Women, Infants and Children established by 42 U.S.C. § 1786 to use such benefits to purchase menstrual products.*

2. *The Department shall take any action necessary to obtain federal authorization and federal funding to carry out the provisions of subsection 1, including, without limitation, applying for any necessary federal waiver.*

3. *To the extent that money is available for this purpose, the Department, through the Division, may establish and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division is responsible. The Department may accept gifts, grants and donations from any source for the purpose of establishing and administering such a program.*

4. *As used in this section, “menstrual products” includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.*

Sec. 4. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his or her patients;

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the Chief Medical Officer or the Chief Medical Officer's designated Medical Director of Emergency Medical Services, to a person or agency described in subsection ~~4~~ 4 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 5. NRS 639.268 is hereby amended to read as follows:

639.268 1. A practitioner may purchase supplies of controlled substances, poisons, dangerous drugs and devices from a pharmacy by:

(a) Making an oral order to the pharmacy or transmitting an oral order through his or her agent, except an order for a controlled substance in schedule II; or

(b) If the order is for a controlled substance, presenting to the pharmacy a written order signed by the practitioner which contains his or her registration number issued by the Drug Enforcement Administration.

2. **Any person or entity authorized to dispense controlled substances and dangerous drugs, including, without limitation, a pharmacy, institutional pharmacy or practitioner, may:**

(a) Purchase or otherwise acquire controlled substances and dangerous drugs compounded or repackaged by an outsourcing facility directly from the outsourcing facility without an order from a practitioner other than, where applicable, the practitioner purchasing or acquiring the controlled substance or dangerous drug; and

(b) Administer and dispense controlled substances and dangerous drugs purchased or acquired pursuant to paragraph (a) to the same extent as controlled substances and dangerous drugs acquired through other authorized means.

3. A hospital pharmacy or a pharmacy designated for this purpose by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the Chief Medical Officer or his or her designated medical director of emergency medical services, may sell to a person or agency described in subsection ~~4~~ 4 supplies of controlled substances to stock the ambulances or other authorized vehicles of such a person or agency or replenish the stock if:

(a) The person or agency is registered with the Drug Enforcement Administration pursuant to 21 C.F.R. Part 1301;

(b) The person in charge of the controlled substances is:

- (1) A paramedic appropriately certified by the health authority;
- (2) A registered nurse licensed by the State Board of Nursing; or
- (3) A person who holds equivalent certification or licensure issued by another state; and

(c) Except as otherwise provided in this paragraph, the purchase order is countersigned by a physician or initiated by an oral order and may be made by the person or agency or transmitted by an agent of such a person or agency. An order for a controlled substance listed in schedule II must be made pursuant to NRS 453.251.

~~434~~ **4.** A pharmacy, institutional pharmacy or other person licensed by the Board to furnish controlled substances and dangerous drugs may sell to:

(a) The holder of a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210;

(b) The holder of a permit issued by another state which is substantially similar to a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210; and

(c) An agency of the Federal Government that provides emergency care or transportation and is registered with the Drug Enforcement Administration pursuant to 21 C.F.R. Part 1301.

~~444~~ **5.** A pharmacy, institutional pharmacy, outsourcing facility or other person licensed by the Board to furnish dangerous drugs who sells supplies pursuant to this section shall maintain a record of each sale which must contain:

(a) The date of sale;

(b) The name, address and signature of the purchaser or the person receiving the delivery;

(c) The name of the dispensing pharmacist ~~454~~, where applicable;

(d) The name and address of the authorizing practitioner ~~464~~, where applicable; and

(e) The name, strength and quantity of each drug sold.

~~454~~ **6.** A pharmacy, institutional pharmacy or other person licensed by the Board to furnish dangerous drugs who supplies the initial stock for an ambulance or other emergency vehicle shall comply with any applicable regulations adopted by the State Board of Health, or a district board of health, pursuant to NRS 450B.120.

~~464~~ **7.** The Board shall adopt regulations regarding the records a pharmacist shall keep of any purchase made pursuant to this section.

8. As used in this section:

(a) "Compounding" includes, without limitation, the combining, admixing, mixing, pooling, reconstituting or other altering of a drug or bulk drug substance, as defined in 21 C.F.R. § 207.3, to create a drug.

(b) "Outsourcing facility" means a manufacturer at one geographic location or address that:

(1) Is engaged in the compounding of sterile or nonsterile drugs for use by humans; and

(2) Has registered with the Secretary of Health and Human Services as an outsourcing facility pursuant to 21 U.S.C. § 353b.

Sec. 6. NRS 639.28075 is hereby amended to read as follows:

639.28075 1. Except as otherwise provided in ~~subsections 1~~ **subsection 2, and 3,** pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration, a pharmacist shall:

(a) ~~[(The first time dispensing the drug or therapeutic equivalent to)]~~ **If the patient ~~is~~ is not currently using the drug or its therapeutic equivalent,** dispense up to a 3-month supply of the drug or therapeutic equivalent ~~[(1)]~~ **or any amount designated by the prescription or order, whichever is less.**

(b) ~~[(The second time dispensing)]~~ **If the drug or therapeutic equivalent has only been dispensed** to the patient ~~[(1)]~~ **once pursuant to paragraph (a),** dispense up to a 9-month supply of the drug or therapeutic equivalent, **any amount designated by the prescription or order** or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense ~~[(up to)]~~ a 12-month supply of the drug or therapeutic equivalent **, any amount designated by the prescription or order** or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. ~~[(The provisions of paragraphs (b) and (c) of subsection 1 only apply if: (a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and (b) The patient is covered by the same health care plan.]~~

~~3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.~~

~~4.~~ **A pharmacist is not required to dispense an amount of a drug to be used for contraception or its therapeutic equivalent for which the patient is unable or unwilling to pay any applicable charge, copayment or coinsurance due to the pharmacy.**

3. As used in this section:

(a) “Health care plan” means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) “Plan year” means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.

