

**THE SEVENTY-FIRST DAY**

---

CARSON CITY (Monday), April 17, 2023

Senate called to order at 12:15 p.m.

President Anthony presiding.

Roll called.

All present except for Senator Lange, who was excused.

Prayer by the Chaplain, Pastor Randy Roser.

Father, thank You for each community leader here today. Bless them and guide them as they look out for the best interests of the people of Nevada and each individual community.

I pray their hearts and minds are open to You, that they see You working in and through them as they work hard making decisions to build a strong State that others may look to as an example of quality leadership and creative ideas that lead to healthy communities working together for the common good.

Lord, I ask that You bless every person here today. From security to Senate, all people in this place today.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

**REPORTS OF COMMITTEE**

*Mr. President:*

Your Committee on Health and Human Services, to which was referred Senate Bill No. 241, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 42, 109, 232, 297, 317, 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

FABIAN DOÑATE, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which was referred Senate Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 172, 174, 316, 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 88, 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Senate Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIE PAZINA, *Chair*

*Mr. President:*

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

DINA NEAL, *Chair*

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 13, 2023

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 52, 366.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 23, 27, 35, 39, 40, 44, 51, 56, 57, 97, 101, 121, 122, 143, 144, 145, 183, 251.

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

CAROL AIELLO-SALA

*Assistant Chief Clerk of the Assembly*

ASSEMBLY CHAMBER, Carson City, April 14, 2023

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 20, 118, 350, 424.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 54, 74, 100, 172, 191, 202, 262.

CAROL AIELLO-SALA

*Assistant Chief Clerk of the Assembly*

#### WAIVERS AND EXEMPTIONS

##### WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Yeager.

For: Assembly Bill No. 404.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, April 14, 2023.

NICOLE CANNIZZARO

*Senate Majority Leader*

STEVE YEAGER

*Speaker of the Assembly*

#### NOTICE OF EXEMPTION

April 17, 2023

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

WAYNE THORLEY

*Fiscal Analysis Division*

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that, through April 25, 2023, all necessary rules be suspended, and that all Senate bills and joint resolutions reported out of committee be immediately placed on the appropriate reading files, next agenda, time permitting.

Remarks by Senator Cannizzaro.

This suspension will put bills and resolutions just reported out of committee on the Senate's next floor agenda for the same legislative day, time permitting.

Motion carried.

Senator Cannizzaro moved that, through April 25, 2023, all necessary rules be suspended, and that all Senate bills and joint resolutions amended on the General File or Resolution File be immediately placed on the appropriate reading file for final passage, upon return from reprint, time permitting.

Remarks by Senator Cannizzaro.

This suspension will allow bills and joint resolutions to be voted on on the same legislative day they were amended.

Motion carried.

SENATOR HANSEN:

Point of order. Normally, we have an opportunity to speak before we vote, even if it is on a voice vote. I want to make a comment on the two motions we just passed by voice vote. I realize it is behind us now, but I want to ensure those of us who voted "no" have an opportunity to explain why we voted "no."

SENATOR CANNIZZARO:

As to the previous point of order raised by my colleague, in accordance with our rules and parliamentary procedure, for something that is a voice vote there is not a debate or discussion on that motion. It is simply a voice vote of this body. Certainly, we are all able to make comments under Order of Business No. 16 for things we might see appropriate to address with this body. But under a voice vote, I believe the proper ruling on that point of order would be there is not discussion or debate on a voice-vote motion.

Senator Cannizzaro moved that Senate Standing Rule No. 50 be suspended, and that Assembly Bill No. 3 be withdrawn from the Committee on Finance and re-referred to the Committee on Government Affairs.

Motion carried.

Senator Cannizzaro moved that Senate Bills Nos. 19, 25, 26, 34, 39, 131 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Scheible moved that Senate Bill No. 223 be taken from the Secretary's Desk and placed on the General File, next agenda.

Motion carried.

Senate Joint Resolution No. 7.

Resolution read second time.

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

Amendment No. 204.

SUMMARY—Proposes to amend the Nevada Constitution to establish certain rights relating to reproductive health. (BDR C-864)

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to establish certain rights relating to reproductive health.

Legislative Counsel's Digest:

Article 1 of the Nevada Constitution sets forth certain inalienable rights of an individual. (Nev. Const. Art. 1) This joint resolution proposes to amend the Nevada Constitution by adding a new section to Article 1 which: (1) guarantees each individual in this State a fundamental right to reproductive freedom; (2) authorizes the State to regulate abortion care after fetal viability with certain exceptions; and (3) prevents the State from penalizing, prosecuting or taking any other adverse action against an individual or entity for exercising the right to reproductive freedom or for aiding or assisting another individual in exercising his or her right to reproductive freedom.

If this resolution is passed by the 2023 Legislature, it must also be passed by the next Legislature and then approved by the voters in an election before the proposed amendment to the Nevada Constitution becomes effective.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 25, be added to Article 1 of the Nevada Constitution to read as follows:

*Sec. 25. 1. Every individual has a fundamental right to reproductive freedom, which entails the right to make and effectuate decisions about all matters relating to pregnancy, including, without limitation, prenatal care, childbirth, postpartum care, birth control, vasectomy, tubal ligation, abortion, abortion care, management of a miscarriage and infertility care. The right of an individual to reproductive freedom shall not be denied, burdened or infringed upon unless justified by a compelling State interest that is achieved by the least restrictive means available.*

*2. Notwithstanding the provisions of subsection 1, the State may regulate the provision of abortion care after fetal viability, provided that in no circumstance may the State prohibit an abortion that, in the professional judgment of an attending provider of health care, is medically indicated to protect the life or physical or mental health of the pregnant individual.*

*3. The State shall not penalize, prosecute or otherwise take adverse action against an individual based on the actual, potential, perceived or alleged outcome of the pregnancy of the individual, including, without limitation, a miscarriage, stillbirth or abortion.*

4. *The State shall not penalize, prosecute or otherwise take adverse action against a provider of health care, who is licensed by the State, ~~while~~ for acting ~~within~~ consistent with the applicable scope of practice and standard of care for performing an abortion upon providing abortion care to or providing reproductive care services to an individual who has granted ~~informed~~ the individual's voluntary consent. ~~[to the abortion.]~~*

5. *The State shall not penalize, prosecute or otherwise take adverse action against any individual or entity for aiding or assisting another individual in exercising the right of the individual to reproductive freedom with the voluntary consent of the individual.*

6. *Nothing provided in this section narrows or limits the right to equality or equal protection.*

7. *As used in this section:*

(a) *"Compelling state interest" means an interest which is limited exclusively to the State's interest in protecting the health of an individual who is seeking reproductive health care that is consistent with accepted clinical standards of practice.*

(b) *"Fetal viability" means the point in a pregnancy when, in the professional judgment of an attending provider of health care and based on the particular facts of the case, there is a significant likelihood of the sustained survival of the fetus outside the uterus without the application of extraordinary medical measures.*

(c) *"Least restrictive means" means in a manner that restricts or infringes upon the autonomous decision-making of an individual to the slightest degree possible while furthering a compelling state interest.*

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senators Cannizzaro, Hansen and Seevers Gansert.

SENATOR CANNIZZARO:

Amendment No. 62 [sic] to Senate Joint Resolution No. 7 does the following: it amends subsection 4 to prohibit penalizing acts "consistently within" the applicable scope of practice and standard of care for performing an abortion; it amends subsection 4 to include "providing abortion care or providing reproductive care services to" an individual who has granted their "voluntary" consent; it amends subsection 5 to prohibit penalizing, prosecuting or taking adverse action against any individual "or entity" for aiding or assisting another in exercising that individual's right to reproductive freedom; and it adds a new subsection 6 stating "Nothing provided in this section" of the Nevada Constitution "narrows or limits the right to equality or equal protection."

SENATOR HANSEN:

I did not realize I had to go to Order of Business No. 16 to address the floor vote. My apologies for that point of order.

However, now that we are in this, I want to point out that the reason I voted "no" is because we have a stack of papers on our desks that are amendments to bills, and in the absence of the opportunity to read those things to have some idea as to what we are voting on, it violates our most basic responsibility as a Legislator, which is to know what policies we are voting for or against, including the amendment to Senate Joint Resolution No. 7.

When we start suspending the rules—there is a good reason these rules exist. One of those rules is to ensure that we as Legislators know what we are voting on and so that we can stand in this chamber and debate the policies that will affect over three million human beings. It is not unreasonable to say that we had better read the amendments. This is an amendment to change the State Constitution, which none of us in the minority have had an opportunity to examine.

I want on the record that I oppose that voice vote, even if I did not have an opportunity to speak on it. I think it is wrong, and we should only suspend the rules under significant circumstances. To suspend the rules simply to expedite the process violates a fundamental concept. We are supposed to be a deliberative body. We are supposed to talk, debate, think and then have an opportunity to process what these effects are on these laws, including these amendments that are stacked on our desks.

Under Senate Joint Resolution No. 7, when it comes up on General File, I will have an opportunity to speak on that as well, but I do want to get on the record why I voted "no" on the voice vote to suspend the rules.

SENATOR CANNIZZARO:

I want to apologize; this amendment is actually Amendment No. 204 to Senate Joint Resolution No. 7. I would amend my motion to adopt Amendment No. 204 to Senate Joint Resolution No. 7. It was incorrect on my document.

I will also note this particular amendment, as with many of the amendments before this body, was an amendment presented during the committee hearing. It was provided to all the committee members and is available on NELIS from the hearing. It was also provided to the committee members for the work session. When it was amended and do-passed out of committee, it was done so with this exact amendment.

SENATOR SEEVERS GANSERT:

I sit on the Committee on Legislative Operations and Elections. I saw a conceptual amendment. I know our staff was looking this morning for this amendment, and I could not find it anywhere online. We did not see it until we were here on the floor. The Majority Leader is correct in that in the committee, we had seen a conceptual list. I was trying to track everything back to what I had written that day. To be clear, this amendment did not show up until it was on our desks. We have had a very short timeframe to review this amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Concurrent Resolution No. 5—Expressing support for the Lake Tahoe Transportation Action Plan.

Senator Cannizzaro moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

Senator Flores approved the addition of Senator Stone as a cosponsor of Senate Bill No. 401.

Senator Flores approved the addition of Senators Buck and Spearman as cosponsors of Senate Bill No. 428.

Senator Nguyen approved the addition of Senator Flores as a cosponsor of Senate Bill No. 242.

Senator Pazina approved the addition of Senator Hansen as a cosponsor of Senate Bill No. 350.

Senator Stone approved the addition of Senators Cannizzaro and Dondero Loop as cosponsors of Senate Bill No. 322.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Neal, Flores and Doñate:

Senate Bill No. 450—AN ACT relating to housing; establishing a program for the relocation of persons residing in single-family residences in the Windsor Park neighborhood of the City of North Las Vegas; making an appropriation; and providing other matters properly relating thereto.

Senator Neal moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Cannizzaro.

For: Senate Bill No. 450.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Monday, March 27, 2023.

NICOLE CANNIZZARO  
*Senate Majority Leader*

STEVE YEAGER  
*Speaker of the Assembly*

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 20.

Senator Cannizzaro moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 23.

Senator Cannizzaro moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 27.

Senator Cannizzaro moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 35.

Senator Cannizzaro moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 39.

Senator Cannizzaro moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 40.

Senator Cannizzaro moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 44.

Senator Cannizzaro moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 51.

Senator Cannizzaro moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 52.

Senator Cannizzaro moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 54.

Senator Cannizzaro moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 56.

Senator Cannizzaro moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 57.

Senator Cannizzaro moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 74.

Senator Cannizzaro moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 97.

Senator Cannizzaro moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 100.

Senator Cannizzaro moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 101.

Senator Cannizzaro moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 118.

Senator Cannizzaro moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 121.

Senator Cannizzaro moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 122.

Senator Cannizzaro moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

Assembly Bill No. 143.

Senator Cannizzaro moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 144.

Senator Cannizzaro moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 145.

Senator Cannizzaro moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 172.

Senator Cannizzaro moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 183.

Senator Cannizzaro moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 191.

Senator Cannizzaro moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 202.

Senator Cannizzaro moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 251.

Senator Cannizzaro moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 262.

Senator Cannizzaro moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 350.

Senator Cannizzaro moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 366.

Senator Cannizzaro moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 424.

Senator Cannizzaro moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 2.

Bill read second time.

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

Amendment No. 118.

SUMMARY—Revises provisions relating to emergency management. (BDR 36-237)

AN ACT relating to emergency management; revising provisions relating to the State Disaster Identification Coordination Committee of the Division of Emergency Management of the Office of the Military; transferring the duty to adopt regulations governing the Committee from the Office of the Military to the Division; revising provisions relating to the reporting to the Committee of

certain information regarding the treatment of certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Disaster Identification Coordination Committee within the Division of Emergency Management of the Office of the Military. (NRS 414.270) Existing law further authorizes, under certain circumstances, the Chief of the Division to activate the Committee or a subcommittee thereof: (1) during the existence of a state of emergency or a declaration of a disaster or a public health emergency or other health event; or (2) during an emergency in a city or county. If activated, the Committee or subcommittee thereof is required to coordinate the sharing of information among state, local and tribal governmental agencies regarding persons who appear to be injured or killed or contracted an illness. (NRS 414.038, 414.285) Section 2 of this bill clarifies that, under certain circumstances, the Chief of the Division may also activate the Committee or a subcommittee thereof in preparation for an imminent emergency, disaster, public health emergency or other health event.

Existing law authorizes a provider of health care to whom a person comes or is brought for the treatment of an injury inflicted during a state of emergency or declaration of disaster or an illness contracted during a public health emergency or other health event to submit a report to the Committee. The report must contain certain information relating to the person who was treated. (NRS 629.043) Section 5 of this bill instead requires providers of health care to submit such a report. Section 5 further provides that: (1) such a report must include certain information including the number of the medical record of the person who was treated; and (2) the information in such a report is confidential and must be securely maintained by each person who has possession, custody or control of such information. Section 4 of this bill makes a conforming change to provide that these reports are not public records.

Existing law requires the Committee to notify providers of health care of the provisions of existing law governing the submission of such reports to the Committee. (NRS 414.280) Section 1 of this bill: (1) requires the Committee to share the information from the reports submitted by providers of health care with a county or city upon the request of the county or city for the purpose of reunification or identification services; and (2) makes a member of the Committee immune from civil action for a disclosure concerning the reports submitted by providers of health care that is made in good faith.

Existing law requires the Office of the Military to adopt regulations governing the Committee. (NRS 414.300) Section 3 of this bill transfers the requirement to adopt regulations from the Office of the Military to the Division.

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

Section 1. NRS 414.280 is hereby amended to read as follows:

414.280 1. The State Disaster Identification Coordination Committee shall:

~~1.~~ (a) Notify providers of health care, as defined in NRS 629.031, in writing of the provisions of NRS 629.043.

~~2.~~ (b) Develop a plan for performing its duties pursuant to NRS 414.285 during activation. Such a plan is confidential and must be securely maintained by each person who has possession, custody or control of the plan.

~~3.~~ (c) Annually review the plan developed pursuant to ~~subsection 2~~ paragraph (b) and annually practice carrying out the plan.

~~4.~~ (d) On or before January 31 of each year, submit a report to the Chief, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature, if the report is submitted in an even-numbered year, or the Legislative Commission, if the report is submitted in an odd-numbered year. The report must include, without limitation:

~~(a)~~ (1) A description of the activities of the State Disaster Identification Coordination Committee for the immediately preceding calendar year; and

~~(b)~~ (2) A summary of any policies or procedures adopted by the State Disaster Identification Coordination Committee for the immediately preceding calendar year.

(e) *Upon the request of a political subdivision made for the purpose of performing reunification or identification services, share information obtained in a report submitted to the Committee pursuant to NRS 629.043 with the political subdivision, including, without limitation, the local health authority, the local law enforcement, the local emergency manager, the local coroner or other persons assigned by the political subdivision to perform reunification and identification services.*

2. *A member of the State Disaster Identification Coordination Committee is immune from any civil action for any disclosure made in good faith in accordance with paragraph (e) of subsection 1.*

Sec. 2. NRS 414.285 is hereby amended to read as follows:

414.285 1. The Chief may activate the State Disaster Identification Coordination Committee or any subcommittee thereof ~~to coordinate the sharing of information among state, local and tribal governmental agencies regarding persons who appear to have been injured or killed or contracted an illness:~~

~~1.~~ :

(a) During the existence of a state of emergency or declaration of disaster pursuant to NRS 414.070 or a public health emergency or other health event pursuant to NRS 439.970; ~~or~~

~~2.~~ (b) During an emergency in a political subdivision, upon the request of a political subdivision, if the Chief determines that the political subdivision requires the services of the Committee ~~;~~ ; *or*

(c) *In preparation for an imminent occurrence that may result in emergency, disaster, public health emergency or other health event described in paragraph (a) or (b).*

2. *If the State Disaster Identification Coordination Committee or any subcommittee thereof is activated pursuant to subsection 1, the Committee or subcommittee, as applicable, shall prepare for and coordinate the sharing of information among state, local and tribal governmental agencies regarding persons who appear to have been injured or killed or contracted an illness during the emergency, disaster, public health emergency or other health event, as applicable.*

Sec. 3. NRS 414.300 is hereby amended to read as follows:

414.300 The *Division of Emergency Management of the Office of the Military* shall adopt such regulations as are necessary to govern the State Disaster Identification Coordination Committee.

Sec. 4. 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, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,

703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 5. NRS 629.043 is hereby amended to read as follows:

629.043 1. A provider of health care to whom any person comes or is

brought for the treatment of an injury which the provider concludes was inflicted during the existence of a state of emergency or declaration of disaster pursuant to NRS 414.070 or an illness which the provider concludes was contracted during a public health emergency or other health event pursuant to NRS 439.970 ~~{may}~~ shall submit a written report ~~{electronically}~~ to the State Disaster Identification Coordination Committee.

2. ~~{If a provider of health care submits a}~~ A report *submitted* pursuant to subsection 1 ~~{, the report}~~ must include, ~~{without limitation,}~~ *in as much detail as possible:*

(a) The name, address, telephone number and electronic mail address of the person treated, if known;

(b) *The number of the medical record of the person treated;*

(c) The location where the person was treated; and

~~{(e)}~~ (d) The character or extent of the injuries or illness of the person treated.

3. A provider of health care and his or her agents and employees are immune from any civil action for any disclosures made in good faith in accordance with the provisions of this section.

4. *Except as otherwise provided in NRS 414.280, a report submitted to the State Disaster Identification Coordination Committee pursuant to this section is confidential and must be securely maintained by each person who has possession, custody or control of the report.*

Sec. 6. 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 the 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. 7. This act becomes effective upon passage and approval.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 118 to Senate Bill No. 2 adds the county coroner to the list of agencies with which information may be shared for the purposes of reunification or identification.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 3.

Bill read second time.

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

Amendment No. 119.

SUMMARY—Revises the membership of the Nevada Commission on Homeland Security. (BDR 19-236)

AN ACT relating to homeland security; revising the membership of the Nevada Commission on Homeland Security; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Commission on Homeland Security and sets forth its duties, including, within the limits of available money: (1) making recommendations to certain governmental entities, businesses and private persons with respect to actions and measures that may be taken to protect the State from potential acts of terrorism and related emergencies; (2) making recommendations to the Governor on the use of money received by the State from any homeland security grant or related program; (3) proposing goals and programs to counteract or prevent potential acts of terrorism and related emergencies; (4) studying and assessing the security of certain buildings, facilities, geographic features and infrastructure; (5) examining the use, deployment and coordination of response agencies within this State; (6) assessing, examining and reviewing the use of certain information systems and systems of communications; (7) assessing, examining and reviewing the operation and efficacy of certain telephone systems; and (8) submitting annual briefings to the Governor assessing the preparedness of the State to counteract, prevent and respond to potential acts of terrorism and related emergencies. (NRS 293C.120, 293C.160) Existing law further sets forth the membership of the Commission, which consists of: (1) fifteen voting members appointed by the Governor, which must include certain persons; (2) the President and CEO, or his or her designee, of the Nevada Broadcasters Association as an ex officio voting member appointed by the Governor; (3) certain nonvoting members appointed by the Governor; (4) one member of the Senate appointed by the Senate Majority Leader as a nonvoting member; and (5) one member of the Assembly appointed by the Speaker of the Assembly as a nonvoting member. This bill requires the Governor to appoint as an additional voting member to the Commission ~~[who is an employee]~~ the Director of the Department of Public Safety ~~or his or her designee.~~

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

Section 1. NRS 239C.120 is hereby amended to read as follows:

239C.120 1. The Nevada Commission on Homeland Security is hereby

created.