(c) “Therapeutic equivalent” means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 7. Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:

INTERSTATE MASSAGE COMPACT

ARTICLE 1-PURPOSE

The purpose of this Compact is to reduce the burdens on State governments and to facilitate the interstate practice and regulation of Massage Therapy with the goal of improving public access to, and the safety of, Massage Therapy Services. Through this Compact, the Member States seek to establish a regulatory framework which provides for a new multistate licensing program. Through this additional licensing pathway, the Member States seek to provide increased value and mobility to licensed massage therapists in the Member States, while ensuring the provision of safe, competent, and reliable services to the public.

This Compact is designed to achieve the following objectives, and the Member States hereby ratify the same intentions by subscribing hereto:

A. Increase public access to Massage Therapy Services by providing for a multistate licensing pathway;

B. Enhance the Member States’ ability to protect the public’s health and safety;

C. Enhance the Member States’ ability to prevent human trafficking and licensure fraud;

D. Encourage the cooperation of Member States in regulating the multistate Practice of Massage Therapy;

E. Support relocating military members and their spouses;

F. Facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the Member States;

G. Create an Interstate Commission that will exist to implement and administer the Compact;

H. Allow a Member State to hold a Licensee accountable, even where that Licensee holds a Multistate License;

I. Create a streamlined pathway for Licensees to practice in Member States, thus increasing the mobility of duly licensed massage therapists; and

J. Serve the needs of licensed massage therapists and the public receiving their services; however,

K. Nothing in this Compact is intended to prevent a State from enforcing its own laws regarding the Practice of Massage Therapy.

ARTICLE 2-DEFINITIONS

As used in this Compact, except as otherwise provided and subject to clarification by the Rules of the Commission, the following definitions shall govern the terms herein:

A. “Active Military Member” - any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

B. “Adverse Action” - any administrative, civil, equitable, or criminal action permitted by a Member State’s laws which is imposed by a Licensing Authority or other regulatory body against a Licensee, including actions against an individual’s Authorization to Practice such as revocation, suspension, probation, surrender in lieu of discipline, monitoring of the Licensee, limitation of the Licensee’s practice, or any other Encumbrance on licensure affecting an individual’s ability to practice Massage Therapy, including the issuance of a cease and desist order.

C. “Alternative Program” - a non-disciplinary monitoring or prosecutorial diversion program approved by a Member State’s Licensing Authority.

D. “Authorization to Practice” - a legal authorization by a Remote State pursuant to a Multistate License permitting the Practice of Massage Therapy in that Remote State, which shall be subject to the enforcement jurisdiction of the Licensing Authority in that Remote State.

E. “Background Check” - the submission of an applicant’s criminal history record information, as further defined in 28 C.F.R. § 20.3(d), as amended from the Federal Bureau of Investigation and the agency responsible for retaining State criminal records in the applicant’s Home State.

F. “Charter Member States” - Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as defined in Article 12.

G. “Commission” - the government agency whose membership consists of all States that have enacted this Compact, which is known as the Interstate Massage Compact Commission, as defined in Article 8, and which shall operate as an instrumentality of the Member States.

H. “Continuing Competence” - a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational or professional activities that maintain, improve, or enhance Massage Therapy fitness to practice.

I. “Current Significant Investigative Information” - Investigative Information that a Licensing Authority, after an inquiry or investigation that complies with a Member State’s due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that State’s laws regarding the Practice of Massage Therapy.

J. “Data System” - a repository of information about Licensees who hold Multistate Licenses, which may include but is not limited to license status, Investigative Information, and Adverse Actions.

K. “Disqualifying Event” - any event which shall disqualify an individual from holding a Multistate License under this Compact, which the Commission may by Rule specify.

L. “Encumbrance” - a revocation or suspension of, or any limitation or condition on, the full and unrestricted Practice of Massage Therapy by a Licensing Authority.

M. “Executive Committee” - a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

N. “Home State” - means the Member State which is a Licensee’s primary state of residence where the Licensee holds an active Single-State License.

O. “Investigative Information” - information, records, or documents received or generated by a Licensing Authority pursuant to an investigation or other inquiry.

P. “Licensing Authority” - a State’s regulatory body responsible for issuing Massage Therapy licenses or otherwise overseeing the Practice of Massage Therapy in that State.

Q. “Licensee” - an individual who currently holds a license from a Member State to fully practice Massage Therapy, whose license is not a student, provisional, temporary, inactive, or other similar status.

R. “Massage Therapy”, “Massage Therapy Services”, and the “Practice of Massage Therapy” - the care and services provided by a Licensee as set forth in the Member State’s statutes and regulations in the State where the services are being provided.

S. “Member State” - any State that has adopted this Compact.

T. “Multistate License” - a license that consists of Authorizations to Practice Massage Therapy in all Remote States pursuant to this Compact, which shall be subject to the enforcement jurisdiction of the Licensing Authority in a Licensee’s Home State.

U. “National Licensing Examination” - A national examination developed by a national association of Massage Therapy regulatory boards, as defined by Commission Rule, that is derived from a practice analysis and is consistent with generally accepted psychometric principles of fairness, validity and reliability, and is administered under secure and confidential examination protocols.

V. “Remote State” - any Member State, other than the Licensee’s Home State.

W. “Rule” - any opinion or regulation promulgated by the Commission under this Compact, which shall have the force of law.

X. “Single-State License” - a current, valid authorization issued by a Member State’s Licensing Authority allowing an individual to fully practice

Massage Therapy, that is not a restricted, student, provisional, temporary, or inactive practice authorization and authorizes practice only within the issuing State.

Y. “State” - a state, territory, possession of the United States, or the District of Columbia.

ARTICLE 3-MEMBER STATE REQUIREMENTS

A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State must:

1. License and regulate the Practice of Massage Therapy;
2. Have a mechanism or entity in place to receive and investigate complaints from the public, regulatory or law enforcement agencies, or the Commission about Licensees practicing in that State;
3. Accept passage of a National Licensing Examination as a criterion for Massage Therapy licensure in that State;
4. Require that Licensees satisfy educational requirements prior to being licensed to provide Massage Therapy Services to the public in that State;
5. Implement procedures for requiring the Background Check of applicants for a Multistate License, and for the reporting of any Disqualifying Events, including but not limited to obtaining and submitting, for each Licensee holding a Multistate License and each applicant for a Multistate License, fingerprint or other biometric-based information to the Federal Bureau of Investigation for Background Checks; receiving the results of the Federal Bureau of Investigation record search on Background Checks and considering the results of such a Background Check in making licensure decisions;
6. Have Continuing Competence requirements as a condition for license renewal;
7. Participate in the Data System, including through the use of unique identifying numbers as described herein;
8. Notify the Commission and other Member States, in compliance with the terms of the Compact and Rules of the Commission, of any disciplinary action taken by the State against a Licensee practicing under a Multistate License in that State, or of the existence of Investigative Information or Current Significant Investigative Information regarding a Licensee practicing in that State pursuant to a Multistate License;
9. Comply with the Rules of the Commission;
10. Accept Licensees with valid Multistate Licenses from other Member States as established herein;

B. Individuals not residing in a Member State shall continue to be able to apply for a Member State’s Single-State License as provided under the laws of each Member State. However, the Single-State License granted to those individuals shall not be recognized as granting a Multistate License for Massage Therapy in any other Member State;

C. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License; and

D. A Multistate License issued to a Licensee shall be recognized by each Remote State as an Authorization to Practice Massage Therapy in each Remote State.

ARTICLE 4-MULTISTATE LICENSE REQUIREMENTS

A. To qualify for a Multistate License under this Compact, and to maintain eligibility for such a license, an applicant must:

1. Hold an active Single-State License to practice Massage Therapy in the applicant's Home State;

2. Have completed at least six hundred and twenty-five (625) clock hours of Massage Therapy education or the substantial equivalent which the Commission may approve by Rule.

3. Have passed a National Licensing Examination or the substantial equivalent which the Commission may approve by Rule;

4. Submit to a Background Check;

5. Have not been convicted or found guilty, or have entered into an agreed disposition, of a felony offense under applicable State or federal criminal law, within five (5) years prior to the date of their application, where such a time period shall not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;

6. Have not been convicted or found guilty, or have entered into an agreed disposition, of a misdemeanor offense related to the Practice of Massage Therapy under applicable State or federal criminal law, within two (2) years prior to the date of their application where such a time period shall not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;

7. Have not been convicted or found guilty, or have entered into an agreed disposition, of any offense, whether a misdemeanor or a felony, under State or federal law, at any time, relating to any of the following:

a. Kidnapping;

b. Human trafficking;

c. Human smuggling;

d. Sexual battery, sexual assault, or any related offenses; or

e. Any other category of offense which the Commission may by Rule designate.

8. Have not previously held a Massage Therapy license which was revoked by, or surrendered in lieu of discipline to an applicable Licensing Authority;

9. Have no history of any Adverse Action on any occupational or professional license within two (2) years prior to the date of their application; and

10. Pay all required fees.

B. A Multistate License granted pursuant to this Compact may be effective for a definite period of time concurrent with the renewal of the Home State license.

C. A Licensee practicing in a Member State is subject to all scope of practice laws governing Massage Therapy Services in that State.

D. The Practice of Massage Therapy under a Multistate License granted pursuant to this Compact will subject the Licensee to the jurisdiction of the Licensing Authority, the courts, and the laws of the Member State in which the Massage Therapy Services are provided.

ARTICLE 5-AUTHORITY OF INTERSTATE
MESSAGE COMPACT COMMISSION AND
MEMBER STATE LICENSING AUTHORITIES

A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the Practice of Massage Therapy in that State, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

B. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to take Adverse Action against a Licensee's Single-State License to practice Massage Therapy in that State.

C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse Action against a Licensee's Authorization to Practice in that State.

D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action against a Licensee's Multistate License based upon information provided by a Remote State.