2. The Governor shall appoint to the Commission ~~{15}~~ 16 voting members that the Governor determines to be appropriate and who serve at the Governor's pleasure, which must include at least:

- (a) The sheriff of each county whose population is 100,000 or more.
- (b) The chief of the county fire department in each county whose population is 100,000 or more.
- (c) A member of the medical community in a county whose population is 700,000 or more.
- (d) An employee of the largest incorporated city in each county whose population is 700,000 or more.
- (e) A representative recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, to represent tribal governments in Nevada.
- (f) ~~An employee~~ The Director of the Department of Public Safety ~~or his or her designee.~~

3. The Governor shall appoint the President and CEO, or his or her designee, of the Nevada Broadcasters Association, or its successor organization, to serve as an ex officio voting member of the Commission.

4. The Governor shall appoint:

- (a) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State;
  - (b) The agent in charge of the office of the Federal Bureau of Investigation in this State;
  - (c) The Chief of the Division; and
  - (d) The Administrator of the Nevada Office of Cyber Defense Coordination appointed pursuant to NRS 480.920,
- ↪ as nonvoting members of the Commission.

5. The Senate Majority Leader shall appoint one member of the Senate as a nonvoting member of the Commission.

6. The Speaker of the Assembly shall appoint one member of the Assembly as a nonvoting member of the Commission.

7. The term of office of each member of the Commission who is a Legislator is 2 years.

8. The Governor or his or her designee shall:

- (a) Serve as Chair of the Commission; and
- (b) Appoint a member of the Commission to serve as Vice Chair of the Commission.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 119 to Senate Bill No. 3 replaces "an employee of the Department of Public Safety" with "the Director of the Department of Public Safety or his or her designee."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 5.

Bill read second time.

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

Amendment No. 120.

SUMMARY—Authorizes the Division of Emergency Management in the Office of the Military to use money in the Emergency Assistance Account for certain additional purposes. (BDR 36-239)

AN ACT relating to emergency management; authorizing the Division of Emergency Management in the Office of the Military to use money in the Emergency Assistance Account for the purpose of emergency management; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Division of Emergency Management in the Office of the Military and grants the Division certain powers and duties concerning emergencies and disasters. (NRS 414.040) Existing law further establishes the Emergency Assistance Account in the State General Fund and requires the Division to administer the Account. Existing law authorizes the use of the money in the Account: (1) to provide supplemental emergency assistance to the State or local governments; (2) to pay the actual expenses incurred by the Division for administration during an emergency or disaster; and (3) for any other purpose authorized by the Legislature. (NRS 414.135) This bill expands the purposes for which money in the Account may be used by authorizing the Division to use money in the Account to pay the actual expenses incurred by the Division for the purpose of emergency management, regardless of whether the ~~expense is incurred during~~ Governor or the Legislature proclaims that an emergency or disaster ~~exists~~.

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

Section 1. NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created in the State General Fund the Emergency Assistance Account. Beginning with the fiscal year that begins on July 1, 1999, the State Controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the Disaster Relief Account created pursuant to NRS 353.2735 to the Emergency Assistance Account in an amount not to exceed \$500,000.

2. The Division of Emergency Management of the Office of the Military shall administer the Emergency Assistance Account. The Division may adopt regulations authorized by this section before, on or after July 1, 1999.

3. Except as otherwise provided in paragraph ~~[(e)]~~ (d), all expenditures from the Emergency Assistance Account must be approved in advance by the Division. Except as otherwise provided in subsection 4, all money in the Emergency Assistance Account must be expended:

(a) To provide supplemental emergency assistance to this State or to local governments in this State that are severely and adversely affected by a natural,

technological or man-made emergency or disaster for which available resources of this State or the local government are inadequate to provide a satisfactory remedy;

(b) To pay any actual expenses incurred by the Division for administration during a natural, technological or man-made emergency or disaster; ~~and~~

(c) *To pay any actual expenses incurred by the Division for the purpose of emergency management, regardless of whether the ~~expense is incurred during a natural, technological or man-made~~ Governor or the Legislature proclaims that an emergency or disaster ~~is~~ exists; and*

(d) For any other purpose authorized by the Legislature.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the Emergency Assistance Account at the end of a fiscal year and the balance has not otherwise been committed for expenditure, the Division may, with the approval of the Interim Finance Committee, allocate all or any portion of the remaining balance, not to exceed \$250,000, to this State or to a local government to:

- (a) Purchase equipment or supplies required for emergency management;
- (b) Provide training to personnel related to emergency management; and
- (c) Carry out the provisions of NRS 388.229 to 388.266, inclusive.

5. Beginning with the fiscal year that begins on July 1, 1999, the Division shall, at the end of each quarter of a fiscal year, submit to the Interim Finance Committee a report of the expenditures made from the Emergency Assistance Account for the previous quarter.

6. The Division shall adopt such regulations as are necessary to administer the Emergency Assistance Account.

7. The Division may adopt regulations to provide for reimbursement of expenditures made from the Emergency Assistance Account. If the Division requires such reimbursement, the Attorney General shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the Disaster Relief Account, upon request by the Division.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 120 to Senate Bill No. 5 authorizes the Division of Emergency Management to use money in the Emergency Assistance Account to pay for any actual expenses incurred by the Division for the purpose of emergency management regardless of whether the Governor or the Legislature proclaims that an emergency or disaster exists.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 23.

Bill read second time.

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

Amendment No. 121.

SUMMARY—Authorizes an amendment of a redevelopment plan to include the removal of an area from a redevelopment area under certain circumstances. (BDR 22-367)

AN ACT relating to redevelopment; authorizing an amendment of a redevelopment plan to include the removal of an area from a redevelopment area under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a legislative body to: (1) adopt by ordinance a redevelopment plan as the official redevelopment plan for a redevelopment area; and (2) amend the existing redevelopment plan, including the addition of one or more areas to the redevelopment area. (NRS 279.586, 279.608) Existing law prohibits the removal of an area from a redevelopment area by amendment. (NRS 279.608) Section 1 of this bill ~~[eliminates this prohibition and, instead,]~~ authorizes a legislative body to amend a redevelopment plan to remove an area from the redevelopment area if the legislative body determines following a public hearing that: (1) the removal will not impair adversely any outstanding bonds or securities; (2) the area that will be removed ~~is used~~ consists primarily ~~for~~ of single-family residential ~~use;~~ dwellings or multi-family residential dwellings of three stories or less, or both; and ~~((2))~~ (3) the removal is necessary or desirable because it is in the public interest for the property tax revenue collected from the area that will be removed to be distributed in the same manner as property tax revenue is distributed outside the redevelopment area. Under section 2 of this bill, a legislative body is prohibited from amending a redevelopment plan to remove such an area from a redevelopment area if ~~such a~~ the removal would impair adversely outstanding obligations of any political subdivision of this State or any other public entity.

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

Section 1. NRS 279.608 is hereby amended to read as follows:

279.608 1. If, at any time after the adoption of a redevelopment plan by the legislative body, the agency desires to take an action that will constitute a material deviation from the plan or otherwise determines that it would be necessary or desirable to amend the plan, the agency must recommend the amendment of the plan to the legislative body. An amendment may include the addition of one or more areas to any redevelopment area ~~[but may not include]~~ *or, except as otherwise provided in NRS 279.683, the removal of an area from any redevelopment area ~~is, regardless of whether that area was initially a part of the redevelopment area or was added later through amendment.]~~ only if the*

area proposed for removal consists primarily of single-family residential dwellings or multi-family residential dwellings of three stories or less, or both.

2. Before recommending amendment of the plan, the agency shall hold a public hearing on the proposed amendment. Notice of that hearing must be published at least 10 days before the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing must include a legal description of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment.

3. In addition to the notice published pursuant to subsection 2, the agency shall cause a notice of hearing on a proposed amendment to the plan to be sent by mail at least 10 days before the date of the hearing to each owner of real property, as listed in the records of the county assessor, whom the agency determines is likely to be directly affected by the proposed amendment. The notice must:

(a) Set forth the date, time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed amendment; and

(b) Contain a brief summary of the intent of the proposed amendment.

4. If after the public hearing, the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, those changes must be submitted by the agency to the planning commission for its report and recommendation. The planning commission shall give its report and recommendations to the legislative body within 30 days after the agency submitted the changes to the planning commission.

5. After receiving the recommendation of the agency concerning the changes in the plan, the legislative body shall hold a public hearing on the proposed amendment, notice of which must be published in a newspaper in the manner designated for notice of hearing by the agency. ~~[[~~ *The legislative body shall adopt an ordinance amending the ordinance adopting the plan if, after ~~that~~ the public hearing held pursuant to this subsection, the legislative body determines that the ~~amendments in~~ amendment to the plan ~~is~~ proposed by the agency ~~is~~ are :*

(a) *For an amendment that includes the removal of an area from any redevelopment area:*

(1) *Is not prohibited by NRS 279.683;*

(2) *Will only remove from the redevelopment area an area that ~~is used~~ consists primarily ~~for~~ of single-family residential ~~use~~ dwellings or multi-family residential dwellings of three stories or less, or both; and*

~~[[2]]~~ (3) *Is necessary or desirable because it is in the public interest for the property tax revenue collected from the area that will be removed to be distributed in the same manner as property tax revenue is distributed outside the redevelopment area; and*

(b) *For any other amendment, is necessary or desirable . ~~the legislative body shall adopt an ordinance amending the ordinance adopting the plan.~~*

6. As used in this section, "material deviation" means an action that, if taken, would alter significantly one or more of the aspects of a redevelopment plan that are required to be shown in the redevelopment plan pursuant to NRS 279.572. The term includes, without limitation, the vacation of a street that is depicted in the streets and highways plan of the master plan described in NRS 278.160 which has been adopted for the community and the relocation of a public park. The term does not include the vacation of a street that is not depicted in the streets and highways plan of the master plan described in NRS 278.160 which has been adopted for the community.

Sec. 2. Notwithstanding the provisions of NRS 279.608, as amended by section 1 of this act, the provisions of NRS 279.608, as amended by section 1 of this act, must not be applied to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of any political subdivision of this State or other public entity, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.

Sec. 3. This act becomes effective upon passage and approval.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 121 to Senate Bill No. 23 requires that the removal of land from a redevelopment area will not impair adversely any outstanding bonds or securities and the area consists primarily of single-family or multifamily residential dwellings of three stories or less, or both.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 97.

SUMMARY—Revises provisions relating to psychosexual evaluations for sexual offenses and other crimes. (BDR 14-424)

AN ACT relating to criminal procedure; requiring the Division of Parole and Probation of the Department of Public Safety to make a presentence investigation and report to the court that includes a psychosexual evaluation in certain circumstances; requiring the Division to arrange a psychosexual evaluation in certain circumstances when the defendant and prosecuting attorney make a joint request; requiring certain defendants to be certified as not representing a high risk to reoffend before the court may grant probation to or suspend the sentence of the defendant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who solicits a child for prostitution is

guilty of a felony. (NRS 201.354) Existing law: (1) requires a defendant convicted of certain sexual offenses punished as a felony to undergo a psychosexual evaluation as part of the presentence investigation and report to the court prepared by the Division of Parole and Probation of the Department of Public Safety; (2) requires the Division to arrange for the psychosexual evaluation of the defendant; and (3) prohibits the court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the psychosexual evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.133, 176.135, 176.139, 176A.110) Sections 1 and 4 of this bill add solicitation of a child for prostitution to the list of sexual offenses which require a psychosexual evaluation and a certification that the person convicted does not represent a high risk to reoffend. Sections 2 and 3 of this bill require the Division to arrange for a psychosexual evaluation of the defendant and make a presentence investigation and report to the court that includes the evaluation if: (1) the defendant is convicted of a felony other than a sexual offense or a gross misdemeanor; ~~and~~ (2) the defendant and prosecuting attorney submit to the court a joint request for a presentence investigation and report to the court that includes a psychosexual evaluation ~~if~~; and (3) the original charge against the defendant in the complaint, information or indictment was for a sexual offense.

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

Section 1. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

- (b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;
- (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (f) Incest pursuant to NRS 201.180;
- (g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;
- (h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;
- (i) Lewdness with a child pursuant to NRS 201.230;
- (j) *Soliciting a child for prostitution pursuant to NRS 201.354;*
- (k) Sexual penetration of a dead human body pursuant to NRS 201.450;
- ~~[(k)]~~ (l) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;
- ~~[(l)]~~ (m) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;
- ~~[(m)]~~ (n) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;
- ~~[(n)]~~ (o) An attempt to commit an offense listed in paragraphs (a) to ~~[(m)],~~ (n), inclusive, if punished as a felony; or
- ~~[(o)]~~ (p) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 2. NRS 176.135 is hereby amended to read as follows:

176.135 1. Except as otherwise provided in this section and NRS 176.151, the Division shall make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a felony.

2. If a defendant is convicted of a felony that is a sexual offense, the presentence investigation and report:

(a) Must be made before the imposition of sentence or the granting of probation; and

(b) If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, must include a psychosexual evaluation of the defendant.

3. ~~[(3)]~~ *Except as otherwise provided in subsection 5, if a defendant is convicted of a felony other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:*

(a) A sentence is fixed by a jury; or

(b) Such an investigation and report on the defendant has been made by the Division within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.

4. Upon request of the court, the Division shall make presentence investigations and reports on defendants who plead guilty, guilty but mentally ill or nolo contendere to, or are found guilty or guilty but mentally ill of, gross misdemeanors.

5. *If a defendant is convicted of a felony other than a sexual offense or of a gross misdemeanor and the conviction is of an offense for which the suspension of sentence or the granting of probation is permitted, the Division shall, before the imposition of sentence or the granting of probation, make a presentence investigation and report to the court that includes a psychosexual evaluation of the defendant if the defendant and the prosecuting attorney submit to the court a joint request for a presentence investigation and report that includes a psychosexual evaluation of the defendant. The provisions of this subsection apply only to a conviction where the original charge in the complaint, information or indictment was for a sexual offense, as defined in NRS 176.133 or 179D.097.*

6. Each court in which a report of a presentence investigation can be made must ensure that each judge of the court receives training concerning the manner in which to use the information included in a report of a presentence investigation for the purpose of imposing a sentence. Such training must include, without limitation, education concerning behavioral health needs and intellectual or developmental disabilities.

Sec. 3. NRS 176.139 is hereby amended to read as follows:

176.139 1. If a defendant is convicted of a sexual offense for which the suspension of sentence or the granting of probation is permitted ~~or~~ *or if a joint request is submitted to the Division pursuant to subsection 5 of NRS 176.135*, the Division shall arrange for a psychosexual evaluation of the defendant as part of the Division's presentence investigation and report to the court.

2. The psychosexual evaluation of the defendant must be conducted by a person professionally qualified to conduct psychosexual evaluations.

3. The person who conducts the psychosexual evaluation of the defendant must use diagnostic tools that are generally accepted as being within the standard of care for the evaluation of sex offenders, and the psychosexual evaluation of the defendant must include:

- (a) A comprehensive clinical interview with the defendant; and
- (b) A review of all investigative reports relating to the defendant's sexual offense *or other offense* and all statements made by victims of that offense.

4. The psychosexual evaluation of the defendant may include:

- (a) A review of records relating to previous criminal offenses committed by the defendant;
- (b) A review of records relating to previous evaluations and treatment of the defendant;
- (c) A review of the defendant's records from school;
- (d) Interviews with the defendant's parents, the defendant's spouse or other persons who may be significantly involved with the defendant or who may have relevant information relating to the defendant's background; and

(e) The use of psychological testing, polygraphic examinations and arousal assessment.

5. The person who conducts the psychosexual evaluation of the defendant must be given access to all records of the defendant that are necessary to conduct the evaluation, and the defendant shall be deemed to have waived all rights of confidentiality and all privileges relating to those records for the limited purpose of the evaluation.

6. The person who conducts the psychosexual evaluation of the defendant shall:

- (a) Prepare a comprehensive written report of the results of the evaluation;
- (b) Include in the report all information that is necessary to carry out the provisions of NRS 176A.110; and
- (c) Provide a copy of the report to the Division.

7. If a psychosexual evaluation is conducted pursuant to this section, the court shall:

- (a) Order the defendant, to the extent of the defendant's financial ability, to pay for the cost of the psychosexual evaluation; or
- (b) If the defendant was less than 18 years of age when the sexual offense *or other offense* was committed and the defendant was certified and convicted as an adult, order the parents or guardians of the defendant, to the extent of their financial ability, to pay for the cost of the psychosexual evaluation. For the purposes of this paragraph, the court has jurisdiction over the parents or guardians of the defendant to the extent that is necessary to carry out the provisions of this paragraph.

Sec. 4. NRS 176A.110 is hereby amended to read as follows:

176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:

(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or

(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for

not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

(g) Open or gross lewdness pursuant to NRS 201.210.

(h) Indecent or obscene exposure pursuant to NRS 201.220.

(i) *Soliciting a child for prostitution pursuant to NRS 201.354.*

(j) Sexual penetration of a dead human body pursuant to NRS 201.450.

~~{(j)}~~ (k) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

~~{(k)}~~ (l) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~{(l)}~~ (m) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~{(m)}~~ (n) A violation of NRS 207.180.

~~{(n)}~~ (o) An attempt to commit an offense listed in paragraphs (b) to ~~{(m)}~~, inclusive.

~~{(o)}~~ (p) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 5. The amendatory provisions of this act apply to offenses committed on or after October 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 97 to Senate Bill No. 36 clarifies that the provisions of the bill apply only if the original charge against the defendant was for a sexual offense.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 98.

SUMMARY—Revises various provisions relating to courts. (BDR 1-432)

AN ACT relating to courts; ~~revising the days that justice and municipal courts are open;~~ revising provisions governing the clerks of a justice court; ~~establishing fees for a justice court to charge and collect for certain services;~~ revising provisions relating to the jurisdiction of justice courts in criminal

cases; revising the amount of credit a court must provide for community service; repealing obsolete provisions relating to the successors of a justice of the peace; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[ Existing law prohibits courts, other than justice courts and municipal courts, from being opened or transacting judicial business on a Sunday or a legal holiday, except for certain purposes. (NRS 1.130) Section 1 of this bill extends this prohibition to justice and municipal courts.~~

~~Existing law requires each justice of the peace to charge and collect fees for various actions, proceedings and rulings in the justice court. (NRS 4.060) Section 3 of this bill requires a justice court to charge and collect a fee for: (1) searching in an electronic case management system in the amount of \$5 for each search term; and (2) redacting personal identifying information from certain records, proceedings or papers in the amount of \$1 for each page requiring redaction.]~~

Existing law provides for the appointment of a deputy clerk for the justice court who, under the supervision of the justice of the peace, performs clerical functions for the justice court. Existing law requires the deputy clerk to: (1) take the constitutional oath of office; and (2) give an official bond. Existing law also provides that the county clerk is not personally liable on his or her bond or otherwise for the acts of a deputy clerk. (NRS 4.350) Section 4 of this bill: (1) changes the title of the position of "deputy clerk" for the justice court to "clerk of the court"; and (2) revises the manner in which such a clerk is appointed. Section 4 also removes the requirement that such a clerk take an oath of office or give an official bond. Finally, section 4 removes provisions limiting the liability of the county clerk for the acts of a clerk of the court. Sections 2, 7 and 9-12 of this bill make conforming changes related to the change in title.

With certain exceptions, existing law provides that, in criminal cases, the jurisdiction of a justice of the peace extends to the limit of the county line of the county of the justice of the peace. (NRS 4.370) Section 5 of this bill removes one such exception, which extends the jurisdiction of a justice of the peace in the case of an arrest made by a member of the Nevada Highway Patrol.