E. Insofar as practical, a Member State's Licensing Authority shall cooperate with the Commission and with each entity exercising independent regulatory authority over the Practice of Massage Therapy according to the provisions of this Compact.

ARTICLE 6-ADVERSE ACTIONS

A. A Licensee's Home State shall have exclusive power to impose an Adverse Action against a Licensee's Multistate License issued by the Home State.

B. A Home State may take Adverse Action on a Multistate License based on the Investigative Information, Current Significant Investigative Information, or Adverse Action of a Remote State.

C. A Home State shall retain authority to complete any pending investigations of a Licensee practicing under a Multistate License who changes their Home State during the course of such an investigation. The Licensing Authority shall also be empowered to report the results of such an investigation to the Commission through the Data System as described herein.

D. Any Member State may investigate actual or alleged violations of the scope of practice laws in any other Member State for a massage therapist who holds a Multistate License.

E. A Remote State shall have the authority to:

1. Take Adverse Actions against a Licensee's Authorization to Practice.
2. Issue cease and desist orders or impose an Encumbrance on a Licensee's Authorization to Practice in that State.

3. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

4. If otherwise permitted by State law, recover from the affected Licensee the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Licensee.

5. Take Adverse Action against the Licensee's Authorization to Practice in that State based on the factual findings of another Member State.

F. If an Adverse Action is taken by the Home State against a Licensee's Multistate License or Single-State License to practice in the Home State, the Licensee's Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from such license. All Home State disciplinary orders that impose an Adverse Action against a Licensee shall include a statement that the Massage Therapist's Authorization to Practice is deactivated in all Member States during the pendency of the order.

G. If Adverse Action is taken by a Remote State against a Licensee's Authorization to Practice, that Adverse Action applies to all Authorizations to Practice in all Remote States. A Licensee whose Authorization to Practice in a Remote State is removed for a specified period of time is not eligible to apply for a new Multistate License in any other State until the specific time for removal of the Authorization to Practice has passed and all encumbrance requirements are satisfied.

H. Nothing in this Compact shall override a Member State's authority to accept a Licensee's participation in an Alternative Program in lieu of

Adverse Action. A Licensee's Multistate License shall be suspended for the duration of the Licensee's participation in any Alternative Program.

1. Joint Investigations

1. In addition to the authority granted to a Member State by its respective scope of practice laws or other applicable State law, a Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

ARTICLE 7-ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

Active Military Members, or their spouses, shall designate a Home State where the individual has a current license to practice Massage Therapy in good standing. The individual may retain their Home State designation during any period of service when that individual or their spouse is on active duty assignment.

ARTICLE 8-ESTABLISHMENT AND OPERATION OF
INTERSTATE MASSAGE COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the Compact known as the Interstate Massage Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Article 12.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's State Licensing Authority.

2. The delegate shall be the primary administrative officer of the State Licensing Authority or their designee.

3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

4. The Commission may recommend removal or suspension of any delegate from office.

5. A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.

6. Each delegate shall be entitled to one vote on all matters that are voted on by the Commission.

7. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;
2. Establish code of conduct and conflict of interest policies;
3. Adopt Rules and bylaws;
4. Maintain its financial records in accordance with the bylaws;
5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;
6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Authority to sue or be sued under applicable law shall not be affected;
7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;
8. Purchase and maintain insurance and bonds;
9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;
10. Conduct an annual financial review;
11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
12. Assess and collect fees;
13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;
14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;
15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
16. Establish a budget and make expenditures;
17. Borrow money;
18. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;
19. Accept and transmit complaints from the public, regulatory or law enforcement agencies, or the Commission, to the relevant Member State(s) regarding potential misconduct of Licensees;
20. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the Commission as provided in the Commission's bylaws;
21. Establish and elect an Executive Committee, including a chair and a vice chair;
22. Adopt and provide to the Member States an annual report;

23. Determine whether a State's adopted language is materially different from the model Compact language such that the State would not qualify for participation in the Compact; and

24. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

a. Overseeing the day-to-day activities of the administration of the Compact including compliance with the provisions of the Compact, the Commission's Rules and bylaws, and other such duties as deemed necessary;

b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

c. Ensuring Compact administration services are appropriately provided, including by contract;

d. Preparing and recommending the budget;

e. Maintaining financial records on behalf of the Commission;

f. Monitoring Compact compliance of Member States and providing compliance reports to the Commission;

g. Establishing additional committees as necessary;

h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

i. Other duties as provided in the Rules or bylaws of the Commission.

2. The Executive Committee shall be composed of seven voting members and up to two ex-officio members as follows:

a. The chair and vice chair of the Commission and any other members of the Commission who serve on the Executive Committee shall be voting members of the Executive Committee.

b. Other than the chair, vice-chair, secretary and treasurer, the Commission shall elect three voting members from the current membership of the Commission.

c. The Commission may elect ex-officio, nonvoting members as necessary as follows:

i. One ex-officio member who is a representative of the national association of State Massage Therapy regulatory boards.

ii. One ex-officio member as specified in the Commission's bylaws.

3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public session of a

public meeting when dealing with any of the matters covered under subsection F.4.

b. The Executive Committee shall give five business days advance notice of its public meetings, posted on its website and as determined to provide notice to persons with an interest in the public matters the Executive Committee intends to address at those meetings.