Existing law authorizes a justice court to transfer a criminal case to another justice court in this State in certain circumstances, if: (1) the case involves criminal conduct that occurred outside the county or township where the court is located, and the defendant has appeared before a magistrate; (2) the transfer is necessary to promote access to justice for the defendant; or (3) the defendant agrees to participate in a program of treatment. (NRS 4.3713) Section 6 of this bill removes the requirement that a defendant must have appeared before a magistrate in order to transfer a case that involves criminal conduct that occurred outside a county or township where the court is located. Section 6 also authorizes a justice court to transfer a case if all of the justices of the peace in the court have either recused themselves or been disqualified from presiding over the case. Finally, section 6 removes a prohibition against transferring

certain cases until a plea agreement has been reached or the court has made a final disposition.

Existing law authorizes a court, under certain circumstances, to order a convicted person to perform community service in lieu of all or a part of any fine, administrative assessment, fee or imprisonment that may be imposed for the commission of a misdemeanor. Existing law requires a court that ordered a convicted person to perform community service to provide a credit of \$10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater, toward the payment of any fine that was imposed against the person for the commission of the offense for which the person was ordered to perform community service. (NRS 176.087) Section 8 of this bill revises this requirement by requiring a court to provide a credit of not less than the state minimum wage ~~[if health insurance is not offered]~~ toward the payment of a fine.

Section 13 of this bill removes certain obsolete provisions of law relating to successors of a justice of the peace. (NRS 4.290, 4.300)

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

Section 1. ~~NRS 1.130 is hereby amended to read as follows:~~

~~1.130 1. No court [except a justice court or a municipal court shall be opened nor shall] may be open or transact any judicial business [be transacted except by a justice court or municipal court] on Sunday [,] or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:~~

~~(a) To give, upon their request, instructions to a jury then deliberating on their verdict.~~

~~(b) To receive a verdict or discharge a jury.~~

~~(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.~~

~~(d) To receive communications by telephone and for the issuance of:~~

~~(1) A temporary order pursuant to subsection 8 of NRS 33.020; or~~

~~(2) An emergency order for protection against high-risk behavior pursuant to NRS 33.570.~~

~~(e) For the [issue] issuance of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:~~

~~That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.~~

~~All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.~~

~~2. Nothing herein contained shall affect private transactions of any nature whatsoever. (Deleted by amendment.)~~

Sec. 2. NRS 1.170 is hereby amended to read as follows:

1.170 The clerk of each court, or the:

1. Deputy clerk;

2. Justice of the peace if a ~~deputy~~ clerk of the court has not been appointed for the justice court; or

3. Judge of a municipal court designated as a court of record pursuant to NRS 5.010 if a deputy clerk has not been appointed for that court,

↪ shall keep the seal of the court.

Sec. 3. ~~NRS 4.060 is hereby amended to read as follows:~~

~~4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice [of the peace] court shall charge and collect the following fees:~~

~~(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:~~

~~If the sum claimed does not exceed \$2,500 ..... \$50.00~~

~~If the sum claimed exceeds \$2,500 but does not exceed \$5,000 ..... \$100.00~~

~~If the sum claimed exceeds \$5,000 but does not exceed \$10,000 ..... 175.00~~

~~If the sum claimed exceeds \$10,000 but does not exceed \$15,000 ..... 250.00~~

~~In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to surrender has been served pursuant to NRS 40.255 ..... 225.00~~

~~In all other civil actions ..... 50.00~~

~~(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:~~

~~If the sum claimed does not exceed \$1,000 ..... \$45.00~~

~~If the sum claimed exceeds \$1,000 but does not exceed \$2,500 ..... 65.00~~

~~If the sum claimed exceeds \$2,500 but does not exceed \$5,000 ..... 85.00~~

~~If the sum claimed exceeds \$5,000 but does not exceed \$7,500 ..... 125.00~~

~~If the sum claimed exceeds \$7,500 but does not exceed \$10,000 ..... 175.00~~

~~(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:~~

~~In all civil actions ..... \$50.00~~

~~For every additional defendant, appearing separately ..... 25.00~~

~~(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.~~

~~(e) For the filing of any paper in intervention .....\$25.00~~

~~(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution .....\$25.00~~

~~(g) For the issuance of any writ of restitution .....\$75.00~~

~~(h) For filing a notice of appeal, and appeal bonds .....\$25.00~~

~~One charge only may be made if both papers are filed at the same time.~~

~~(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court .....\$25.00~~

~~(j) For preparation and transmittal of transcript and papers on Appeal .....\$25.00~~

~~(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk .....\$75.00~~

~~(l) For entering judgment by confession .....\$50.00~~

~~(m) For preparing any copy of any record, proceeding or paper, for each page .....\$ .50~~

~~(n) For each certificate of the clerk, under the seal of the court .....\$3.00~~

~~(o) For searching physical records or files , [in his or her office,] for each year .....\$1.00~~

~~(p) For searching in an electronic case management system, for each search term .....\$5.00~~

~~(q) For filing and acting upon each bail or property bond .....\$50.00~~

~~(r) For redacting personal identifying information required before the dissemination of a copy of any record, proceeding or paper, for each page requiring redaction .....\$1.00~~

~~2. A justice [of the peace] court shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.~~

~~3. A justice [of the peace] court shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.~~

~~4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice [of the peace] court shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice [of the peace] court is required to pay to the State Controller pursuant to subsection 5.~~

~~5. The justice [of the peace] court shall, on or before the fifth day of each month, pay to the State Controller:~~

~~(a) An amount equal to \$5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit~~

~~the money in the Account for Aid for Victims of Domestic or Sexual Violence in the State General Fund.~~

~~—(b) One half of the fees collected pursuant to paragraph [(p)] (q) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.~~

~~—6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:~~

~~—(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;~~

~~—(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;~~

~~—(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;~~

~~—(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;~~

~~—(e) Acquire advanced technology for the use of a justice court;~~

~~—(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;~~

~~—(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;~~

~~—(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and~~

~~—(i) Pay for one-time projects for the improvement of a justice court.~~

~~\* Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.~~

~~—7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice [of the peace] court to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice [of the peace] court to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.~~

~~8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:~~

~~(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and~~

~~(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.] (Deleted by amendment.)~~

Sec. 4. NRS 4.350 is hereby amended to read as follows:

4.350 1. ~~{Except as otherwise provided in subsection 5, the county clerk, with the approval of the board of county commissioners and the justice of the peace, may appoint a deputy clerk for the justice court.} *The justices of the peace of each justice court where there is more than one justice of the peace shall appoint a clerk of the court, who may also be known as the justice court administrator. In a justice court where there is only one justice of the peace, the justice of the peace shall be deemed to be the clerk of the court unless the justice of the peace appoints another person as the clerk of the court.*~~

2. The compensation of a clerk so appointed must be fixed by the board of county commissioners.

~~{2. The deputy clerk shall take the constitutional oath of office and give bond in the sum of \$2,000 for the faithful discharge of the duties of the office, and in the same manner as is required of other officers of the township and county. The county clerk is not personally liable, on his or her official bond or otherwise, for the acts of a deputy clerk appointed pursuant to this section.}~~

3. The ~~{deputy}~~ clerk of the court may, under the direct supervision of the justice of the peace, administer oaths, take and certify affidavits and acknowledgments, issue process, enter suits on the docket, and do all clerical work in connection with the keeping of the records, files and dockets of the court, and shall perform any other duties in connection with the office as the justice of the peace prescribes.

~~{4. Except as otherwise provided in subsection 5, where there is more than one justice of the peace serving in any township, the county clerk may, with the approval of the board of county commissioners and the justices of the peace, appoint a second deputy who shall comply with the requirements of subsection 2 and has the powers and duties prescribed in subsection 3.}~~

~~5. In a county whose population is 700,000 or more, the board of county commissioners, with the approval of the justice of the peace, may appoint a deputy clerk for a justice court. If there is more than one justice of the peace serving in any township, the board, with the approval of the justices of the peace, may appoint one or more additional deputy clerks.~~

~~6. If no deputy clerk is appointed for a township, the justice of the peace shall be deemed to be the clerk of the court and may appoint as many deputy clerks for the justice court as the justice of the peace determines necessary.}~~

Sec. 5. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real

property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

4. Except as otherwise provided in subsections 5 ~~and 6~~, ~~and 7~~, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. ~~In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.~~

~~7.~~ Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 6. NRS 4.3713 is hereby amended to read as follows:

4.3713 1. A justice court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to another justice court or a municipal court if:

(a) The case involves criminal conduct that occurred outside the limits of the county or township where the court is located; ~~and the defendant has appeared before a magistrate pursuant to NRS 171.178;~~

(b) Such a transfer is necessary to promote access to justice for the defendant and the justice court has noted its findings concerning that issue in the record; ~~or~~

(c) The defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.230, 176A.250 or 176A.280, or to access other services located elsewhere in this State ~~;~~ *or*

(d) *All the justices of the peace in the justice court have either recused themselves or been disqualified from presiding over the case.*

2. A justice court may not issue an order for the transfer of a case pursuant to paragraph ~~(b) or~~ (c) of subsection 1 until a plea agreement has been reached or the final disposition of the case, whichever occurs first.

3. An order issued by a justice court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the justice court or municipal court to which the case was transferred. If a justice court or municipal court refuses to accept the transfer of a case pursuant to

subsection 1, the case must be returned to the justice court which sought the transfer.

Sec. 7. NRS 6.160 is hereby amended to read as follows:

6.160 The clerk of the court in cases in the district court and ~~the deputy clerk of the~~ justice court ~~[in cases in the justice court]~~ shall keep a payroll, enrolling thereon the names of all jurors, the number of days in attendance and the actual number of miles traveled by the shortest and most practical route in going to and returning from the place where the court is held, and at the conclusion of a trial may:

1. Give a statement of the amounts due to the jurors to the county auditor, who shall draw warrants upon the county treasurer for the payment thereof; or

2. Make an immediate payment in cash of the amount owing to each juror.

↪ These payments must be made from and to the extent allowed by the fees collected from the demanding party, pursuant to the provisions of NRS 6.150, and from and to the extent allowed by any other fees which have been collected pursuant to law. The clerk shall obtain from each juror so paid a receipt signed by him or her and indicating the date of payment, the date of service and the amount paid. A duplicate of this receipt must be immediately delivered to the appropriate county auditor, county recorder or county comptroller.

Sec. 8. NRS 176.087 is hereby amended to read as follows:

176.087 1. Except where the imposition of a specific criminal penalty is mandatory, a court may order a convicted person to perform supervised community service:

(a) In lieu of all or a part of any fine, administrative assessment, fee or imprisonment that may be imposed for the commission of a misdemeanor; or

(b) As a condition of probation granted for another offense.

2. The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

3. The court may require the convicted person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.

4. The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed as punishment or a condition of probation and distribute the period over weekends or over other appropriate times that will allow the convicted person to continue employment and to care for the person's family. The period of community service fixed by the court must not exceed, for a:

(1) Misdemeanor, 200 hours;

(2) Gross misdemeanor, 600 hours; or

(3) Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for community service before the court may require the convicted person to perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

5. For each hour of community service that is performed by a person pursuant to this section, the court must provide a credit of ~~[\$10 or] not less than the amount of the state minimum wage [if health insurance is not offered, whichever is greater,]~~ toward the payment of any fine that was imposed against the person for the commission of the offense for which the person was ordered to perform community service.

Sec. 9. NRS 178.544 is hereby amended to read as follows:

178.544 1. Whenever a person is admitted to bail in a Justice Court and the bail is put in by a written undertaking, the ~~deputy~~ clerk of the Justice Court shall record:

- (a) The name of the defendant;
- (b) The names of the sureties;
- (c) The amount of the bond;
- (d) The name of the court;
- (e) The number of the case; and
- (f) Such other information as is reasonably necessary to complete the record.

2. When the bond is exonerated or forfeited, the ~~deputy~~ clerk of the Justice Court shall record:

- (a) The date of the exoneration or forfeiture;
- (b) The book and page of the minute order declaring the exoneration or forfeiture; and
- (c) The date of notice to the district attorney of any forfeiture of the bond.

Sec. 10. NRS 178.548 is hereby amended to read as follows:

178.548 The county clerk, the ~~deputy~~ clerk of the justice court, or the Clerk of the Supreme Court shall notify the district attorney of the appropriate county, in writing, promptly upon the receipt of information indicating that a bail bond has been forfeited.

Sec. 11. NRS 178.606 is hereby amended to read as follows:

178.606 A docket must be kept by the ~~deputy~~ clerk of the justice court, in which the ~~deputy~~ clerk shall enter each action ~~;~~ and the minutes of the proceedings of the court therein.

Sec. 12. NRS 239.110 is hereby amended to read as follows:

239.110 1. In addition to any other requirement of this section, the Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court, a deputy clerk of a district court, a ~~deputy~~ clerk of a justice court or a clerk of a municipal court may destroy a court record only in accordance with a schedule for the retention and disposition of court records which is approved by the Supreme Court.

2. The Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court or a deputy clerk of a district court who destroys a court record pursuant to this section may do so only if an image of the court record has been placed on microfilm or has been saved in an electronic recordkeeping system which permits the retrieval of the information contained in the court record and the reproduction of the court record.

3. Except as otherwise prohibited by law, a ~~deputy~~ clerk of a justice court or ~~a clerk of a~~ municipal court may destroy a court record pursuant to a schedule for the retention and disposition of court records established by the Supreme Court without placing an image of the court record on microfilm or saving an image of the court record in an electronic recordkeeping system.

4. A reproduction of an image of a court record that has been placed on microfilm or saved pursuant to this section shall be deemed to be the original court record, regardless of whether the original exists.

5. A microfilmed image of a court record or an image of a court record saved in an electronic recordkeeping system pursuant to this section must be durable, accurate, complete and clear.

6. If, pursuant to this section, an image of a court record is placed on microfilm or is saved in an electronic recordkeeping system, the clerk who does so shall promptly store at least one copy of the microfilm or any tape, disc or other medium used for the storage of the saved image in a manner and place:

- (a) So as to protect it reasonably from loss or damage; and
- (b) As prescribed by the Supreme Court.

7. The Supreme Court may provide by rule for the destruction, without prior microfilming, of such other documents of the several courts of this State as are held in the offices of the clerks but which:

- (a) No longer serve any legal, financial or administrative purpose; and
- (b) Do not have any historical value.

8. The Court Administrator may request the Division to advise and assist the Supreme Court in its establishment of the rules or of a schedule for the retention and disposition of court records.

9. As used in this section, "court record" means any document, device or item, regardless of physical form or characteristic, that:

(a) Is created by, received by or comes under the jurisdiction of the Supreme Court, the Court of Appeals or a district court, justice court or municipal court; and

(b) Documents the organization, functions, policies, decisions, procedures, operations or any other activities of the Supreme Court, Court of Appeals, district court, justice court or municipal court.

Sec. 13. NRS 4.290 and 4.300 are hereby repealed.

#### TEXT OF REPEALED SECTIONS

4.290 Successor defined. The justice elected to fill a vacancy is the successor of the justice whose office became vacant before the expiration of a full term. When a full term expires, the same, or another person elected to take office in the same township, from that time is the successor.

4.300 Designation of succeeding justice of the peace. When two or more justices are equally entitled, under NRS 4.290, to be deemed the successor in office of the justice, a judge of the district court must, by a certificate subscribed by the judge of the district court and filed in the office of the county clerk, designate which justice is the successor of a justice going out of office, or whose office has become vacant.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 98 to Senate Bill No. 55 strikes sections 1 and 3 from the bill, leaving current statutory provisions regarding hours and days, operation and court fees intact.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 62.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 99.

SUMMARY—Revises provisions relating to the Commission on Judicial Discipline. (BDR 1-437)

AN ACT relating to the Commission on Judicial Discipline; ~~providing that an appointing authority may not appoint a person to serve as a member of the Commission if the person has already served at least two consecutive full terms;~~ clarifying the jurisdiction of the Commission and the State Bar of Nevada with regard to judges who are licensed to practice law in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Judicial Discipline has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges. (NRS 1.440) ~~The Commission consists of seven members who serve for a term of 4 years. The Governor appoints three members of the Commission, and the Nevada Supreme Court and Board of Governors of the State Bar of Nevada each appoint two members. (Nev. Const. Art. 6, § 21)~~

~~Section 1 of this bill provides that an appointing authority may not appoint a person to serve as a member of the Commission if the person has already served at least two consecutive full terms. Section 2 of this bill provides that the amendatory provisions of this bill apply to an appointment that is made by an appointing authority on or after October 1, 2023, the effective date of this bill.~~ This bill clarifies that if a judge is licensed to practice law in this State: (1) the State Bar of Nevada has jurisdiction over disciplinary action for acts or omissions that occurred before the date on which the judge entered upon the duties of office; and (2) the Commission has jurisdiction over the public censure, removal, involuntary retirement and other discipline imposed as a result of an act or omission that occurs on and after the date on which the judge enters upon the duties of office.

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

Section 1. ~~NRS 1.445 is hereby amended to read as follows:~~

~~1.445 1. An appointing authority may not appoint a person to serve as a member of the Commission if the person has already served at least two consecutive full terms.~~

~~2. Each appointing authority shall appoint for each position for which the authority makes an appointment to the Commission one or more alternate members. The Governor shall not appoint more than two alternate members of the same political party. An alternate member must not be a member of the Commission on Judicial Selection.~~

~~[2.] 3. An alternate member shall serve:~~

~~(a) When the appointed member is disqualified or unable to serve; or~~

~~(b) When a vacancy exists.] (Deleted by amendment.)~~

Sec. 2. ~~[The amendatory provisions of this act apply to an appointment to the Commission on Judicial Discipline that is made by an appointing authority on or after October 1, 2023.] (Deleted by amendment.)~~

Sec. 3. NRS 1.440 is hereby amended to read as follows:

1.440 1. ~~[The]~~ Except as otherwise provided in subsection 2, the Commission has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges which is coextensive with its jurisdiction over justices of the Supreme Court and must be exercised in the same manner and under the same rules.

2. If a judge is licensed to practice law in this State:

(a) The State Bar of Nevada has jurisdiction over disciplinary action for acts or omissions that occurred before the date on which the judge entered upon the duties of office; and

(b) The Commission has jurisdiction over the public censure, removal, involuntary retirement and other discipline imposed as a result of an act or omission that occurs on and after the date on which the judge enters upon the duties of office.

3. Any complaint or action, including, without limitation, an interlocutory action or appeal, filed in connection with any proceeding of the Commission

must be filed in the Supreme Court. Any such complaint or action filed in a court other than the Supreme Court shall be presumed to be frivolous and intended solely for the purposes of delay.

~~§ 4.~~ 4. The Supreme Court shall appoint two justices of the peace and two municipal judges to sit on the Commission for formal, public proceedings against a justice of the peace or a municipal judge, respectively. Justices of the peace and municipal judges so appointed must be designated by an order of the Supreme Court to sit for such proceedings in place of and to serve for the same terms as the regular members of the Commission appointed by the Supreme Court.

Senator Nguyen moved the adoption of the amendment.

Remarks by Senator Nguyen.

Amendment No. 99 to Senate Bill No. 62 clarifies the disciplinary jurisdictions of the State Bar and the Commission on Judicial Discipline for attorney judges. The new language provides that the Commission's jurisdiction with respect to attorney judges begins when the judge is sworn in.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 87.

Bill read second time.

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

Amendment No. 77.

SUMMARY—Revises provisions relating to state employment.  
(BDR 23-343)

AN ACT relating to state employment; authorizing, under certain circumstances, an appointing authority to appoint without competition certain persons to fill a position in the classified service of the Executive Department of State Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a position in the classified service of the Executive Department of State Government may be filled without competition only under certain circumstances. (NRS 284.305) This bill sets forth an additional circumstance in which a position in the classified service may be filled without competition. Specifically, this bill authorizes a position in the classified service to be filled by a person without competition if the person: (1) meets the minimum qualifications for the position; and (2) has successfully completed at least 900 hours of service in an AmeriCorps, Youth Conservation Corps or Job Corps program in this State not more than 2 years before the person applies for the position, ~~and~~ and such service in the AmeriCorps, Youth Conservation Corps or Job Corps program, as applicable, was directly related to the job duties of the position in the classified service.