5. The Executive Committee may hold an emergency meeting when acting for the Commission to:

- a. Meet an imminent threat to public health, safety, or welfare;
- b. Prevent a loss of Commission or Participating State funds; or
- c. Protect public health and safety.

E. The Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Commission

1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior to the public meeting.

2. Notwithstanding subsection F.1 of this Article, the Commission may convene an emergency public meeting by providing at least twenty-four (24) hours prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it may dispense with notice of proposed rulemaking under Article 10.L. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting.

4. The Commission may convene in a closed, non-public meeting for the Commission to discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

k. Legal advice;

l. Matters specifically exempted from disclosure to the public by federal or Member State law; or

m. Other matters as promulgated by the Commission by Rule.

5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

G. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Multistate License to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Commission shall promulgate by Rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or

licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's State action immunity or State action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Commission.

ARTICLE 9-DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system.

B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.

C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a license and information related thereto;

4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;

5. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);

6. The existence of Investigative Information;

7. The existence presence of Current Significant Investigative Information; and

8. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.

E. The existence of Current Significant Investigative Information and the existence of Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

F. It is the responsibility of the Member States to report any Adverse Action against a Licensee who holds a Multistate License and to monitor the database to determine whether Adverse Action has been taken against such a Licensee or License applicant. Adverse Action information pertaining to a Licensee or License applicant in any Member State will be available to any other Member State.

G. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

H. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

ARTICLE 10-RULEMAKING

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's scope of practice as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this article and the Rules adopted thereunder. Rules shall become binding as of the date specified by the Commission for each Rule.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State or to any State applying to participate in the Compact.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform;

2. To persons who have requested notice of the Commission's notices of proposed rulemaking, and

3. In such other way(s) as the Commission may by Rule specify.

H. The Notice of Proposed Rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;

2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;

3. The text of the proposed Rule and the reason therefor;

4. A request for comments on the proposed Rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this article shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this article.

K. The Commission shall, by majority vote of all Commissioners, take final action on the proposed Rule based on the Rulemaking record.

1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in subsection L, the effective date of the Rule shall be no sooner than thirty (30) days after the Commission issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with 24 hours' notice, provided that the usual Rulemaking procedures provided in the Compact and in this article shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to

the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Member State's rulemaking requirements shall apply under this Compact.

ARTICLE 11-OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the

governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees who hold a Multistate License within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of said notice of termination.

G. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

H. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules.

2. By majority vote as provided by Commission Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.

3. A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial

enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

4. No individual or entity other than a Member State may enforce this Compact against the Commission.

ARTICLE 12-EFFECTIVE DATE, WITHDRAWAL,
AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the Charter Member States to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Article 11.

b. If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven (7).

2. Member States enacting the Compact subsequent to the Charter Member States shall be subject to the process set forth in Article 8.C.23 to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

4. Any State that joins the Compact shall be subject to the Commission's Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

B. Any Member State may withdraw from this Compact by enacting a statute repealing that State's enactment of the Compact.

1. A Member State's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to

the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

ARTICLE 13. CONSTRUCTION AND SEVERABILITY

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

C. Notwithstanding subsection B of this article, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of Article 11.B, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

ARTICLE 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

Sec. 8. NRS 640C.180 is hereby amended to read as follows:

640C.180 1. At the first meeting of each fiscal year, the members of the Board shall elect a Chair, Vice Chair and Secretary-Treasurer from among the members.

2. The Board shall meet at least quarterly and may meet at other times at the call of the Chair or upon the written request of a majority of the members of the Board.

3. The Board shall alternate the location of its meetings between the southern district of Nevada and the northern district of Nevada. For the purposes of this subsection:

(a) The southern district of Nevada consists of all that portion of the State lying within the boundaries of the counties of Clark, Esmeralda, Lincoln and Nye.

(b) The northern district of Nevada consists of all that portion of the State lying within the boundaries of Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine.

4. A meeting of the Board may be conducted telephonically or by videoconferencing. A meeting conducted telephonically or by videoconferencing must meet the requirements of chapter 241 of NRS and any other applicable provisions of law.

5. ~~Four~~ **Five** members of the Board constitute a quorum for the purposes of transacting the business of the Board, including, without limitation, issuing, renewing, suspending, revoking or reinstating a license issued pursuant to this chapter.

Sec. 9. NRS 683A.178 is hereby amended to read as follows:

683A.178 1. A pharmacy benefit manager has an obligation of good faith and fair dealing toward a third party or pharmacy when performing duties pursuant to a contract to which the pharmacy benefit manager is a party. Any provision of a contract that waives or limits that obligation is against public policy, void and unenforceable.

2. A pharmacy benefit manager shall notify a third party with which it has entered into a contract in writing of any activity, policy or practice of the pharmacy benefit manager that presents a conflict of interest that interferes with the obligations imposed by subsection 1.

3. A pharmacy benefit manager that manages prescription drug benefits for an insurer licensed pursuant to this title shall comply with the provisions of this title which are applicable to the insurer when managing such benefits for the insurer.

Sec. 10. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health carrier which offers or issues a network plan:

(a) Must demonstrate the capacity to adequately deliver family planning services provided by pharmacists or pharmacies to covered persons in accordance with the regulations adopted pursuant to subsection 2.

(b) Shall make available to each covered person in this State a notice that meets the requirements prescribed by the regulations adopted pursuant to subsection 2 of each pharmacist or pharmacy that has entered into a provider network contract with the carrier to provide family planning services to covered persons who participate in the relevant network plan.

2. The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations prescribing requirements for:

(a) A health carrier to demonstrate compliance with paragraph (a) of subsection 1. Those regulations must not allow a health carrier to demonstrate the capacity to adequately deliver family planning services to covered persons by demonstrating that the health carrier has entered into a network contract with one or more pharmacies for the sole purpose of dispensing prescription drugs to covered persons.

(b) The form and contents of the notice required by paragraph (b) of subsection 1.

Sec. 11. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0418, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689B.0378, 689C.1675, 689C.1676, 695A.1856, 695A.1865, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.1925, 695B.1942, 695C.1696, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714 , 695G.1715 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 12. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, and section 11 of this act, unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 13. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive 4, and section 11 of this act;

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~11~~, **and section 11 of this act;** and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~11~~, **and section 11 of this act.**

Sec. 14. NRS 689A.0418 is hereby amended to read as follows:

689A.0418 1. Except as otherwise provided in subsection ~~7~~ **8**, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection ~~10~~ **11**; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection ~~10~~ **11**;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. **An insurer shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:**

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

~~10-1~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~14-1~~ 5. Except as otherwise provided in subsections ~~10-1~~ 9, 10 and ~~11-1~~ 12, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

~~15-1~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~16-1~~ 7. Except as otherwise provided in subsection ~~17-1~~ 8, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~2022~~, 2024, has the legal effect of including the coverage required by ~~subsection 1~~, this section, and any provision of the policy or the renewal which is in conflict with this section is void.

~~17-1~~ 8. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~18-1~~ 9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~19-1~~ 10. For each of the 18 methods of contraception listed in subsection ~~10-1~~ 11 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for

contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. **If the insurer charges a copayment or coinsurance for a drug for contraception, the insurer may only require an insured to pay the copayment or coinsurance:**

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~10.1~~ **11.** The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~11.1~~ **12.** Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~12.1~~ **13.** An insurer shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~14.1~~ ; **or**

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~13.1~~ **14.** An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit

required by this section without a higher deductible, copayment or coinsurance.

~~14.1~~ **15.** As used in this section:

(a) **“In-network pharmacy” means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.**

(b) “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.

~~14.1~~ (c) “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.

~~14.1~~ (d) **“Provider network contract” means a contract between an insurer and a provider of health care or pharmacy specifying the rights and responsibilities of the insurer and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.**

(e) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

~~14.1~~ (f) “Therapeutic equivalent” means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 689B.0378 is hereby amended to read as follows:

689B.0378 1. Except as otherwise provided in subsection ~~17.1~~ **8**, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~14.1~~ **12**; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~14.1~~ **12**;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. **An insurer shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:**

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

~~12.1~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~14.1~~ 5. Except as otherwise provided in subsections ~~10.1~~ 10, 11 and ~~12.1~~ 13, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~5.1~~ **6.** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~6.1~~ **7.** Except as otherwise provided in subsection ~~7.1~~ **8**, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~2022~~, **2024**, has the legal effect of including the coverage required by ~~subsection 1,~~ **this section**, and any provision of the policy or the renewal which is in conflict with this section is void.

~~7.1~~ **8.** An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~8.1~~ **9.** If an insurer refuses, pursuant to subsection ~~7.1~~ **8**, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~9.1~~ **10.** An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~10.1~~ **11.** For each of the 18 methods of contraception listed in subsection ~~11.1~~ **12** that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. **If the insurer charges a copayment or coinsurance for a drug for contraception, the insurer may only require an insured to pay the copayment or coinsurance:**

(a) Once for the entire amount of the drug dispensed for the plan year; or
(b) Once for each 1-month supply of the drug dispensed.

~~11.1~~ **12.** The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;

- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~12.1~~ **13.** Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~13.1~~ **14.** An insurer shall not ~~use~~ :

(a) ~~Use~~ medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~14.1~~; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~14.1~~ **15.** An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~15.1~~ **16.** As used in this section:

(a) “In-network pharmacy” means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.

(b) “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.

~~16.1~~ **(c)** “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.

~~16.1~~ **(d)** “Provider network contract” means a contract between an insurer and a provider of health care or pharmacy specifying the rights and responsibilities of the insurer and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.

(e) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

~~(d)~~ **(f)** “Therapeutic equivalent” means a drug which:

- (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
- (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and
- (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 16. NRS 689C.1676 is hereby amended to read as follows:

689C.1676 1. Except as otherwise provided in subsection ~~17.1~~ **8**, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection ~~10.1~~ **11**; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection ~~10.1~~ **11**;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. **A carrier shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:**

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. 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.

~~4.~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

~~5.~~ 5. Except as otherwise provided in subsections ~~8.~~ 9. 10. and ~~11.~~ 12. a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~6.~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~7.~~ 7. Except as otherwise provided in subsection ~~7.~~ 8. a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~2022,~~ 2024, has the legal effect of including the coverage required by ~~subsection 1,~~ this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~8.~~ 8. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

~~9.~~ 9. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~10.~~ 10. For each of the 18 methods of contraception listed in subsection ~~10.~~ 11 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within

each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. **If the carrier charges a copayment or coinsurance for a drug for contraception, the carrier may only require an insured to pay the copayment or coinsurance:**

- (a) Once for the entire amount of the drug dispensed for the plan year; or**
- (b) Once for each 1-month supply of the drug dispensed.**

~~10.1~~ **11.** The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~11.1~~ **12.** Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~12.1~~ **13.** A carrier shall not ~~use~~ **use** :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~14.1~~ **; or**

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~13.1~~ **14.** A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit

required by this section without a higher deductible, copayment or coinsurance.