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto a

new section to read as follows:

*An appointing authority may appoint a person to fill a position in the classified service without competition if the person:*

1. *Meets the minimum qualifications for the position; and*
2. *Has successfully completed at least 900 hours of service in an AmeriCorps, Youth Conservation Corps or Job Corps program in this State not more than 2 years before the person applies for the position in the classified service ~~and~~ and such service in the AmeriCorps, Youth Conservation Corps or Job Corps program, as applicable, was directly related to the job duties of the position in the classified service.*

Sec. 2. NRS 284.305 is hereby amended to read as follows:

284.305 1. Except as otherwise provided in subsection 2, positions in the classified service may be filled without competition only as provided in NRS 284.155, 284.300, 284.307, 284.309, 284.310, 284.315, 284.320, 284.325, 284.327, 284.330, 284.375 and 284.3775 ~~and~~ and section 1 of this act.

2. The Commission may adopt regulations which provide for filling positions in the classified service without competition in cases involving:

- (a) The appointment of a current employee with a disability to a position at or below the grade of his or her position if the employee becomes unable to perform the essential functions of his or her position with or without reasonable accommodation;
- (b) The demotion of a current employee;
- (c) The reemployment of a current or former employee who was or will be adversely affected by layoff, military service, reclassification or a permanent partial disability arising out of and in the course of the employment of the current or former employee; or
- (d) The reappointment of a current employee.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 77 to Senate Bill No. 87 adds the Youth Conservation Corps and the Job Corps to the list of entities for which experience can be used in filling a position in the classified service of the State without competition. Additionally, the amendment provides that service in the AmeriCorps, Youth Conservation Corps or Job Corps must be directly related to the job duties of the position applied for in the classified service.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 90.

Bill read second time.

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

Amendment No. 80.

SUMMARY—Designates the wild mustang as the official state horse of the State of Nevada. (BDR 19-560)

AN ACT relating to state emblems; designating the wild mustang as the official state horse of the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates numerous state emblems, including, without limitation, a state bird, state insect, state reptile, state animal, state fish and others. (NRS 235.020-235.140) This bill designates the wild mustang as the official state horse of the State of Nevada.

WHEREAS, Wild mustangs are living symbols of the historic and pioneer spirit of the American West; and

WHEREAS, Nevada is home to more than one-half of the wild mustang population in the United States of America; and

WHEREAS, The wild mustang is a symbol associated with Nevada and has contributed to the history and culture of the State of Nevada; and

WHEREAS, The wild mustang is emblazoned on the Nevada commemorative quarter-dollar coin for the United States of America; and

~~[ WHEREAS, The Virginia Range of Nevada serves as one of the largest humane management programs for wild mustangs; and ]~~

WHEREAS, The wild mustang of the Virginia Range inspired the work of "Wild Horse Annie" (Velma Johnston), who advocated for the protection and humane management of wild horses across the West and assisted in the passage of the Wild Free-Roaming Horses and Burros Act of 1971; and

WHEREAS, The wild mustang is a natural resource of the State of Nevada and has the potential to promote tourism and job creation in the State; now, therefore,

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

Section 1. Chapter 235 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1. The animal]~~ Consistent with the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331 et seq., wild mustangs are living symbols of the historic and pioneer spirit of the West. As such, the animal known as the wild mustang is hereby designated as the official state horse of the State of Nevada.

~~[ 2. As used in this section, "wild mustang" means:~~

~~—(a) A free-roaming horse that meets the definition of a "wild free-roaming horse or burro," as set forth in the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331 et seq.; or~~

~~—(b) A free-roaming horse in the Virginia Range area of the State that has no brand or other mark to indicate ownership of the horse.]~~

Sec. 2. This act becomes effective on July 1, 2023.

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 80 to Senate Bill No. 90 removes the reference to the Virginia Range management program, deletes the definition of "wild mustang" and provides that, consistent with

the Wild Free Roaming Horses and Burros Act, wild mustangs are living symbols of the historic and pioneer spirit of the west.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 97.

Bill read second time and ordered to third reading.

Senate Bill No. 134.

Bill read second time and ordered to third reading.

Senate Bill No. 139.

Bill read second time and ordered to third reading.

Senate Bill No. 169.

Bill read second time.

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

Amendment No. 159.

SUMMARY—Revises provisions governing master plans. (BDR 22-346)

AN ACT relating to land use planning; requiring certain local governments to include a heat mitigation element in master plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a planning commission to develop a master plan as a comprehensive, long-term general plan for the physical development of the city, county or region. A master plan may include certain elements as appropriate to the city, county or region, with the exception of certain cities and counties which must include all or a portion of certain elements in a master plan. (NRS 278.150-278.170)

Sections 1 and 3 of this bill require that the master plan in a county whose population is 100,000 or more (currently Clark and Washoe Counties) includes a heat mitigation element. Section 2 of this bill sets forth the requirements for the heat mitigation element of a master plan, including a plan to ~~provide~~ develop heat mitigation ~~services~~ strategies such as cooling spaces, public drinking water, shade over paved surfaces and urban tree canopies.

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

Section 1. NRS 278.150 is hereby amended to read as follows:

278.150 1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as otherwise provided in subsections 3, 4 and 5, may

be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is less than 100,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion an aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.

4. In counties whose population is 100,000 or more but less than 700,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion:

(a) A conservation plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;

(b) The housing element, as described in paragraph (c) of subsection 1 of NRS 278.160;

(c) A population plan of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160; ~~and~~

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160 ~~}; and~~

(e) *A heat mitigation element, as described in paragraph (i) of subsection 1 of NRS 278.160.*

5. In counties whose population is 700,000 or more, the governing body of the city or county shall adopt a master plan for all of the city or county that must address each of the elements set forth in paragraphs (a) to ~~(h)~~ (i), inclusive, of subsection 1 of NRS 278.160.

Sec. 2. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The

conservation plan must also indicate the maximum tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which must include:

(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which must include:

(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

(i) *A heat mitigation element, which must include a plan to ~~provide~~ develop heat mitigation ~~services~~ strategies. The plan to ~~provide~~ develop heat mitigation ~~services shall~~ strategies may include, without limitation, such factors as access to public cooling spaces, public drinking water, cool building practices, ~~and~~ shade over paved surfaces ~~and~~ and other mitigation measures to address heat in the community. Shade over paved surfaces may include, without limitation, urban tree canopies, with preference for native tree or drought-tolerant species, shade structures and shelters.*

(j) An urban agricultural element, which must include a plan to inventory any vacant lands or other real property owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening. The plan to inventory any vacant lands or other real property may include, without limitation, any other real property in the city or county, as deemed appropriate by the commission.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and

nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 3. NRS 278.170 is hereby amended to read as follows:

278.170 1. Except as otherwise provided in subsections 2, 3 and 4, the commission may prepare and adopt all or any part of the master plan or any element thereof for all or any part of the city, county or region. Master regional plans must be coordinated with similar plans of adjoining regions, and master county and city plans within each region must be coordinated so as to fit properly into the master plan for the region.

2. In counties whose population is less than 100,000, if the commission prepares and adopts less than all elements of the master plan, it shall include in its preparation and adoption an aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.

3. In counties whose population is 100,000 or more but less than 700,000, if the commission prepares and adopts less than all elements of the master plan, it shall include in its preparation and adoption:

(a) A conservation plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;

(b) The housing element, as described in paragraph (c) of subsection 1 of NRS 278.160;

(c) A population plan of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160; ~~and~~

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160 ~~;~~; and

(e) A heat mitigation element, as described in paragraph (i) of subsection 1 of NRS 278.160.

4. In counties whose population is 700,000 or more, the commission shall prepare and adopt a master plan for all of the city or county that must address each of the elements set forth in NRS 278.160.

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. This act becomes effective on July 1, ~~2023~~ 2024.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 159 to Senate Bill No. 169 amends the meaning of "shade over paved surfaces" to include drought-tolerant tree species, makes the definition of items to consider as a heat mitigation element in a master plan permissive and changes the effective date to July 1, 2024.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 171.

Bill read second time and ordered to third reading.

Senate Bill No. 180.

Bill read second time and ordered to third reading.

Senate Bill No. 215.

Bill read second time and ordered to third reading.

Senate Bill No. 251.

Bill read second time and ordered to third reading.

Senate Bill No. 252.

Bill read second time and ordered to third reading.

Senate Bill No. 261.

Bill read second time.

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

Amendment No. 161.

SUMMARY—Revises provisions relating to local governments. (BDR 19-793)

AN ACT relating to local governments; revising the definitions of the terms ~~["business," "business" and "local government" and "rule"]~~ for purposes of provisions relating to the adoption of rules by local governments that affect businesses; revising the notice requirements relating to the adoption of such rules; requiring, with certain exceptions, the governing body of a local government to hold at least one workshop before the adoption of such rules; revising the requirements for a business impact statement; revising provisions relating to when an action of the governing body of a local government to adopt rules that affect local governments is void; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that before a governing body of a local government adopts a proposed rule that is likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, the governing body or its designee must notify trade associations or owners and officers of businesses likely to be affected by the rule. (NRS 237.080) Section 4 of this bill requires a governing body of a local government to also notify chambers of commerce of any such proposed rule. Section 4 requires that the notification of chambers of commerce and associations includes notice by electronic mail when an address is provided. Section 4 also requires a governing body of a local government to maintain an electronic mailing list of local chambers of commerce, trade associations and owners and officers of businesses and to update the list not later than January 31 of each year. Section 4 further requires, with certain exceptions, that a governing body of a local government hold not less than one workshop to solicit comments from persons on one or more general topics to be addressed in a proposed rule.

Existing law requires that if a proposed rule is determined to likely impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, the governing body or its designee must prepare a business impact statement which must be considered by the governing body at a public meeting held at least 10 calendar days before the meeting held to adopt the proposed rule. (NRS 237.080, 237.090) Section 5 of this bill requires that the business impact statement include: (1) the total number of businesses likely to be affected by the proposed rule; (2) a list of the chambers of commerce and trade associations notified of the proposed rule pursuant to section 4; and (3) a summary of any workshop held pursuant to section 4.

Existing law provides that any action of the governing body of a local government to adopt a proposed rule in violation of certain provisions of the Nevada Revised Statutes is void. (NRS 237.140) Section 6 of this bill clarifies that any such action is void if the governing body does not, under certain circumstances: (1) determine whether a petition objecting to a rule has merit; or (2) take action to readopt or amend the rule to which a business has objected. (NRS 237.100)

Section 1 of this bill revises the definition of "business" to mean any trade or occupation conducted for profit, regardless of whether the trade or occupation is a small business. Section 2 of this bill revises the definition of "local government" to include a quasi-municipal agency, including a special improvement district, a municipal utility and a regional transportation commission. ~~[Section 3 of this bill revises the definition of "rule" to provide that a "rule" includes an action taken by the governing body of a local government that imposes, increases or changes the basis for the calculation of a fee that has been negotiated pursuant to a contract between a business and local government.]~~

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

Section 1. NRS 237.040 is hereby amended to read as follows:

237.040 1. "Business" means ~~any~~ any trade or occupation conducted for profit ~~and~~, regardless of whether the trade or occupation is a small business.

2. As used in this section, "small business" has the meaning ascribed to it in NRS 233B.0382.

Sec. 2. NRS 237.050 is hereby amended to read as follows:

237.050 "Local government" means a political subdivision, *other entity* of this State ~~and~~ or a quasi-municipal agency, including, without limitation, a city, county, ~~health district,~~ irrigation district, *local health district*, *municipal utility*, *regional transportation commission*, *special improvement district*, water district or water conservancy district.

Sec. 3. ~~NRS 237.060 is hereby amended to read as follows:~~

~~237.060 1. "Rule" means:~~  
~~(a) An ordinance by the adoption of which the governing body of a local government exercises legislative powers; and~~

~~(b) An action taken by the governing body of a local government that imposes, increases or changes the basis for the calculation of a fee that is paid in whole or in substantial part by businesses.~~

~~2. "Rule" does not include:~~

~~(a) An action taken by the governing body of a local government that imposes, increases or changes the basis for the calculation of:~~

~~(1) Special assessments imposed pursuant to chapter 271 of NRS;~~

~~(2) Impact fees imposed pursuant to chapter 278B of NRS;~~

~~(3) Fees for remediation imposed pursuant to chapter 540A of NRS;~~

~~(4) Taxes ad valorem; or~~

~~(5) Sales and use taxes . [; or~~

~~(6) A fee that has been negotiated pursuant to a contract between a business and a local government.]~~

~~(b) An action taken by the governing body of a local government that approves, amends or augments the annual budget of the local government.~~

~~(c) An ordinance adopted by the governing body of a local government pursuant to a provision of chapter 271, 271A, 278, 278A, 278B or 350 of NRS.~~

~~(d) An ordinance adopted by or action taken by the governing body of a local government that authorizes or relates to the issuance of bonds or other evidence of debt of the local government.] (Deleted by amendment.)~~

Sec. 4. NRS 237.080 is hereby amended to read as follows:

237.080 1. Before a governing body of a local government adopts a proposed rule, the governing body or its designee must make a concerted effort to determine whether the proposed rule will impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business. The governing body of a local government or its designee must notify *chambers of commerce*, trade associations or owners and officers of businesses which are likely to be affected by the proposed rule that they may submit data or arguments to the governing body or its designee as to whether the proposed rule will:

(a) Impose a direct and significant economic burden upon a business; or

(b) Directly restrict the formation, operation or expansion of a business.

↪ Notification provided pursuant to this subsection must include the date by which the data or arguments must be received by the governing body or its designee, which must be at least 15 working days after the notification is sent.

2. After the period for submitting data or arguments specified in the notification provided pursuant to subsection 1 has expired, the governing body or its designee shall determine whether the proposed rule is likely to:

(a) Impose a direct and significant economic burden upon a business; or

(b) Directly restrict the formation, operation or expansion of a business.

↪ If no data or arguments were submitted pursuant to subsection 1, the governing body or its designee shall make its determination based on any information available to the governing body or its designee.

3. If the governing body or its designee determines pursuant to subsection 2 that a proposed rule is likely to impose a direct and significant

economic burden upon a business or directly restrict the formation, operation or expansion of a business, the governing body or its designee shall consider methods to reduce the impact of the proposed rule on businesses, including, without limitation:

- (a) Simplifying the proposed rule;
- (b) Establishing different standards of compliance for a business; and
- (c) Modifying a fee or fine set forth in the rule so that a business is authorized to pay a lower fee or fine.

4. After making a determination pursuant to subsection 2, the governing body or its designee shall prepare a business impact statement.

5. *Except as otherwise provided in subsection 6, a governing body of a local government shall hold not less than one workshop to solicit comments from persons on one or more general topics to be addressed in a proposed rule. The governing body or its designee must notify chambers of commerce, trade associations or owners and officers of businesses which are likely to be affected by the proposed rule of the date, time and location of the workshop.*

6. ~~In lieu of holding a workshop pursuant to subsection 5,~~ Unless two or more local chambers of commerce or trade associations submit a request to hold a workshop to a governing body of a local government on or before the date by which data or arguments must be received as specified in the notification provided pursuant to subsection 1, a governing body of a local government may accept a report provided by a chamber of commerce, trade association or owner or officer of a business of the estimated effect of the proposed rule ~~+~~ in lieu of holding a workshop pursuant to subsection 5. The report must contain the estimated economic effect of the proposed rule on the businesses which it is to regulate, including, without limitation:

- (a) Both adverse and beneficial effects; and
- (b) Both direct and indirect effects.

7. *The governing body of a local government shall maintain an electronic mailing list of chambers of commerce, trade associations and owners and officers of businesses. The electronic mailing list must be updated on or before January 31 of each year. The governing body of a local government must provide notification pursuant to this section to each chamber of commerce and trade association by electronic mail regardless of whether the chamber of commerce or trade association has requested that it be placed on the electronic mailing list. Nothing in this section prohibits the governing body from also providing notification pursuant to this section by mail.*

Sec. 5. NRS 237.090 is hereby amended to read as follows:

237.090 1. A business impact statement prepared pursuant to NRS 237.080 must be considered by the governing body at a public meeting held at least 10 calendar days before the public meeting of the governing body held to adopt the proposed rule. The business impact statement must set forth the following information:

(a) A description of the manner in which comment was solicited from affected businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(b) *The total number of businesses likely to be affected by the proposed rule.*

(c) *A list of the chambers of commerce and trade associations notified of the proposed rule pursuant to NRS 237.080.*

(d) *A summary of any workshop held pursuant to NRS 237.080.*

~~(b)~~ (e) The estimated economic effect of the proposed rule on the businesses which it is to regulate . ~~[, including,]~~ *The statement of estimated economic effect must include, without limitation:*

(1) Both adverse and beneficial effects; and

(2) Both direct and indirect effects.

~~(e)~~ (f) A description of the methods that the governing body of the local government or its designee considered to reduce the impact of the proposed rule on businesses and a statement regarding whether the governing body or its designee actually used any of those methods.

~~(d)~~ (g) The estimated cost to the local government for enforcement of the proposed rule.

~~(e)~~ (h) If the proposed rule provides a new fee or increases an existing fee, the total annual amount the local government expects to collect and the manner in which the money will be used.

~~(f)~~ (i) If the proposed rule includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

~~(g)~~ (j) The reasons for the conclusions regarding the impact of the proposed rule on businesses.

2. The county manager, city manager or other chief executive officer for the governing body of a local government shall sign the business impact statement certifying that, to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.

3. The governing body of a local government shall not include the consideration of a business impact statement on the agenda for a public meeting unless the statement has been prepared and is available for public inspection at the time the agenda is first posted.

Sec. 6. NRS 237.140 is hereby amended to read as follows:

237.140 Any action of the governing body of a local government to adopt a proposed rule in violation of the provisions of NRS 237.030 to 237.150, inclusive, is void ~~[,]~~ *including, without limitation, if the governing body does not comply with the provisions of subsection 3 of NRS 237.100.*

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.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 161 to Senate Bill No. 261 restores deleted language allowing fees negotiated pursuant to a contract between a business and a local government to be exempted from the definition of "rule" and requires a county to hold a workshop if requested by two or more chambers of commerce.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 264.

Bill read second time.

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

Amendment No. 162.

SUMMARY—Revises provisions relating to collective bargaining. (BDR 23-932)

AN ACT relating to collective bargaining; revising the provisions relating to the authority of a ~~law enforcement officer and~~ civilian ~~who provides support services to a law enforcement agency~~ employee of a metropolitan police department to be a member of an employee organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) generally requires a local government employer to engage in collective bargaining with the recognized employee organization, if any, for each bargaining unit among its employees; and (2) provides that a police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers. (NRS 288.140) Section 1 of this bill provides ~~instead a police officer, sheriff, deputy sheriff, any other law enforcement officer or~~ that a civilian ~~who provides support services to a law enforcement agency~~ employee of a metropolitan police department may be a member of an employee organization only if such employee organization is composed exclusively of ~~law enforcement officers and civilians who provide support services to a law enforcement agency.~~ civilian employees of a metropolitan police department. Section 2 of this bill provides that the amendatory provisions of section 1 do not apply during the current term of any collective bargaining entered into before October 1, 2023, but do apply to any extension or renewal of such an agreement and to any collective bargaining agreement entered into on or after October 1, 2023.

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

Section 1. NRS 288.140 is hereby amended to read as follows:

288.140 1. It is the right of every local government employee, subject to the limitations provided in subsections 3 ~~, and~~ 4 ~~+~~ and 5, to join any employee organization of the employee's choice or to refrain from joining any employee organization. A local government employer shall not discriminate

in any way among its employees on account of membership or nonmembership in an employee organization.

2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself or herself with respect to any condition of his or her employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

3. A police officer, sheriff, deputy sheriff ~~or~~ or other law enforcement officer ~~for a civilian who provides support services to a law enforcement agency~~ may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers ~~and civilians who provide support services to a law enforcement agency.~~

4. A civilian employee of a metropolitan police department which is organized pursuant to chapter 280 of NRS may be a member of an employee organization only if such employee organization is composed exclusively of civilian employees of a metropolitan police department which is organized pursuant to chapter 280 of NRS.

5. The following persons may not be a member of an employee organization:

(a) A supervisory employee described in paragraph (b) of subsection 1 of NRS 288.138, including but not limited to appointed officials and department heads who are primarily responsible for formulating and administering management, policy and programs.

(b) A doctor or physician who is employed by a local government employer.