~~14.1~~ **15.** As used in this section:

(a) **“In-network pharmacy” means a pharmacy that has entered into a contract with a carrier to provide services to insureds through a network plan offered or issued by the carrier.**

~~(b)~~ **(b)** “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.

~~(c)~~ **(c)** “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.

~~(d)~~ **(d)** **“Provider network contract” means a contract between a carrier and a provider of health care or pharmacy specifying the rights and responsibilities of the carrier and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.**

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

~~(f)~~ **(f)** “Therapeutic equivalent” means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. NRS 695A.1865 is hereby amended to read as follows:

695A.1865 1. Except as otherwise provided in subsection ~~17.1~~ **8**, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~10.1~~ **11**; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~10.1~~ **11**;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. **A society shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:**

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. 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.

~~12.1~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

~~14.1~~ 5. Except as otherwise provided in subsections ~~18.1~~ 9, 10 and ~~11.1~~ 12, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~15.1~~ **6.** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~16.1~~ **7.** Except as otherwise provided in subsection ~~17.1~~ **8.**, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~2022,~~ **2024**, has the legal effect of including the coverage required by ~~subsection 1.1~~ **this section**, and any provision of the contract or the renewal which is in conflict with this section is void.

~~17.1~~ **8.** A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

~~18.1~~ **9.** A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~19.1~~ **10.** For each of the 18 methods of contraception listed in subsection ~~110.1~~ **11** that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. **If the society charges a copayment or coinsurance for a drug for contraception, the society may only require an insured to pay the copayment or coinsurance:**

(a) Once for the entire amount of the drug dispensed for the plan year; or
(b) Once for each 1-month supply of the drug dispensed.

~~110.1~~ **11.** The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;

- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~11.1~~ **12.** Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~11.2~~ **13.** A society shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~11.3~~; **or**

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~11.3~~ **14.** A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~11.4~~ **15.** As used in this section:

(a) “In-network pharmacy” means a pharmacy that has entered into a contract with a society to provide services to insureds through a network plan offered or issued by the society.

(b) “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.

~~11.5~~ **(c)** “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.

~~11.6~~ **(d) “Provider network contract” means a contract between a society and a provider of health care or pharmacy specifying the rights and responsibilities of the society and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.**

(e) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

~~11.7~~ **(f)** “Therapeutic equivalent” means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 18. NRS 695B.1919 is hereby amended to read as follows:

695B.1919 1. Except as otherwise provided in subsection ~~17~~ **8**, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection ~~11~~ **12**; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection ~~11~~ **12**;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. **An insurer shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:**

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made

available to an insured through a provider of health care who participates in the network plan of the insurer.

~~12.1~~ **4.** If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~14.1~~ **5.** Except as otherwise provided in subsections ~~10.1~~ 10, **11** and ~~12.1~~ **13**, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~15.1~~ **6.** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~16.1~~ **7.** Except as otherwise provided in subsection ~~17.1~~ **8**, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~2022.1~~ **2024**, has the legal effect of including the coverage required by ~~subsection 1.1~~ **this section**, and any provision of the contract or the renewal which is in conflict with this section is void.

~~17.1~~ **8.** An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~18.1~~ **9.** If an insurer refuses, pursuant to subsection ~~17.1~~ **8**, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~10.1~~ **10.** An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~10.1~~ **11.** For each of the 18 methods of contraception listed in subsection ~~11.1~~ **12** that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. **If the insurer charges a copayment or coinsurance for a drug for contraception, the insurer may only require an insured to pay the copayment or coinsurance:**

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~11.1~~ **12.** The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~12.1~~ **13.** Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~13.1~~ **14.** An insurer shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~1.1~~ ; **or**

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~14.1~~ **15.** An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~15.1~~ **16.** As used in this section:

(a) **“In-network pharmacy” means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.**

~~(b)~~ **(b)** “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.

~~(c)~~ **(c)** “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.

~~(d)~~ **(d) “Provider network contract” means a contract between an insurer and a provider of health care or pharmacy specifying the rights and responsibilities of the insurer and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.**

(e) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

~~(e)~~ **(f)** “Therapeutic equivalent” means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 19. NRS 695C.1696 is hereby amended to read as follows:

695C.1696 1. Except as otherwise provided in subsection ~~7.1~~ **8**, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~11.1~~ **12**; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection ~~11~~ **12**;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. **A health maintenance organization shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:**

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. 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.

~~12~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

~~14~~ 5. Except as otherwise provided in subsections ~~9~~ 10, **11** and ~~12~~ **13**, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

~~15.1~~ **6.** Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

~~16.1~~ **7.** Except as otherwise provided in subsection ~~17.1~~ **8.**, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~2022,~~ **2024**, has the legal effect of including the coverage required by ~~subsection 1,~~ **this section**, and any provision of the plan or the renewal which is in conflict with this section is void.