(c) Except as otherwise provided in this paragraph, an attorney who is employed by a local government employer and who is assigned to a civil law division, department or agency. The provisions of this paragraph do not apply with respect to an attorney for the duration of a collective bargaining agreement to which the attorney is a party as of July 1, 2011.

~~5.~~ 6. As used in this section, "doctor or physician" means a doctor, physician, homeopathic physician, osteopathic physician, chiropractic physician, practitioner of Oriental medicine, podiatric physician or practitioner of optometry, as those terms are defined or used, respectively, in NRS 630.014, 630A.050, 633.091, chapter 634 of NRS, chapter 634A of NRS, chapter 635 of NRS or chapter 636 of NRS.

Sec. 2. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining entered into before October 1, 2023, but do apply to any extension or renewal of such an agreement and to any collective bargaining agreement entered into on or after October 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 162 to Senate Bill No. 264 changes "and" to "or" to distinguish between law enforcement officers and civilian employees and limits the application of the measure to include any civilian employee of a metropolitan police department with sole jurisdiction over more than one municipality.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 277.

Bill read second time and ordered to third reading.

Senate Bill No. 279.

Bill read second time and ordered to third reading.

Senate Bill No. 291.

Bill read second time and ordered to third reading.

Senate Bill No. 309.

Bill read second time and ordered to third reading.

Senate Bill No. 329.

Bill read second time and ordered to third reading.

Senate Bill No. 340.

Bill read second time and ordered to third reading.

Senate Bill No. 342.

Bill read second time and ordered to third reading.

Senate Bill No. 369.

Bill read second time and ordered to third reading.

Senate Bill No. 378.

Bill read second time and ordered to third reading.

Senate Bill No. 382.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 163.

SUMMARY—Revises provisions relating to juveniles. (BDR 1-795)

AN ACT relating to juveniles; eliminating the requirement that a district court appoint counsel for a child who is the adverse party in a proceeding for certain orders for protection; providing that an admission, representation or statement made during a proceeding relating to the issuance or dissolution of certain orders for protection is not admissible in ~~any~~ any criminal ~~proceedings~~ proceeding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants the district court exclusive jurisdiction over the issuance or dissolution of certain orders for protection where the adverse party is a child

who is under 18 years of age. Existing law requires a district court to appoint counsel for a child who is the adverse party against whom an order for protection is sought. (NRS 3.2201) Section 1 of this bill eliminates this requirement. Section 1 also provides that an admission, representation or statement made during a proceeding relating to the issuance or dissolution of an order for protection where the adverse party is a child is not admissible in any criminal proceeding. ~~[in which the person who made the admission, representation or statement is the defendant.]~~

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

Section 1. 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.]~~ 3. 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.]~~ 4. 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.]~~ 5. 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.}~~ 6. A district court may appoint a master to conduct the proceedings described in this section.

7. *An admission, representation or statement made during a proceeding described in this section is not admissible in any criminal proceeding.* ~~*in which the person who made the admission, representation or statement is the defendant.*~~

8. As used in this section, "criminal proceeding" means:

(a) A trial or hearing before a court in a prosecution of a person charged with violating a criminal law of this State; or

(b) A delinquency proceeding which is conducted pursuant to title 5 of NRS.

Sec. 2. The amendatory provisions of this act apply to an order for protection against domestic violence, harassment in the workplace, high-risk behavior, stalking, sexual assault, aggravated stalking or harassment sought on or after July 1, 2023.

Sec. 3. This act becomes effective on July 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 163 to Senate Bill No. 382 revises language in section 1.7 of the bill to clarify that no admission, representation or statement made during a proceeding addressed in the bill would be admissible in a criminal or delinquency proceeding.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 396.

Bill read second time and ordered to third reading.

Senate Bill No. 397.

Bill read second time and ordered to third reading.

Senate Bill No. 401.

Bill read second time and ordered to third reading.

Senate Bill No. 425.

Bill read second time and ordered to third reading.

Senate Bill No. 442.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 36, 277, 279, 291, 329, 342, 369, 396 and 425 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 8.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 8 designates criminal investigators employed by the Nevada Division of Child and Family Services of the Department of Health and Human Services as category II peace officers.

Roll call on Senate Bill No. 8:

YEAS—20.

NAYS—None.

EXCUSED—Lange.

Senate Bill No. 8 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 16.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 16 is related to the Charter of Carson City. It revises the Charter of Carson City to require the Board of Supervisors to realign the boundaries of city council wards whenever reliable evidence indicates the population of a ward exceeds any other ward by more than 5 percent or the population in a ward exceeds the population in any other ward by more than 5 percent, as determined by the preceding national decennial census.

The measure also clarifies the term of office for members of the Board of Supervisors, extends the time period by which the Board must adopt or reject an ordinance and provides that the Mayor pro Tempore shall fill a vacancy in the Office of Mayor for the unexpired term of a former incumbent.

Roll call on Senate Bill No. 16:

YEAS—20.

NAYS—None.

EXCUSED—Lange.

Senate Bill No. 16 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 18.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 18 requires each planning commission in a county whose population is less than 100,000, currently all 15 counties other than Clark and Washoe, to hold at least one regular meeting in each quarter. Each planning commission in a county whose population is 100,000 or more, currently Clark and Washoe Counties, must still hold at least one regular planning commission meeting in each month.

Roll call on Senate Bill No. 18:

YEAS—20.

NAYS—None.

EXCUSED—Lange.

Senate Bill No. 18 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 29.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 29 revises provisions governing refunds and interest to be paid on refunds by the Department of Taxation to taxpayers, establishing that no interest on refunds is to be paid by the Department of Taxation to a taxpayer on any tax which was overcollected by the taxpayer and which the taxpayer is required to refund to the person from whom it was collected.

Roll call on Senate Bill No. 29:

YEAS—20.

NAYS—None.

EXCUSED—Lange.

Senate Bill No. 29 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 44.

Bill read third time.

Remarks by Senator Titus.

Senate Bill No. 44 transfers the State Program for Oral Health, the Advisory Committee on the State Program for Oral Health and the duty to appoint the State Dental Health Officer and the State Public Health Dental Hygienist to the Department of Health and Human Services from various divisions within the Department. Additionally, the bill revises certain educational and licensing requirements for the State Dental Health Officer and the State Public Health Dental Hygienist and provides that persons holding these positions are no longer required to devote all their time to the business of their office.

Roll call on Senate Bill No. 44:

YEAS—20.

NAYS—None.

EXCUSED—Lange.

Senate Bill No. 44 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 67.

Bill read third time.

Remarks by Senator Stone.

Senate Bill No. 67 revises the definition of "sexual offense" in statutes relating to parole and to conform to the definition elsewhere in the Nevada Revised Statutes with the effect of ensuring that persons who have been convicted of certain sexual offenses but who are not currently subject to related provisions governing parole will be subject to these provisions going forward.

Roll call on Senate Bill No. 67:

YEAS—20.

NAYS—None.

EXCUSED—Lange.

Senate Bill No. 67 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 76.

Bill read third time.

Remarks by Senator Neal.

Senate Bill No. 76 prohibits the sale and distribution of certain products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) and requires a manufacturer of such products to include a statement on the product label that PFAS were not intentionally added or used to make the product. The bill also requires a manufacturer of cookware that contains intentionally added PFAS to include certain information on the product label and on any product listing for online sales. Finally, the bill provides exceptions to the prohibitions and requirements where such provisions conflict with federal law and provides that a person who willfully and knowingly violates certain provisions is subject to a maximum civil penalty of \$1,000.

This bill is effective on January 1, 2024, except for provisions related to the sale or distribution of cosmetics, indoor textile furnishings or indoor upholstered furniture that contain intentionally added PFAS, which become effective on July 1, 2024.

Roll call on Senate Bill No. 76:

YEAS—16.

NAYS—Buck, Krasner, Stone, Titus—4.

EXCUSED—Lange.

Senate Bill No. 76 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 80.

Bill read third time.

Remarks by Senators Flores and Seevers Gansert.

SENATOR FLORES:

Senate Bill No. 80 expands the policies adopted by the Nevada Interscholastic Activities Association and organizations for youth sports concerning the prevention and treatment of injuries to the head. The bill also requires a policy to include certain steps a pupil who sustained or is suspected of having sustained an injury to the head is required to complete in order to return to school or interscholastic activity. Additionally, Senate Bill No. 80 requires the board of trustees of each school district and the governing body of each charter school, university school for profoundly gifted pupils and private school to adopt such a policy and create and distribute a brochure concerning the prevention and treatment of injuries to the head. Public and private schools must establish a concussion management team to perform certain duties prescribed in the policy and certain school employees must complete training relating to head injuries. Finally, Senate Bill No. 80 provides that a person who willfully fails to perform the duties outlined in the bill is guilty of a misdemeanor.

SENATOR SEEVERS GANSERT:

I have a question regarding section 9.9 where it talks about the willful violation of the provision is guilty of a misdemeanor and then for each day's failure to comply with the provisions of the

section, it is a separate offense. It is my understanding that in this statute most things are gross misdemeanors. I want to know if this is a lower-level misdemeanor and if those other gross misdemeanors are ones that accumulate on a daily basis.

SENATOR FLORES:

That is correct. Presently, in statute, it is a gross misdemeanor for every violation. This reduces it for a misdemeanor for every violation, in this particular section.

Roll call on Senate Bill No. 80:

YEAS—14.

NAYS—Goicoechea, Hammond, Hansen, Krasner, Stone, Titus—6.

EXCUSED—Lange.

Senate Bill No. 80 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 110.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 110 is related to daytime running lights. It requires a vehicle operating on certain highways with one travel lane in each direction to display daytime running lamps or lighted lamps or illuminating devices when operating on the highway in order to improve the visibility of the vehicle.

Clearly, what this is all about is if you are on a two-lane road, which we have a number of in Nevada, the present law states if you cannot discern the object at 1,000 feet, you are supposed to turn your headlights on. This bill takes the guesswork out of it. It just says turn your headlights on if you are driving a two-lane road in Nevada. This is a safety measure.

Roll call on Senate Bill No. 110:

YES—19.

NAYS—Titus.

EXCUSED—Lange.

Senate Bill No. 110 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 129.

Bill read third time.

Remarks by Senator Krasner.

Senate Bill No. 129 authorizes a person who was the victim of sexual assault as an adult to bring a civil lawsuit against the person who was convicted of the sexual assault at any time after the assault occurred. For the purposes of actions brought under this bill, the definition of "sexual assault" mirrors the definition governing criminal actions. The provisions of the bill apply retroactively to any act constituting sexual assault regardless of any pertinent statute of limitations that was in effect at the time of the assault.

Roll call on Senate Bill No. 129:

YEAS—20.

NAYS—None.

EXCUSED—Lange.

Senate Bill No. 129 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 153.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 153 requires the Director of the Department of Corrections, with the approval of the State Board of Prison Commissioners, to adopt regulations addressing the supervision, custody, care, security, housing and medical and mental health treatment of offenders who are transgender, gender nonbinary, gender nonconforming and/or intersex. Generally accepted standards of care and best practices must be followed, including the use of respectful and up-to-date terminology that accounts for and protects these offenders' rights and prohibits discrimination. Additionally, the bill requires staff training in cultural competency for interacting with offenders who are transgender, gender nonbinary and gender nonconforming.

Roll call on Senate Bill No. 153:

YEAS—15.

NAYS—Goicoechea, Hammond, Hansen, Stone, Titus—5.

EXCUSED—Lange.

Senate Bill No. 153 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 177.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 177 codifies an existing requirement that Medicaid must automatically cover antipsychotic and anticonvulsant drugs under certain circumstances and extends the requirement to health maintenance organizations and managed care organizations that provide coverage to the recipients of Medicaid. Additionally, this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of authority of a health maintenance organization that fails to comply with the provisions of the bill.

Roll call on Senate Bill No. 177:

YEAS—19.

NAYS—Titus.

EXCUSED—Lange.

Senate Bill No. 177 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 181.

Bill read third time.

Remarks by Senator Pazina.

Senate Bill No. 181 increases the maximum threshold for the projected value of a partial tax abatement to a single entity which the Executive Director may approve on behalf of the Governor's Office of Economic Development from \$250,000 to \$500,000, enabling the success of small business relocating and coming here to the State.

Roll call on Senate Bill No. 181:

YEAS—18.

NAYS—Hansen, Titus—2.

EXCUSED—Lange.

Senate Bill No. 181 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 182.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 182 exempts manufacturers of fully autonomous vehicles who manufacture and sell the vehicles in this State from certain requirements relating to franchises and facilities for the repair or maintenance of vehicles. The bill requires the Director of the Department of Motor Vehicles, for the purposes of issuing a certificate of title, to accept a "manufacturer's certificate of origin" or a "manufacturer's statement of origin" as proof of ownership for fully autonomous vehicles which are operated by certain manufacturers of autonomous vehicles for the purpose of providing delivery services.

Roll call on Senate Bill No. 182:

YEAS—20.

NAYS—None.

EXCUSED—Lange.

Senate Bill No. 182 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 210.

Bill read third time.

Remarks by Senator Krasner.

Senate Bill No. 210 declares it is the public policy of the State that appointments made by the Governor to boards, commissions or similar bodies must, to the extent practicable and except as otherwise required by law, represent the diversity of the State.

Roll call on Senate Bill No. 210:

YEAS—16.

NAYS—Hammond, Hansen, Stone, Titus—4.

EXCUSED—Lange.

Senate Bill No. 210 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 250.

Bill read third time.

Remarks by Senators Hammond and Ohrenschall.

SENATOR HAMMOND:

Senate Bill No. 250 prohibits the purchase of a used catalytic converter except from certain businesses or from a person who possesses certain documentation that proves the person is the lawful owner of the catalytic converter. The bill also requires a scrap-metal processor to maintain certain records regarding the purchase or sale of a used catalytic converter, to submit certain

information to a local law enforcement agency and to comply with certain requirements governing payment for the purchase of a used catalytic converter by the scrap-metal dealer.

SENATOR OHRENSCHALL:

I support Senate Bill No. 250. Recent data from Southern Nevada shows that catalytic converter thefts have risen exponentially from 30 reported thefts in 2019 to 1,894 in 2021. Last year, the number of thefts in Southern Nevada rose to 2,625 thefts of catalytic converters. Hearing from my constituents—and I know my colleague from Senate District 3 has also heard from her constituents—about the hardships this increase in thefts has presented, I think the need for Senate Bill No. 250 and Senate Bill No. 243, which my colleague from Senate District 3 is sponsoring, is very apparent. Both bills work to address the hardship presented by this rampant theft of catalytic converters. Senate Bill No. 250 targets the resale market and tries to stop that market and those potential purchasers of those stolen catalytic converters. I urge your support.

Roll call on Senate Bill No. 250:

YEAS—20.

NAYS—None.

EXCUSED—Lange.

Senate Bill No. 250 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 260.

Bill read third time.

Senator Cannizzaro moved that the bill be taken from the General File and placed on the Secretary's Desk.

Remarks by Senator Cannizzaro.

This is for purposes of an amendment.

Motion carried.

Senate Bill No. 331.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 331 requires emergency management plans prepared by the Governor or adopted by a political subdivision or local organization for emergency management to designate at least one shelter to accommodate persons with pets and, to the extent practicable, include provisions for the evacuation, transport and shelter of persons with pets.

Roll call on Senate Bill No. 331:

YEAS—20.

NAYS—None.

EXCUSED—Lange.

Senate Bill No. 331 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 1:58 p.m.

## SENATE IN SESSION

At 3:55 p.m.  
President Anthony presiding.  
Quorum present.

## REPORTS OF COMMITTEE

*Mr. President:*

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 145, 167, 203, 249, 270, 283, 381, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

*Mr. President:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 81, 115, 166, 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

*Mr. President:*

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 41, 117, 237, 239, 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

FABIAN DOÑATE, *Chair*

## WAIVERS AND EXEMPTIONS

## NOTICE OF EXEMPTION

April 17, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 41, 88, 166, 167, 176, 232, 237, 241, 297, 311, 380, 387, 428.

WAYNE THORLEY  
*Fiscal Analysis Division*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 7.

Resolution read third time.

Remarks by Senators Cannizzaro, Seevers Gansert, Neal, Hansen, Stone, Titus, Scheible and Buck.

SENATOR CANNIZZARO:

I support Senate Joint Resolution No. 7, which proposes to amend the Nevada Constitution to establish certain rights relating to reproductive health. As many of us know, last July, a radical Supreme Court wiped out 50 years of legal precedent, which is unheard of. As a lawyer, you do not see courts wiping out precedent because it is the very basic fundamental tenant of how we structure many of our laws. Legal precedent is what drives many decisions not only legislatively but also judicially. It is a guiding principle. To see precedent stricken for no new reason whatsoever, and also had the immediate effect of stripping health care from many Americans, leaves us in a place where we, as the State of Nevada, cannot ignore that as reality for so many of us.

There were long understood rights associated with the *Roe v. Wade* precedent that was stricken by the Supreme Court in the Dobbs decision. The fundamental right to privacy that allowed women to seek an abortion and seek reproductive care in many ways was simply stripped from them. Those are medical decisions. Those are medical decisions that should rely on a woman and her provider to make.

Since then, not only have we seen that particular court decision take place, but we have also seen states—even states surrounding Nevada—take immediate action to wipe out any right whatsoever for a woman to consult with a medical provider to provide the best care for her, her unborn baby and for any other attendant reproductive care. It is not limited to whether someone may seek an abortion. It is also limited to what decisions you make about when and how you want to create a family and how you may go about that; if you may need the services of in vitro fertilization or fertility treatments; about whether someone can access and use birth control; and about whether we can even discuss reproductive health care. Instead, what we should do is ignore that it exists and continue about our business.

For me, that is an untenable place to be. When we talk about reproductive health care, it is more extensive than that. Something like the Dobbs decision does not just touch whether a woman should have the choice to seek an abortion. If you have not read some of the headlines, I encourage my colleagues to take a quick Google search. It is touching birth control, it is touching access to that, and it is affecting whether we will continue to have providers to provide care, no matter what your choice is.

What is important for Nevadans and this body to keep in mind—especially as it relates to Senate Joint Resolution No. 7—is that there has to be one guiding principle on this, and that is that politicians should not be interfering in personal decisions between patients and their doctors when it comes to reproductive care. I do not want anyone in this body to help me make decisions about my current status as an expectant mother. That is not your business. It is my business and my doctor's business.

The ability to continue to access reproductive care should be a fundamental right. It should be a right that everyone has that is protected from the overreach of politicians telling us when and how we should do things with our bodies, and how we should make decisions about how to grow or not grow our families, and about how we may continue to access this type of essential health care. I believe that the voters of Nevada would agree that that is a decision that they should make. That is something that I trust they can make a coherent decision on for themselves and for their families.

We have heard talk in Nevada that this is not a worry, this is not something we have to consider. We have a statutory protection to abortion specifically, not to some of these other things, but we have other statutory provisions to ensure there is access to reproductive health care. But what we are seeing is that there is absolutely an effort to strip those decisions away from whoever needs to make them for their own personal bodies. That affects Nevada the same way.

I would note that these are statutory protections. As much as I have been a member of this body, I feel we have had many discussions about what the difference is between a statutory protection and a fundamental constitutional right. Statutory protections can be changed by this body. That is our job. We enact statutes. We have voted on many pieces of legislation today to change the statutes. Should they make it through the entire legislative process, that change is what the law is.

Granted, this particular 1990 statutory provision is a voter initiative, so it requires more steps to change, but—do not misunderstand—it does not provide reproductive health care freedom. That is not what it is. It does not provide a right. A constitutional right, and something that is a fundamental right, means that we say we believe in this right, and then if this body wants to change the law that so much as touches or it bridges that right, or affects it in any way, then a court upon review can say, "Well, does it meet the test of strict scrutiny? Do we believe that this is as narrowly tailored as possible to meet a very compelling government interest?" For example, should the government be allowed to have any sort of piece of this? If so, did the pieces they put in place and how they were fashioned, did it address that compelling interest in the least restrictive means possible?

What that means is that that right does not get changed because a statute came into place. It means that someone can rely on that to say, "you know what, I have this right." And so if we pass a statute that were to, say, limit the ability for individuals to access fertility treatments, to access birth control, and to access other reproductive health care, then they could challenge that and say, "look, my right is important." We do this a number of ways. This is the same as the right to free speech. It is a fundamental right. There is a reason why that is important to have in a constitution. There is a reason why we are not talking about, "Let's strip that from a constitution and just put it into a statute"—because they are different.

For me, and for anybody who has ever had to make health care decisions of a reproductive nature, be that with a partner or on behalf of yourself, the ability to make that decision should be, and the considerations for that decision should be, regardless of what that decision is—and you do not have to agree with what somebody's decision is and you do not have to make the same decision they made—but what should be fundamental is that that decision is only between that individual, their family and a medical provider. I do not want to have to have to make those decisions any other way. I think that Nevadans don't want too either.

The important thing about Senate Joint Resolution No. 7 is that this gives the voters of Nevada a chance to make that decision. I trust them, they are the people who sent me here, who sent all of us here. I trust them, and I trust that we should give them this decision.

We have heard many things—that this is going to mandate that people have to get certain care, that you might have to have an abortion, or that a provider would have to provide an abortion, or that this is somehow going to change the status quo of Nevada law, and we will be seeing all kinds of crazy things. That is not what this is intended to do. This is intended to put in place something that we thought was a fundamental right, up until this last summer. This does not require a provider to provide an abortion. This does not require anyone in Nevada to make a particular choice. This does not change or abridge current statutes. It says we have a fundamental right and if there are any statutes that might touch on that, we know we will be guided by that principle, which is exactly how many of our rights—anything that is in the Constitution or that has been delineated by a court to have a right to something—that is how we are driven. For fundamental rights, that test is strict scrutiny. I would remind this body that the other statutes that we passed were also passed at a time where there was 50 years of legal precedent relating to access to things like birth control, access to abortion and to reproductive care, where that was a solid right that was undisputed. We have had conversations about other pieces of legislation in this body and said "well, you know, *Roe v. Wade* is the law of the land, so we don't have to worry about this, necessarily, because that's the law." It turns out it is not, and so we have to do something to address that because there are too many people who will not have access to health care here in Nevada without it. Again, this is not a decision we are all going to make today by passing this. We are going to say, "look, we should send this to the voters, and they should make that decision." If they say "no," then they say "no." If they say "yes"—and I would venture to guess that voters in this State believe they should and do and want to have that right—then that is something that the people who we all represent here in this body want us to do. If we believe them sending us here to represent them is sufficient, it should be sufficient for them to say whether they believe they have access to this fundamental right. I would urge my colleagues to vote "yes" on Senate Joint Resolution No. 7.

SENATOR SEEVERS GANSERT:

I oppose Senate Joint Resolution No. 7. We heard a lot about the Dobbs decision with the United States Supreme Court that defers to the states to let them govern this issue. It did not eliminate the right to abortion. It said the states get to govern. I want to ensure that that is clear first. In our State, we have the Freedom of Choice Act, which was passed in 1990. That was 33 years ago where a woman can have an abortion up to 24 weeks.

This resolution is a significant change. I can tell you some anticipated that maybe there would be a proposal for a constitutional amendment but not an amendment that had a list of all sorts of different things from infertility care, vasectomy, fertility and some things you would not expect to make a right because we already have them, and you have the freedom to choose that whenever you want to. But now we have a resolution that is trying to make them a fundamental right. Again, voters passed the Freedom of Choice Act back in 1990.

Nevada is different than other states. We are seeing, in different states, more restrictions on birth control. But we have been going the other way. Nevada is different. If you look back to 2017, we had Senate Bill 233, which expanded dispensing of birth control to 12 months. If you look to 2021, Senate Bill 190 allowed pharmacists to dispense birth control. This session, we have Senate Bill No. 280, which would allow the dispensing of birth control to minors without parental consent. So, Nevada has been going the other direction. In my mind, there is just not a threat to many of the things on those lists because we never had an issue.

This resolution is extremely expansive. If you look at the resolution itself, there are several things in direct conflict with what we have in statute. When you have a constitutional amendment,

you have higher scrutiny. You have strict scrutiny. If you look at section 25.2, it talks about after fetal viability, someone can have an abortion because of their issues around physical or mental health. Well, mental health is subjective, and when you look at the broad language, there is no time restriction. If you look at NRS 442.250, that is where we have in statute the limitation of 24 weeks. That statute is an affirmed statute, so it takes a vote of the people to change it so that 24 weeks is secure in our statute, yet we have conflicting language in this resolution.

If we look at section 25.4, it talks about informed consent. The first version of Senate Joint Resolution No. 7 included informed consent, but then it was amended to make it voluntary consent. We have gone from informed consent to voluntary consent. That conflicts.

In NRS 449.191, we have moral objections. If someone does not want to participate in an abortion, if they are a health care provider, they do not have to. Nowhere in this resolution is there a moral objection criteria. The language of this resolution is broad, and it conflicts with current statute. I know we had conversations in committee about, "well, this is a resolution; it is a constitutional amendment; it is strict scrutiny." Basically, you have to go to the courts to see what happens with statute. We know with strict scrutiny what is in statute does not take priority.

When going from informed consent to voluntary consent, when you look at some of the other changes in language, especially the moral objection, it does not exist. We believe that this resolution is far-reaching. The language is extremely broad and should be rejected by this body, and we would expect it to be rejected by the voters as well.

I appreciate everyone listening today. This is going to be an ongoing debate. Again, we had a Dobbs decision that deferred to the states. Now, we have a resolution that is very expansive. We need to question it because we do have affirmed statute around 24 weeks. We have other statutes that expanded birth control to ensure there was the ability to have a moral objection and other things I think are important.

SENATOR NEAL:

I support Senate Joint Resolution No. 7. I feel strongly about what I am getting ready to say. The Senate Joint Resolution No. 7 hearing drew deep emotion from me. I watched the brutal hearing; I was distraught over the policy. It brought back flashbacks of when my mom and dad fought over abortion rights in my house, while he served in this Senate chamber. I was 12. He believed in choice. My mom believed in the right to life. I do not believe that anyone has the right to play God or be God.

I bring this up because there is context to my voting history. The hearing also brought flashbacks of my past that has never been discussed in this body or with anyone outside of my family. When I wanted to abort my child, my mom, who was a devout Catholic, said "no," and said I needed to give my daughter up for adoption, which I did not. I am grateful that I did not, but what is important in that conversation is that I was grateful for the choice and the time to think about what I was going to do, and what decisions I was going to make for my future.

I read the news now, and I see the stories of people fighting back and forth. I support choice, but it has two sides. I support a person's faith, and I support a person's ability to choose for their own health, safety and welfare.

Senate Joint Resolution No. 7 is difficult. It draws a line in the sand, but it makes the fight to be had by the voters. I had trouble with defining the viability of the fetus in the Constitution. By defining it, I felt we were removing another side. However, I weighed the pros and cons. I weighed the liberty interest to fight over the right of citizens to decide for themselves what they feel should be allowed into the Constitution.

I grew up with *Roe v. Wade*. So, I never have to examine its loss. However, I have had to examine its loss now. I had to examine is this a liberty choice? I reviewed *Roe v. Wade*, which examined the Ninth Amendment and whether unenumerated rights exist outside of those expressly protected by the Bill of Rights. I reread James Madison's intent, a Founding Father of the Constitution, who wanted to ensure that the Bill of Rights was not seen as granting the people of the United States only the specific rights it addressed. So, I examined it through the lens of rights, the lens of protection and through the lens of the Constitution.

My emotional heart, my spiritual heart, was torn because I know that, as humans, we face deep choices and complex issues. Life is something we should debate over, but it should also be weighed against the liberty interest and the choice of the individual. It is a powerful place to decide

whether to terminate your own life or the life of another. I grieve for the women who still have to make these choices because it is a burden that you carry forever. But I stop short at denying the right of citizens to battle at the ballot box over this issue. I will probably be on the other side of the ballot box. But, as a leader in my district, I believe they should have the right to fight for their beliefs. I expect that the day this is on the ballot, we will all have come to a reckoning in Nevada about exactly what we stand for and what we believe. I hope we will find the balance between faith and choice, that we will find the balance between God and what everyone else believes, which might be the opposite of that.

During that Senate Joint Resolution No. 7 hearing, I listened to those people on both sides, but all I wanted was balance. All I wanted was to eliminate the fighting. I understand now after talking to my own daughter—who talked to me about her choice for the future and how I was able to make my own choices as a young woman—that I needed to enshrine her ability to go to the ballot box for what she believed, not for what I have the power to vote on in this body.

I wanted to make that statement because I have had a mixed voting history around abortion rights. But this measure is an allowance to let the citizens of Nevada decide one way or the other if it is going to be a part of the Nevada Constitution, and that I support.

SENATOR HANSEN:

Like my colleague, this is a highly personal issue for me. You see, I was conceived in 1960, and my mother was 15 years old when I was born. Three of my four grandparents sought aggressively to find an abortionist. Fortunately, at that time in Nevada, there was not one available legally, and I stand here before you today as what would have been, had I been conceived after *Roe v. Wade*, an aborted fetus.

When we discuss these things, we seem to be talking like there is not a third party in this equation. If we go back in United States history, from 1776 to 1865, we had a huge debate over slavery. But you will notice as we look back, there was one enormous section of society that was not included in the debate, and that was the slaves themselves. We had the abolitionist movement starting in the 1830s, clear up to the time of Abraham Lincoln. When Abraham Lincoln was elected, the Democratic Party had split three ways between Bell, Breckenridge and Douglas. Abraham Lincoln, who is known today as the great antislavery president who issued the Emancipation Proclamation, was elected in the United States with 38 percent of the electorate, 38 percent. In other words, two thirds of the people in the United States supported slavery.

While I respect the idea that we are going to put on the ballot and allow people an opportunity to vote, I think we have to recognize, clearly, that we are leaving the most significant portion of the equation out; no one is speaking for the unborn.

The viability question, I will address that. But first, for those of you who come by my office, you will notice on the inside of my door, I hang these little plaques. I move them every day. This is one of my most popular, one of my most famous. This is a picture of Booker T. Washington who, in my opinion, was the greatest Black leader in American history. He had a famous quote. Underneath this picture, you see it says, "majority rule." This is what Booker T. Washington said, "A lie doesn't become truth, wrong doesn't become right and evil doesn't become good just because it's accepted by a majority." This may pass with a majority vote, but guess who does not get to vote, the very babies who are going to be aborted, including, if it had been in 1960, myself.

Now the question of viability—this is a fascinating one to me if this is actually in the Constitution because the age of viability has gone back. We always talk about best available science. You know what the best available science is? We are able to save babies earlier and earlier.

I am very blessed, one of my daughters is pregnant with twins, and we got to watch on an ultrasound those little babies in there. They are about 12 weeks. You can see them kicking and moving; you can see their faces, their hands and their feet. They are alive as you and me, in the environment they are in. None of us in this room are viable outside of our environment. You can take me right now, throw me into a body of water and hold me under that water. In 10 minutes, I would be dead because I am not viable in that environment. We would not have to have an abortion if they were not viable.

What the heck are we doing here? We are actually stopping—talk about playing God. If we leave that baby alone in the womb, what does it do, die or something? No, it is totally alive. It is

doing just fine in the environment that it is designed for, and if we do not abort it, it will come to full term, be born and become one of us.

Once it comes out of the female body, then it becomes something we protect. Everybody in this room talks all the time about, "we need to protect the children." You are right, we do. I am just saying we should extend that to where they are viable inside their own environment. For some reason, that portion of this equation is being ignored, and just as the slaves that were in the United States, who were legal property and denied the right to vote and the right to have any say in the debate over whether or not slavery was morally right or wrong—they were denied the chance. Right now, guess who is being denied the chance to discuss the very issues we are talking about?

I have news for you. Those babies are totally viable. They are growing. They are healthy. And in the miracle of science, we can literally watch on a sonogram or an ultrasound that baby kicking, and moving, look at its fingerprints. By the way, at the age of eight weeks, I think, they have perfectly formed fingerprints. At six weeks, they have a perfectly developed heart, which is pounding away. If you and I had a car accident, one of the things to determine whether or not somebody is alive is "do they have a heartbeat?" Anybody in the medical community would say, "yeah, of course, that is when you know if someone is alive or not." A baby at six weeks—this is usually about when you typically discover whether or not you are even pregnant—has a fully pounding heart.

I really am sympathetic to people in these positions where they have to make these kinds of decisions, but I am exceptionally worried that the people who are most impacted, the unborn children, have no say in this matter. To put this in the Constitution means that if in the future, a legislative body does—with the advances in medicine and everything else—want to modify some of this, we put handcuffs on them. By putting that in the Constitution, as we all know—generally we do not want to do that because there are reasonable reasons to adjust all sorts of laws. We are constantly coming back in this building and changing things but once you put it in the Constitution, then it pretty much takes our hands out of it completely.

While I do respect the idea that these are personal decisions, please keep in mind as we go forward—obviously, this will end up on the ballot—that just like in the old slavery days, do not forget there is somebody else in this equation who has no voice in the decisions we are going to make, and who, frankly, deserve it. The evidence is overwhelming that these are not unviable tissue masses, like somebody was still trying to tell me the other day. These are living, breathing human beings in an environment that they are perfectly capable of continuing to live in, and we should at all costs—I do not care what the majority of the citizens of Nevada say, frankly, because I do not believe majority rule in every single case is correct. Just as our ancestors, to our shame and discredit today, supported slavery. Two thirds of them, as late as 1860, were still in favor of keeping people enslaved. Guess who did not get to vote, the slaves. Guess who does not get to vote on this, the unborn children. It is the same exact principle. Please, as we go forward with this—I assume it is going to pass, probably along party lines—and put this on the ballot, keep in mind we are talking about a human being every bit as alive and viable as you and I sitting here right now.

SENATOR STONE:

In my almost eight weeks of being here, I have to say that I am very impressed with this institution. We can have debates in committee and on the Senate floor, and we can do it professionally, without personal attacks and agree to disagree. I want to thank all of you for welcoming me here into this legislature, knowing that we are not going to always agree on everything. I appreciated the comments from the Majority Leader, the Senator from District 4 and my colleague in District 14.

I have to be honest, I am very concerned about this amendment. This is my 28th year of being an elected official. I am very proud to say that I have been pro-life all 28 years, but I also—in contrast to maybe some that are in the pro-life movement—believe in exceptions. I believe there is an exception for incest, for rape and for the health of the mother. My worry is that the health of the mother is very vague in Senate Joint Resolution No. 7 and would allow a woman to use something that may not be life threatening as an excuse to abort a child.

In pharmacy school, we learned that a child has all the basics of development by the time they are 12 weeks old. You may remember something called the thalidomide incident. It was a sedative

hypnotic that was given to women when they had gestation of less than 12 weeks, and they end up having flapping kids. We soon understood that you should not give any drugs to a developing child until after 12 weeks because the child will be fully developed at that time, with a heartbeat and a brain that is fully developed—maturing, of course, but intact.

One thing my colleague from District 14 mentioned, that the one we are not talking about is also guaranteed life. Our Constitution guarantees life, liberty and the pursuit of happiness. The voters of Nevada spoke in 1990 and said that abortion should be a right in the State. In Nevada, the only way you can overturn the vote of the people is to go back to the people and vote again if you have changes. But this bill, this amendment, is going to facilitate abortion rights at all months of gestation as a fundamental constitutional right. It is much different than the ballot measure in 1990. It is much more expansive. Like my colleagues have more than articulated, with the advances of technology that we have today, we have infants that are three and four months in our neonatal intensive care units and are surviving with the full faculties of a healthy human being.

This really comes down to what is the definition of "life"? I agree with my colleague that when that heart beats, and especially after 12 weeks and the baby is fully formed, you have a baby. This is not just me speaking. If you have a pregnant woman walking down the street and she is the victim of a drive-by shooter, the district attorney is going to file not one murder charge but two murder charges, one for the mother and one for the child. Even our laws recognize that an infant, two-, three-, four-, five- or six-months old, is a life, and that should be taken into consideration.

My strong concerns for this amendment are the unintended consequences of what we are trying to do here. The citizens that I have spoken to—Democrats, Independents, Republicans, Moderates, Conservatives, Liberals—many agree with abortion, but I can tell you many of them said there must be a limit to when you can get that abortion. Twenty-four weeks, which was passed in 1990, is the rule today. To allow abortion on demand upwards of nine months to me is horrific—horrific. The rules are that if the baby being born can live without any extra medicinal attention or equipment that baby must be saved; but if that baby does require some type of medical intervention, equipment, respirators, that baby can be left to expire, which I think is horrific.

I also have a strong concern that in Nevada we do not need parental consent for a child to get an abortion. I think that is fundamentally wrong. I believe that a majority of people in Nevada agree with the premise that parents should be included in that important decision the child can make.

I also worry that young girls will be transported into Nevada to get secret abortions and will be protected by this amendment. We live in "Sin City." We have a lot of things that are legal here that are not legal in other states.

I believe with the passage of this amendment the citizens of the State of Nevada are going to see the arguments that we are having here today. I am not afraid of it going on the ballot, because I believe I have a defense. I have a defense that is going to show what we are trying to do is not appropriate.

I also believe that we should be doing everything we possibly can to provide help for those who become pregnant and provide options for them. We have people that go to other countries to adopt babies. Why don't they adopt babies in this Country? It is because we abort our babies.

I also worry about the targeting of certain populations of people. Where do you see all the Planned Parenthood offices? It is usually in economically distressed populations of color that are being targeted, and I think it is inappropriate that we take advantage of these populations of people. I also believe that by making this a constitutional right, I believe it will be challenged. And I believe it will not sustain that challenge because, again, every human being deserves life, liberty and the pursuit of happiness. I respectfully disagree with what this amendment is trying to do. For that reason, I hope that you will vote "no" on it.

SENATOR TITUS:

I appreciate everybody's comments and my colleagues' heart-filled emotional responses to this. As a physician who has counseled many patients on their options and choices, I have a unique position.

I also will share my experience when I found myself pregnant, getting divorced and an intern in my residency. All my friends said I should get an abortion. I chose not to, and I am so happy with my daughter who has now given me two granddaughters.

When I counsel a patient and when I made my own decision not to get an abortion, they were both my decisions. I will not perform an abortion. I do not believe any medical decisions should be in our Constitution. As our Majority Leader spoke out, medical choices should be between the provider and the patient. I have said that all along since I came into this building, medical decisions should be between the provider and the patient.

I have never supported in the Nevada Revised Statutes or in any of these bills that we passed throughout these five sessions I have been here that mandate health care decisions or choices. And I cannot support Senate Joint Resolution No. 7. Again, we are putting in our Constitution a health care decision. As was stated by the first opening statement here today, we should not be legislating health care choices, yet that is the very thing they want to do in Senate Joint Resolution No. 7. This is wrong. It is wrong for everybody. Please vote "no" on Senate Joint Resolution No. 7.

SENATOR SCHEIBLE:

I do not belabor under the illusion that my comments will change the outcome of this vote, but I felt it was important to rise in support of Senate Joint Resolution No. 7 and mention something we have not discussed sufficiently at this point in our debate, which is the existence of nonviable pregnancies.

Anybody who has experience in this area—frankly, all of us should know enough by now having sat in this Legislature long enough to hear bills on health care and reproductive freedom—should know that it is not like a pregnancy test. A pregnancy test tells you whether or not your body is producing the hormones that indicate there is a pregnancy growing within your uterus. But whether that pregnancy is viable or not is not a positive or negative test. It is an extremely complex analysis made by a medical team. When that medical team determines that the pregnancy is not viable, the person who is responsible for the wellbeing of that nonviable fetus is the parent. When somebody is pregnant and that fetus' brain is not growing appropriately or that fetus has some kind of genetic deformation or abnormality, when doctors can predict that the likelihood of that baby ever taking a breath outside the womb is small, no doctor, no medical professional with 100 percent certainty can tell any person that their baby will or will not take a breath outside the womb, will or will not live beyond the first hour of their life, will or will not survive in the NICU for three, four, five days, months or even years.

So who is left to make that decision but the parent? The grieving, confused, astonished parent, who has to deal with the reality that a medical professional is telling them that the baby they wanted so much, the baby that is already on the way, may not live to see its first birthday, may not live to see one hour of life. These are real decisions that real people are making across the country every single day. When we do not allow them the freedom to make that decision with their doctor, to evaluate those odds, to evaluate those chances, to weigh them against the individual's ability to deal with the possible repercussions of continuing with that pregnancy or discontinuing that pregnancy, we make that decision exponentially harder. That is not our place as lawmakers. It is our place to support our constituents and provide them with every possible opportunity to create the life they want to have here in the State of Nevada.

When it comes to the families in my district who are facing the incredibly difficult choices that come with a pregnancy that is not healthy, that is not viable, that does not look like it will result in a healthy, vibrant young infant who becomes a child, who becomes an adult, who becomes the parent to their grandchildren, I stand behind those constituents to go to the ballot box and tell us that they want to protect the right to make choices for themselves and their families in that situation and all the other infinite number of situations that could arise between the time somebody becomes pregnant and becomes the parent. I urge all my colleagues to allow their constituents to voice their concerns, voice their opinions in the same way and vote "yes" on Senate Joint Resolution No. 7.

SENATOR BUCK:

I oppose Senate Joint Resolution No. 7. Midway through my pregnancy with my second son, my doctor ran a test and told me that he had spina bifida. I have to tell you that the next few weeks I spent on my knees in prayer. He was born healthy with a little birthmark on his spine.

I tell you this because my colleague said that if you get a negative test or if suddenly something is seen as not viable, a lot of times they then give you something where you have the baby early if the brain is not functioning. That's not what I'm saying. I am saying if a test comes back and potentially there is a healthy, viable life, why would we not have the baby?

Instead, what we are doing is we are tearing babies apart limb by limb up to 24 weeks. What are we doing? I rise in opposition to Senate Joint Resolution No. 7 because it is wrong. We treat our pets better than this.

Roll call on Senate Joint Resolution No. 7:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Senate Joint Resolution No. 7, having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

#### SECOND READING AND AMENDMENT

Senate Bill No. 42.

Bill read second time.

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

Amendment No. 85.

SUMMARY—Revises provisions relating to the funding of medical assistance to indigent persons. (BDR 38-398)

AN ACT relating to public welfare; expanding the authorized uses of money in a county fund for medical assistance to indigent persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of county commissioners of each county to: (1) create a fund in the county treasury for medical assistance to indigent persons; and (2) impose a property tax and deposit the proceeds from the tax into the fund. (NRS 428.275, 428.285) Existing law requires counties to use the money in the fund to provide certain medical assistance to indigent persons or, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), to provide supplemental payments under an upper limit payment program established in the State Plan for Medicaid to certain county hospitals. (NRS 428.295) This bill additionally authorizes the board of county commissioners in a county whose population is 100,000 or more to allocate money from the fund, if authorized under any other supplemental payment program ~~(established in)~~ administered by the (State Plan) Centers for Medicare and Medicaid ~~+~~ Services of the United States Department of Health and Human Services to: (1) provide an enhanced rate of reimbursement to any public hospital in the county for hospital care that is provided to recipients of Medicaid; or (2) make supplemental payments to any public hospital in the

county for the provision of such hospital care through increased federal financial participation.

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

Section 1. NRS 428.295 is hereby amended to read as follows:

428.295 1. For each fiscal year the board of county commissioners shall, in the preparation of its final budget, allocate money for assistance to indigents pursuant to this chapter.

2. In a county whose population is less than 700,000, the amount allocated must be calculated by multiplying the amount allocated for that purpose for the previous fiscal year by 104.5 percent.

3. In a county whose population is 100,000 or more, the board of county commissioners may allocate money from its fund for medical assistance to indigent persons to make an intergovernmental transfer of money to the Division of Health Care Financing and Policy of the Department of Health and Human Services ~~;~~

~~—(a) In~~ in accordance with the regulations adopted pursuant to NRS 422.390 ~~;~~ and

~~{(b)}~~ for any or all of the following purposes:

(a) If an upper payment limit program is established in the State Plan for Medicaid, to provide supplemental payments to any public hospital located in the county that is eligible for supplemental payments under the program.

~~(b) If authorized under any other supplemental payment program established in~~ administered by the ~~{State Plan}~~ Centers for Medicare and Medicaid ~~;~~ Services of the United States Department of Health and Human Services, to:

(1) Provide an enhanced rate of reimbursement to any public hospital located in the county for the hospital care provided to recipients of Medicaid;  
or

(2) Make supplemental payments to any public hospital located in the county for the provision of such hospital care through increased federal financial participation.

4. When, during any fiscal year, the amount of money expended by the county for any program of medical assistance for those persons eligible pursuant to this chapter exceeds the amount allocated for that purpose in its budget, the board of county commissioners shall, to the extent that money is available in the fund, pay claims against the county from the fund for that purpose.

5. In a county whose population is 700,000 or more, the board of county commissioners may by resolution allocate money from the fund in any fiscal year, in an amount not to exceed the equivalent of the amount collected from 2 cents on each \$100 of assessed valuation of all taxable property in the county, to make grants to any public hospital located in the county. Such a grant may be used by a hospital only to:

(a) Construct or acquire capital assets, including, without limitation, land, improvements to land and major items of equipment; and

(b) Renovate existing facilities of the hospital. Money granted for the renovation of facilities must not be used for the normal, recurring maintenance of the facilities.

6. As used in this section, "upper payment limit program" means a program providing for supplemental payments, not to exceed a limit calculated in the manner prescribed in the State Plan for Medicaid, to hospitals owned or operated by a governmental entity other than this State or an agency of the State.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 85 to Senate Bill No. 42 allows contributions to any program approved by any other program by the federal Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services rather than the State Plan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 88.

Bill read second time and ordered to third reading.

Senate Bill No. 109.

Bill read second time.

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

Amendment No. 82.

SUMMARY—Revises provisions governing anatomical gifts. (BDR 40-453)

AN ACT relating to anatomical gifts; authorizing a coroner or medical examiner to release a body or part of a body that is the subject of an anatomical gift under certain circumstances; prescribing a procedure for a court to appoint a person to make an anatomical gift of part or all of a decedent's body under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Revised Uniform Anatomical Gift Act establishes the rights of donors and other persons to affirmatively make anatomical gifts of human bodies and parts for the purpose of transplantation, therapy, research or education. The Uniform Act also sets forth various requirements and procedures for making, amending, revoking and refusing to make anatomical gifts. (NRS 451.500-451.598) The Uniform Act authorizes: (1) a donor, an agent or guardian of a donor or the parent or guardian of a donor who is a minor to make an anatomical gift of the donor's body while the donor is still alive; and (2) certain classes of persons to make an anatomical gift of a decedent's body or part, in order of priority and subject to certain limitations. (NRS 451.556, 451.566) Section 1 of this bill authorizes a coroner or medical examiner to

release and authorize the removal of part or all of a body in his or her custody for the purpose of transplantation upon the request of a procurement organization if: (1) the part or body is the subject of a valid anatomical gift; ~~and~~ (2) ~~no~~ the coroner or medical examiner has no evidence ~~exists~~ of the decedent having communicated a desire that his or her body or part not become anatomical gifts ~~;~~ ; and (3) no person in a class authorized to make an anatomical gift of the decedent's body or part who is reasonably available objects to the making of an anatomical gift. Section 1 immunizes a coroner or medical examiner from civil or criminal liability for any act or omission in accordance with the provisions of section 1. Sections 2-4, 6 and 7 of this bill make conforming changes to indicate the proper placement of section 1 in the Nevada Revised Statutes.

If no other person authorized to make an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education is reasonably available, the Uniform Act authorizes any other person having the authority to dispose of the decedent's body to make an anatomical gift. (NRS 451.566) Section 5 of this bill removes this provision and instead authorizes a procurement organization to petition a district court to appoint a person to make an anatomical gift of a decedent's body or part if no other person authorized to make such an anatomical gift is reasonably available. ~~If the petition is granted, section~~ Section 5 ~~requires the person appointed by~~ prohibits the court ~~to ascertain before making an anatomical gift~~ from granting such a petition unless the procurement organization has determined that: (1) no person who is otherwise authorized to make an anatomical gift and is reasonably available objects to the anatomical gift; and (2) no evidence exists of the decedent having communicated a desire that his or her body or part not become anatomical gifts.

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

Section 1. Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purpose of transplantation only, upon a determination of brain death pursuant to paragraph (b) of subsection 1 of NRS 451.007, the coroner or medical examiner may release and authorize the removal of a decedent's body or part that is in the custody of the coroner or medical examiner if:

~~1.1~~ (a) The coroner or medical examiner has received a request from a procurement organization;

~~2.2~~ (b) The body or part is the subject of a valid anatomical gift; ~~and~~  
~~3. No~~

(c) The coroner or medical examiner has no evidence ~~exists~~ of the decedent having communicated a desire that his or her body or part not become anatomical gifts, including, without limitation, through a refusal that has not been revoked ~~;~~ ; and

(d) No person described subsection 1 of NRS 451.566 who is reasonably available objects to the making of an anatomical gift.

2. A coroner or medical examiner is immune from civil or criminal liability for any act or omission performed in accordance with the provisions of this section.

Sec. 2. NRS 451.010 is hereby amended to read as follows:

451.010 1. The right to dissect the dead body of a human being is limited to cases:

- (a) Specially provided by statute or by the direction or will of the deceased.
- (b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as the coroner may authorize dissection.
- (c) Where the spouse or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.
- (d) Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.

(e) Where authorized by the provisions of NRS 451.500 to 451.598, inclusive ~~and~~, and section 1 of this act.

2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.

Sec. 3. NRS 451.503 is hereby amended to read as follows:

451.503 NRS 451.500 to 451.598, inclusive, and section 1 of this act apply to an anatomical gift or amendment to, revocation of or refusal to make an anatomical gift, whenever made.

Sec. 4. NRS 451.510 is hereby amended to read as follows:

451.510 As used in NRS 451.500 to 451.598, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 451.511 to 451.5545, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 451.566 is hereby amended to read as follows:

451.566 1. Subject to subsections 2, ~~and~~ 3 and 4 and unless barred by NRS 451.561 or 451.562, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

- (a) An agent of the decedent at the time of death who could have made an anatomical gift under subsection 2 of NRS 451.556 immediately before the decedent's death;
- (b) The spouse of the decedent;
- (c) Adult children of the decedent;
- (d) Parents of the decedent;
- (e) Adult siblings of the decedent;
- (f) Adult grandchildren of the decedent;
- (g) Grandparents of the decedent;
- (h) An adult who exhibited special care and concern for the decedent;

(i) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(j) ~~[Any other person having the authority to dispose of the decedent's body.]~~ *A person appointed by a district court pursuant to subsection 4.*

2. If there is more than one member of a class listed in paragraphs (a), (c), (d), (e), (f), (g) or (i) of subsection 1 entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under NRS 451.571 knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

3. A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection 1 is reasonably available to make or to object to the making of an anatomical gift.

4. *If a person described in paragraphs (a) to (i), inclusive, of subsection 1 is not available to make an anatomical gift at the time of the decedent's death, a procurement organization may petition a district court ~~[of competent jurisdiction]~~ to appoint a person to make an anatomical gift pursuant to paragraph (j) of subsection 1. The district court may hear the petition *ex parte* and grant the petition without a hearing. ~~[If the] The district court shall not grant such a petition [is granted,] unless the [person appointed by the court must ascertain before making an anatomical gift] procurement organization has determined that:~~*

(a) *No person in a prior class under subsection 1 who is reasonably available objects to the making of an anatomical gift; and*

(b) *No evidence exists of the decedent having communicated a desire that his or her body or part not become anatomical gifts, including, without limitation, through a refusal that has not been revoked.*

Sec. 6. NRS 451.592 is hereby amended to read as follows:

451.592 1. A person that acts in accordance with NRS 451.500 to 451.598, inclusive, *and section 1 of this act* or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution or administrative proceeding.

2. Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

3. In determining whether an anatomical gift has been made, amended or revoked under NRS 451.500 to 451.598, inclusive, *and section 1 of this act*, a person may rely upon representations of a natural person listed in paragraph (b), (c), (d), (e), (f), (g) or (h) of subsection 1 of NRS 451.566 relating to the natural person's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

Sec. 7. NRS 451.593 is hereby amended to read as follows:

451.593 1. A document of gift is valid if executed in accordance with:

(a) The provisions of NRS 451.500 to 451.598, inclusive ~~[;]~~, *and section 1 of this act;*

(b) The laws of the state or country where it was executed; or

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence or was a national at the time the document of gift was executed.

2. If a document of gift is valid under this section, the law of this State governs the interpretation of the document of gift.

3. A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

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

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 82 to Senate Bill No. 109 satisfies the concerns regarding the process for the coroner or medical examiner to authorize the anatomical gift if there is no evidence that the deceased did not want to be a donor and being held liable for their decision. It adds additional coroner and medical examiner provisions; removes criminal and or civil liability for any act or omission with respect to complying with the provisions of this bill; and replaces language of who has the authority to dispose of the decedent's body.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 172.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 166.

SUMMARY—Revises provisions governing the ability of a minor to consent to certain health care services. (BDR 11-654)

AN ACT relating to health care; authorizing a minor to give express consent to certain health care providers for certain services for the prevention of sexually transmitted diseases and pregnancy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the age of 18 years as the age of majority in this State. (NRS 129.010) However, existing law authorizes a local or state health officer, licensed physician or clinic to examine or treat any minor who is suspected of being infected or is infected with any sexually transmitted disease without the consent of the parent, parents or legal guardian of the minor. (NRS 129.060) Section 1 of this bill : (1) clarifies that a minor must consent to such examination or treatment before the examination or treatment is provided; and (2) additionally authorizes a minor to consent to such an examination or treatment provided by a physician assistant or registered nurse. Section 1 also authorizes a minor to give express consent to certain health care providers for the provision of services for the prevention of sexually transmitted diseases, including the prescribing, dispensing or administration of a contraceptive drug or device, without the consent or notification of the parent, parents or legal guardian of the minor.

Existing law prohibits an employee or volunteer at a family resource center which has received a grant from the Director of the Department of Health and Human Services from administering drugs or contraceptives to or performing medical or dental procedures for a minor without written consent from the parent, guardian or legal custodian of the minor. (NRS 430A.180) Section 2 of this bill authorizes a physician, physician assistant, registered nurse or pharmacist who is an employee or volunteer at such a family resource center to provide services for the prevention of sexually transmitted diseases, including the prescribing, dispensing or administering of a contraceptive drug or device, to a minor without consent of the parent, guardian or legal custodian.

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

Section 1. NRS 129.060 is hereby amended to read as follows:

129.060 Notwithstanding any other provision of law ~~the~~

~~1. The consent of the parent, parents or legal guardian of a minor is not necessary in order to authorize a~~ a minor may give express consent to:

1. A local or state health officer, licensed physician, physician assistant, registered nurse or clinic to ~~examine~~ conduct an examination for or treat, or both, ~~any minor who is suspected of being infected or is found to be infected with~~ any sexually transmitted disease.

2. A ~~minor may give express consent to a~~ local or state health officer, licensed physician, physician assistant, registered nurse, ~~or~~ pharmacist ~~for the provision of services for~~ or clinic to provide services related to the prevention of sexually transmitted diseases, including, without limitation, the services described in NRS 639.28085 or the issuance of a prescription for, the dispensing of or the administration of a contraceptive drug or device ~~without the consent or notification of the parent, parents or legal guardian of the minor.~~

Sec. 2. NRS 430A.180 is hereby amended to read as follows:

430A.180 ~~When~~

1. Except as otherwise provided in subsection 2, when providing services on behalf of a family resource center which has received a grant from the Director pursuant to the provisions of this chapter, an employee or volunteer at the family resource center shall not administer drugs or contraceptives to or perform medical or dental procedures for a minor unless written consent to administer those drugs or contraceptives or to perform those procedures has been obtained from the minor's parent, guardian or legal custodian.

2. A licensed physician, physician assistant, registered nurse or pharmacist who is an employee or volunteer at a family resource center which has received a grant from the Director pursuant to the provisions of this chapter may provide the services described in ~~subsection 2 of~~ NRS 129.060 under the conditions authorized by that ~~subsection~~ section.

Sec. 3. This act becomes effective upon passage and approval.

Senator Nguyen moved the adoption of the amendment.

Remarks by Senator Nguyen.

Amendment No. 166 to Senate Bill No. 172 revises language in section 1 to clarify that "a minor may give express consent" for the services named in the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 174.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 207.

SUMMARY—Revises provisions governing common-interest communities. (BDR 10-610)

AN ACT relating to common-interest communities; revising provisions ~~relating to the exemption from licensure as a collection agency for community managers of common interest communities;~~ governing the collection of certain amounts due to a unit-owner's association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires, with certain exceptions, a collection agency to be licensed by the Commissioner of Financial Institutions. (NRS 649.075) A collection agency is defined to include a community manager that, while engaged in the management of a common interest community, performs any act associated with the foreclosure of a lien. (NRS 649.020) However, existing law further exempts a community manager from the requirement to be licensed as a collection agency if the community manager collects debts, or contracts with a collection agency to collect debts, included in the association's lien. (NRS 116.3116) This bill eliminates this exemption to require that such a community manager be licensed as a collection agency.~~ Under existing law, a unit-owner's association has a lien on a unit for certain amounts due to the association and may foreclose its lien through a nonjudicial foreclosure sale after the association has satisfied certain conditions, including, without limitation: (1) mailing a notice of delinquent assessment to the unit's owner or his or her successor in interest, which includes certain information; and (2) executing and recording a notice of default and election to sell not less than 30 days after mailing or delivering the notice of delinquent assessment. (NRS 116.3116-116.31168) Existing law also provides that an association, a member of the executive board or an officer, employee, unit's owner or community manager of an association, or any employee, agent or affiliate of a community manager, is not required to be a licensed debt collection agency or to contract with a licensed debt collection agency to collect amounts due to the association before the association records a notice of default and election to sell. (NRS 116.3116) This bill provides instead that an association, a member of the executive board or an officer, employee, unit's owner or community manager of an association, or any employee, agent or affiliate of a community manager, is not required to be a licensed debt collection agency or to contract

with a licensed debt collection agency to collect amounts due to the association before the association mails a notice of delinquent assessment to the unit's owner or his or her successor in interest.

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

Section 1. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (o), inclusive, of subsection 1 of NRS 116.3102 and any costs of collecting a past due obligation charged pursuant to NRS 116.310313 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent, except that a lien under this section is prior to a security interest described in this paragraph to the extent set forth in subsection 3;

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative; and

(d) Liens for any fee or charge levied pursuant to subsection 1 of NRS 444.520.

3. A lien under this section is prior to all security interests described in paragraph (b) of subsection 2 to the extent of:

(a) Any charges incurred by the association on a unit pursuant to NRS 116.310312;

(b) The unpaid amount of assessments, not to exceed an amount equal to assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding the date on which the notice of default and election to sell is recorded pursuant to paragraph (b) of subsection 1 of NRS 116.31162; and

(c) The costs incurred by the association to enforce the lien in an amount not to exceed the amounts set forth in subsection 5,

↪ unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) of subsection 2 must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162 or the institution of a judicial action to enforce the lien.

4. This section does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

5. The amount of the costs of enforcing the association's lien that are prior to the security interest described in paragraph (b) of subsection 2 must not exceed the actual costs incurred by the association, must not include more than one trustee's sale guaranty and must not exceed:

- (a) For a demand or intent to lien letter, \$165.
- (b) For a notice of delinquent assessment, \$325.
- (c) For an intent to record a notice of default letter, \$90.
- (d) For a notice of default, \$400.
- (e) For a trustee's sale guaranty, \$400.

↪ No costs of enforcing the association's lien, other than the costs described in this subsection, and no amount of attorney's fees may be included in the amount of the association's lien that is prior to the security interest described in paragraph (b) of subsection 2.

6. Notwithstanding any other provision of law, an association, ~~or~~ ~~for~~ member of the executive board, ~~for an~~ officer, employee or unit's owner of the association, acting under the authority of this chapter or the governing documents of the association, or the community manager of the association, or any employee, agent or affiliate of the community manager, while engaged in the management of the common-interest community governed by the association, is not required to be licensed as a collection agency pursuant to chapter 649 of NRS or hire or contract with a collection agency licensed pursuant to chapter 649 of NRS to collect amounts due to the association in accordance with subsection 1 before the ~~recording~~ mailing of a notice of ~~default and election to sell~~ delinquent assessment pursuant to paragraph ~~(b)~~ (a) of subsection 1 of NRS 116.31162.

7. The holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of that security interest consent to the establishment of such an

account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.

8. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

9. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

10. A lien for unpaid assessments is extinguished unless a notice of default and election to sell is recorded as required by paragraph (b) of subsection 1 of NRS 116.31162, or judicial proceedings to enforce the lien are instituted, within 3 years after the full amount of the assessments becomes due.

11. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

12. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

13. The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

14. In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

15. In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense

assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

16. Notwithstanding any other provision of law, any payment of an amount due to an association in accordance with subsection 1 by the holder of any lien or encumbrance on a unit that is subordinate to the association's lien under this section becomes a debt due from the unit's owner to the holder of the lien or encumbrance.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 207 to Senate Bill No. 174 provides that an association manager may process all precollection notices, courtesy notices, intent to liens and other mailings prior to a Notice of Delinquent Assessment being processed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 176.

Bill read second time.

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

Amendment No. 79.

SUMMARY—Establishes provisions relating to the conservation of groundwater. (BDR 48-79)

AN ACT relating to water; creating the Account for Purchasing and Retiring Water Rights; establishing the ~~Purchasing and Retiring~~ Nevada Water Rights Program; ~~Buy-Back Initiative and the Advisory Committee for the Nevada Water Buy-Back Initiative~~; requiring the ~~State Engineer~~ Director of the State Department of Conservation and Natural Resources to purchase ~~and retire~~ certain water rights with money from the Account ~~[- authorizing the State Engineer to use money in a basin well account for the purchase of water rights under certain circumstances;] for purposes of retiring the water rights~~; ~~creating the Nevada Conservation and Recreation Program~~; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any person who wishes to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, must apply to the State Engineer for a permit to do so. (NRS 533.325) Existing law further provides that all underground waters within the boundaries of the State are subject to appropriation for beneficial use only under the laws of this State relating to the appropriation and use of water. (NRS 534.020) Section 5 of this bill creates the Account for Purchasing and Retiring Water Rights, to be administered by the ~~State Engineer~~ Director of the State Department of Conservation and Natural Resources, and requires that the money in the Account only be expended for the purchase of water rights in groundwater basins that are over appropriated. Section 6 of this bill establishes the ~~Purchasing and Retiring~~ Nevada Water Rights Program,

Buy-Back Initiative in the Nevada Conservation and Recreation Program, to be administered by the ~~{State Engineer,}~~ Director, and establishes requirements for the purchase and retirement of water rights . ~~{by the State Engineer.}~~

Section 6.4 of this bill requires the State Engineer to retire water rights purchased by the Nevada Water Buy-Back Initiative.

Section 6.2 of this bill establishes the Advisory Committee for the Nevada Water Buy-Back Initiative within the Department and requires the Advisory Committee to consult with the Director regarding the provisions of sections 4.5-6.6 of this bill.

~~Section ~~{6 also}~~ 6.6 requires the ~~{State Engineer}~~ Director to adopt regulations necessary to carry out the ~~{Purchasing and Retiring Water Rights Program. Section 8 of this bill makes a conforming change to require that such regulations be adopted in accordance with the requirements of the Nevada Administrative Procedures Act.~~~~

~~Under existing law, a board of county commissioners may levy certain special assessments for certain expenses relating to the groundwater basin which must be deposited in the State Treasury for credit to the basin well account for that groundwater basin. (NRS 534.040) Section 7 of this bill provides that, upon the approval of the board of county commissioners, the State Engineer may use the money in the basin well account to purchase and retire water rights in that particular groundwater basin.} provisions of sections 4.5-6.6. Section 9.5 of this bill requires the Director to adopt such regulations by July 1, 2025. Section 4.5 of this bill defines certain terms relating to the provisions of sections 4.5-6.6.~~

Sections 1-3 of this bill prohibit the appropriation of water that has been ~~{withdrawn}~~ retired pursuant to the ~~{Purchasing and Retiring}~~ Nevada Water ~~{Rights Program.}~~ Buy-Back Initiative.

Existing law requires the Department to make grants to state agencies, local governments, water conservancy districts, conservation districts and certain nonprofit organizations to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State and requires the Director to adopt regulations to make such grants. (Section 2 of chapter 480, Statutes of Nevada 2019, at page 2861) Existing regulations create the Nevada Conservation and Recreation Program to make such grants. (LCB File No. R025-22) Section 8.2 of this bill creates the Program in statute. Section 8.2 further provides that the Program consists of a grant program to make such grants and the Nevada Water Buy-Back Initiative. Section 8.6 of this bill provides that the Program and the Advisory Committee are within the Department. Section 8.4 of this bill makes a conforming change to indicate the proper placement of section 8.2 in the Nevada Revised Statutes.

Section 9 of this bill makes an appropriation to the Account for Purchasing and Retiring Water Rights ~~{}~~ for the costs incurred by the Director and the Nevada Conservation and Recreation Program in administering the Nevada Water Buy-Back Initiative and for the purchase of water rights.

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

Section 1. NRS 533.030 is hereby amended to read as follows:

533.030 1. Subject to existing rights, and except as otherwise provided in this section and NRS 533.0241, 533.027 and 533.028, *and section 6 of this act*, all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

(b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:

(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the unincorporated areas of the county.

(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.

4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;

(b) Water used in a mining reclamation project; or

(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

Sec. 2. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, *and section 6 of this act*, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

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

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

2. Except as otherwise provided in subsection 10, ~~where there~~ *the State Engineer shall reject an application and refuse to issue the requested permit if:*

(a) *There is no unappropriated water in the proposed source of supply ~~where the~~ ;*

(b) *The groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 ;*

(c) *The groundwater has been ~~withdrawn~~ retired pursuant to section 6 of this act; or ~~where its~~*

(d) *The proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest . ~~the State Engineer shall reject the application and refuse to issue the requested permit.~~*

➔ If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

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

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

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

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

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

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

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

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

(b) If an application is protested.

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

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

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

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

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

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

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

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

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

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, a protest may be filed in accordance with NRS 533.365.

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

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

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

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

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

Sec. 3. NRS 533.371 is hereby amended to read as follows:

533.371 The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:

1. The application is incomplete;
2. The prescribed fees have not been paid;
3. The proposed use is not temporary;
4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;
5. The groundwater that has not been committed for use from the proposed source of supply has been reserved pursuant to NRS 533.0241;
6. *The groundwater has been ~~withdrawn~~ retired pursuant to section 6 of this act;*
7. The proposed use conflicts with existing rights; or
- ~~7.~~ 8. The proposed use threatens to prove detrimental to the public interest.

Sec. 4. Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~5 and 6~~ 4.5 to 6.6, inclusive, of this act.

*Sec. 4.5. As used in sections 4.5 to 6.6, inclusive, of this act, unless the context otherwise requires:*

1. "Department" means the State Department of Conservation and Natural Resources.
2. "Director" means the Director of the Department.
3. "Nevada Conservation and Recreation Program" or "Program" means the Nevada Conservation and Recreation Program created by section 8.2 of this act.

Sec. 5. 1. *The Account for Purchasing and Retiring Water Rights is hereby created in the State General Fund.*

2. *The Account for Purchasing and Retiring Water Rights must be administered by the ~~{State Engineer, who}~~ Director in accordance with the Nevada Water Buy-Back Initiative established by section 6 of this act. In addition to any direct legislative appropriation, the Director may apply for and accept any gift, donation, bequest, grant, federal money or other source of money for deposit in the Account for Purchasing and Retiring Water Rights.*

3. *The money in the Account for Purchasing and Retiring Water Rights must only be used for administering the Nevada Water Buy-Back Initiative established by section 6 of this act, to purchase water rights pursuant to section 6 of this act ~~and~~ and to provide matching money required as a condition of accepting any source of money that would result in the retirement of water rights pursuant to sections 6 and 6.4 of this act.*

4. *The money in the Account for Purchasing and Retiring Water Rights or any portion of the money in the Account for Purchasing and Retiring Water Rights may be invested or reinvested in accordance with the provisions of chapter 355 of NRS. The proceeds of such investments and the interest and income earned on the money in the Account for Purchasing and Retiring Water Rights, after deducting any applicable charges, must be credited to the Account for Purchasing and Retiring Water Rights.*

5. *Any money remaining in the Account for Purchasing and Retiring Water Rights at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account for Purchasing and Retiring Water Rights must be carried forward to the next fiscal year.*

6. *The Director may enter into an agreement with a public or private entity to apply for, obtain or manage any money contributed to the Account for Purchasing and Retiring Water Rights.*

7. *The ~~{State Engineer}~~ Director may request an allocation by the Interim Finance Committee from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 if the balance in the Account for Purchasing and Retiring Water Rights:*

(a) *Is less than \$250,000; or*

(b) *Is not sufficient to purchase water rights pursuant to section 6 of this act.*

Sec. 6. 1. *The ~~{Purchasing and Retiring}~~ Nevada Water ~~{Rights Program}~~ Buy-Back Initiative is hereby established in the Nevada Conservation and Recreation Program for the purpose of purchasing and retiring water rights in groundwater basins where there is an insufficient supply of water available to serve all vested rights, claims of vested rights, permits, certificates, protectable interests in domestic wells in the basin and to address and avoid conflicts with existing rights or detriments to the public interest, including, without limitation, detriments to the ~~{environmental}~~ natural resources of this State.*

2. ~~The [Program] Initiative must be administered by the [State Engineer] Director. In administering the [Program] Initiative, the [State Engineer] Director shall, to the extent money is available in the Account for Purchasing and Retiring Water Rights created by section 5 of this act, purchase and retire water rights from persons willing to sell according to the following order of priority:~~

(a) Groundwater basins where groundwater withdrawals ~~have consistently exceeded~~ currently exceed the available supply of water as a result of the consistent use of certificated or permitted rights to appropriate water and to address conflicts with existing rights ~~and~~ or detriments to the natural resources of this State.

(b) Any other groundwater basins where:

(1) ~~[Certified]~~ Certificated or permitted rights to appropriate water would, if withdrawn, ~~consistently~~ exceed the available supply of water; and

(2) The State Engineer determines retirement of water rights is necessary to address or avoid conflicts with existing rights or detriments to the public interest, including, without limitation, detriments to the ~~environmental]~~ natural resources of this State.

3. ~~[The State Engineer shall retire all water rights purchased pursuant to this section and withdraw that groundwater from appropriation. Groundwater that has been withdrawn pursuant to this section is not available for any use.~~

~~4. Before purchasing and retiring a water right pursuant to this section, the State Engineer shall consult with the board of commissioners of the groundwater basin in which the water right is located and the groundwater board, if such a groundwater board has been established pursuant to NRS 534.035, to attempt to address any issues relating to the purchase and retirement of the water right in the groundwater basin.~~

~~5. The State Engineer shall adopt such regulations as are necessary to carry out the provisions of this section. Such regulations must be adopted in accordance with the provisions of chapter 233B of NRS and must include, without limitation, procedures that will be used by the State Engineer to determine the amount the State Engineer will pay for a water right.] When sufficient money is available in the Account for Purchasing and Retiring Water Rights, the Director may accept applications for the purchase and retirement of water rights in accordance with any regulations adopted by the Director pursuant to section 6.6 of this act.~~

Sec. 6.2. 1. The Advisory Committee for the Nevada Water Buy-Back Initiative established by section 6 of this act is hereby established within the Department. The Advisory Committee consists of:

(a) The following voting members appointed by the Director:

(1) One member who represents a nonprofit conservation organization;

(2) One member who represents a political subdivision of the State of Nevada that manages a regional water system in a county whose population is 100,000 or more;

(3) One member who represents a water authority in a county whose population is less than 100,000;

(4) One member who represents agricultural interests; and

(5) One member who represents natural resources interests; and

(b) The following ex officio nonvoting members:

(1) The State Engineer or his or her designee; and

(2) The State Land Registrar or his or her designee.

2. The Advisory Committee shall consult with the Director on:

(a) The adoption of regulations required pursuant to section 6.6 of this act; and

(b) The administration of the Nevada Water Buy-Back Initiative established by section 6 of this act.

3. While engaged in the business of the Advisory Committee, each voting member of the Advisory Committee is entitled to receive a salary of not more than \$80 per day, as established by the Department, and the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 6.4. The State Engineer shall retire all water rights purchased pursuant to section 6 of this act through revocation or relinquishment of the water right or by using any other appropriate mechanism, as determined by the State Engineer, and preclude that groundwater from appropriation. Groundwater that has been retired pursuant to this section is not available for any use.

Sec. 6.6. 1. The Director shall adopt such regulations as are necessary to carry out the provisions of sections 4.5 to 6.6, inclusive, of this act, which must include, without limitation:

(a) The process for accepting applications for the purchase and retirement of water rights pursuant to section 6 of this act;

(b) The manner in which the valuation of water rights will be conducted for the Nevada Water Buy-Back Initiative established by section 6 of this act;

(c) Provisions to ensure that the retirement of water rights is consistent with the purposes of the Nevada Water Buy-Back Initiative, including, without limitation, addressing or avoiding conflicts with existing rights or detriments to the public interest or the natural resources of this State;

(d) Provisions to ensure compliance with any requirements or conditions of any gift, donation, bequest, grant, federal money or other source of money in administering the Account for Purchasing and Retiring Water Rights created by section 5 of this act;

(e) The methods of purchasing water rights by the Nevada Water Buy-Back Initiative pursuant to section 6 of this act which must be consistent with the mechanisms by which the water right will be retired by the State Engineer in accordance with section 6.4 of this act; and

(f) The process for a groundwater board or board of county commissioners to consult and support the purchase of water rights in a basin.

2. The Director shall consult with the Advisory Committee for the Nevada Water Buy-Back Initiative established by section 6.2 of this act in adopting regulations pursuant to this section.

- ~~Sec. 7. [NRS 534.040 is hereby amended to read as follows:  
534.040 1. Upon the initiation of the administration of this chapter in any particular basin, and where the investigations of the State Engineer have shown the necessity for the supervision over the waters of that basin, the State Engineer may employ a well supervisor and other necessary assistants, who shall execute the duties as provided in this chapter under the direction of the State Engineer. The salaries of the well supervisor and the assistants of the well supervisor must be fixed by the State Engineer. The well supervisor and assistants are exempt from the provisions of chapter 284 of NRS.  
2. If the money available from the license fees provided for in NRS 534.140 is not sufficient to pay those salaries, together with necessary expenses, including the compensation and other expenses of the Well Drillers' Advisory Board, the board of county commissioners shall, except as otherwise provided in this subsection, levy a special assessment annually, or at such time as the assessment is needed, upon all taxable property situated within the confines of the area designated by the State Engineer to come under the provisions of this chapter in an amount as is necessary to pay such salaries and expenses. If the board of county commissioners determines that the amount of a special assessment levied upon a property owner pursuant to this section when combined with the amount of all other taxes and assessments levied upon the property owner is less than the cost of collecting the special assessment levied pursuant to this subsection, the board of county commissioners may exempt the property owner from the assessment and appropriate money from the general fund of the county to pay the cost of the assessment.  
3. Except as otherwise provided in subsection 2, in designated areas within which the use of groundwater is predominantly for agricultural purposes, any special assessment levied pursuant to this section must be charged against each water user who has a permit to appropriate water or a perfected water right, and the charge against each water user must be based upon the proportion which his or her water right bears to the aggregate water rights in the designated area. The minimum charge is \$1.  
4. The salaries and expenses may be paid by the State Engineer from the Water Distribution Revolving Account pending the levy and collection of an assessment levied pursuant to this section.  
5. Except as otherwise provided in subsection 2, if a special assessment is levied pursuant to this section, the proper officers of the county shall levy and collect the special assessment as other special assessments are levied and collected, and the assessment is a lien upon the property.  
6. Any special assessment collected pursuant to this section must be deposited with the State Treasurer for credit to the Water District Account to be accounted for in basin well accounts.~~

~~7. Upon determination and certification by the State Engineer of the amount to be budgeted for the current or ensuing fiscal year for the purpose of paying the per diem and travel allowances of the groundwater board and employing consultants or other help needed to fulfill its responsibilities, the State Controller shall transfer that amount to a separate operating account for that fiscal year for the groundwater basin. Claims against the account must be approved by the groundwater board and paid as other claims against the State are paid. The State Engineer may use money in a particular basin well account to [support]:~~

~~(a) Support an activity outside the basin in which the money is collected if the activity bears a direct relationship to the responsibilities or activities of the State Engineer regarding the particular groundwater basin [.] ; or~~

~~(b) Upon the approval of the board of county commissioners of the groundwater basin, purchase and retire water rights pursuant to section 6 of this act. (Deleted by amendment.)~~

Sec. 8. ~~[NRS 233B.039 is hereby amended to read as follows:~~

~~233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:~~

~~(a) The Governor.~~

~~(b) Except as otherwise provided in NRS 209.221 and 209.2473, the Department of Corrections.~~

~~(c) The Nevada System of Higher Education.~~

~~(d) The Office of the Military.~~

~~(e) The Nevada Gaming Control Board.~~

~~(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.~~

~~(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

~~(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.~~

~~(i) Except as otherwise provided in NRS 533.365, and section 6 of this act, 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. 8.2. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Nevada Conservation and Recreation Program is hereby created within the Department to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State. The Director shall administer the Program.

2. The Nevada Conservation and Recreation Program consists of:

(a) A grant program to make grants in accordance with subsections 8, 9 and 10 of section 2 of chapter 480, Statutes of Nevada 2019, at page 2861; and

(b) The Nevada Water Buy-Back Initiative established by section 6 of this act.

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

Sec. 8.4. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~(1)~~, and section 8.2 of this act:

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 8.6. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The Office of Historic Preservation.

(g) The Division of Outdoor Recreation.

(h) The Division of Natural Heritage.

(i) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation,

the Commission on Off-Highway Vehicles, the Conservation Districts Program, the Sagebrush Ecosystem Council, the Nevada Conservation and Recreation Program, the Advisory Committee for the Nevada Water Buy-Back Initiative and the Board to Review Claims are within the Department.

Sec. 9. There is hereby appropriated from the State General Fund to the Account for Purchasing and Retiring Water Rights created by section 5 of this act the sum of \$5,000,000 for the reasonable costs incurred by the Director of the State Department of Conservation and Natural Resources and the Nevada Conservation and Recreation Program created by section 8.2 of this act in administering the Nevada Water Buy-Back Initiative established pursuant to section 6 of this act and for the purchase of water rights pursuant to section 6 of this act.

Sec. 9.5. The Director of the State Department of Conservation and Natural Resources shall, on or before July 1, 2025, adopt the regulations which are required by section 6.6 of this act.

Sec. 10. ~~This~~

1. This section becomes effective upon passage and approval.

2. Sections 1 to 9.5, inclusive, of this act ~~becomes~~ become effective ~~on~~:

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

(b) On July 1, 2023 ~~+~~, for all other purposes.

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 79 to Senate Bill No. 176 provides that the Account for Purchasing and Retiring Water Rights shall be administered by the Director of the State Department of Conservation and Natural Resources instead of the State Engineer. It establishes the Nevada Water Buy-Back Initiative to be administered by the Nevada Conservation and Recreation Program. It creates the Advisory Committee for the Nevada Water Buy-Back Initiative to consult with the Director. It changes the term "withdrawn" to "retired" throughout the bill and provides other clarifying language. It requires the Director to adopt necessary regulations by July 1, 2025. It deletes sections 7 and 8 of the bill and provides language in section 9 to clarify that the appropriation is for the reasonable costs incurred by the Director of the Nevada Conservation and Recreation Program in administering the Nevada Water Buy-Back Initiative and for the purchase of water rights pursuant to section 6 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 232.

Bill read second time.

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

Amendment No. 63.

SUMMARY—Requires the State Plan for Medicaid to include coverage for postpartum care services. (BDR 38-45)

AN ACT relating to Medicaid; requiring the State Plan for Medicaid to include coverage for postpartum care services for a certain period of time following a pregnancy; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing state law requires the Director of the Department of Health and Human Services to develop and the Department to administer a State Plan for Medicaid, which includes a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270) Existing federal law authorizes states to extend Medicaid coverage for postpartum care for a period of 12 months following the end of pregnancy. (American Rescue Plan Act