~~17.1~~ **8.** A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

~~18.1~~ **9.** If a health maintenance organization refuses, pursuant to subsection ~~17.1~~ **8.**, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~19.1~~ **10.** A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

~~110.1~~ **11.** For each of the 18 methods of contraception listed in subsection ~~111.1~~ **12** that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. **If the health maintenance organization charges a copayment or coinsurance for a drug for contraception, the health maintenance organization may only require an enrollee to pay the copayment or coinsurance:**

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~{11}~~ **12.** The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{12}~~ **13.** Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{13}~~ **14.** A health maintenance organization shall not ~~use~~ :

(a) Use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~{14}~~; or

(b) Require an enrollee to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~{14}~~ **15.** A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~{15}~~ **16.** As used in this section:

(a) “In-network pharmacy” means a pharmacy that has entered into a contract with a health maintenance organization to provide services to enrollees through a network plan offered or issued by the health maintenance organization.

(b) “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)~~ **(c)** “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)~~ **(d)** “Provider network contract” means a contract between a health maintenance organization and a provider of health care or pharmacy specifying the rights and responsibilities of the health maintenance organization and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.

(e) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

~~(d)~~ **(f)** “Therapeutic equivalent” means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 20. NRS 695G.1715 is hereby amended to read as follows:

695G.1715 1. Except as otherwise provided in subsection ~~7~~ **8**, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~10~~ **11**; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~10~~ **11**;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. *A managed care organization shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:*

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. 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.

~~3.1~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

~~4.1~~ 5. Except as otherwise provided in subsections ~~8.1~~ 9, 10 and ~~11.1~~ 12, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

~~5.1~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~6.1~~ 7. Except as otherwise provided in subsection ~~7.1~~ 8, a health care plan subject to the provisions of this chapter that is delivered, issued for

delivery or renewed on or after January 1, ~~{2022,}~~ **2024**, has the legal effect of including the coverage required by ~~subsection 1,~~ **this section**, and any provision of the plan or the renewal which is in conflict with this section is void.

~~{7,}~~ **8.** A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

~~{8,}~~ **9.** A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~{9,}~~ **10.** For each of the 18 methods of contraception listed in subsection ~~{10,}~~ **11** that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. **If the managed care organization charges a copayment or coinsurance for a drug for contraception, the managed care organization may only require an enrollee to pay the copayment or coinsurance:**

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~{10,}~~ **11.** The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

~~11.1~~ **12.** Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~12.1~~ **13.** A managed care organization shall not ~~use~~ :

~~(a) Use~~ medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~14.1~~; or

~~(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.~~

~~13.1~~ **14.** A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~14.1~~ **15.** As used in this section:

(a) **“In-network pharmacy” means a pharmacy that has entered into a contract with a managed care organization to provide services to insureds through a network plan offered or issued by the managed care organization.**

~~(b)~~ “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.

~~(c)~~ **(c)** “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.

~~(d)~~ **(d)** **“Provider network contract” means a contract between a managed care organization and a provider of health care or pharmacy specifying the rights and responsibilities of the managed care organization and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.**

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

~~(f)~~ **(f)** “Therapeutic equivalent” means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 21. 1. The provisions of NRS 422.4053, as amended by section 2 of this act, do not apply to a contract between the Department of Health and Human Services and a pharmacy benefit manager or a health maintenance organization entered into pursuant to NRS 422.4053 before January 1, 2024, but do apply to any renewal or extension of such a contract.

2. As used in this section:

(a) “Health maintenance organization” has the meaning ascribed to it in NRS 695C.030.

(b) “Pharmacy benefit manager” has the meaning ascribed to it in NRS 683A.174.

Sec. 22. 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. 2.}~~ **Sec. 23. 1. This section ~~{becomes}~~ and sections 4 and 5 of this act become** effective upon passage and approval.

2. ~~{Section 1}~~ Sections 1, 2, 3 and 6 to 22, inclusive, of this act ~~{becomes}~~ **become** effective:

(a) Upon passage and approval for the purpose of performing any 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 Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 161.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 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. 158, 195, 203, 232, 260, 277, 346.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 991 to Senate Bill No. 10; Assembly Amendment No. 952 to Senate Bill No. 24; Assembly Amendments Nos. 721, CA8 to Senate Bill No. 60; Assembly Amendment No. 966 to Senate Bill No. 246; Assembly Amendment No. 997 to Senate Bill No. 274.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 599 to Senate Bill No. 11; Assembly Amendment No. 965 to Senate Bill No. 225; Assembly Amendment No. 967 to Senate Bill No. 226; Assembly Amendment No. 942 to Senate Bill No. 266; Assembly Amendment No. 659 to Senate Bill No. 322; Assembly Amendments Nos. 661, 919 to Senate Bill No. 362; Assembly Amendments Nos. 662, 951 to Senate Bill No. 368; Assembly Amendment No. 593 to Senate Bill No. 384; Assembly

Amendment No. 971 to Senate Bill No. 395; Assembly Amendment No. 904 to Senate Bill No. 440.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Jauregui, Bilbray-Axelrod, and O'Neill as a committee to wait upon His Excellency, Governor Joe Lombardo, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Watts, Torres, and McArthur as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators Goicoechea, Neal, and Dondero-Loop appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblyman Watts reported that his committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblywoman Jauregui reported that her committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblywoman Jauregui moved that the 82nd Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 12:16 a.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly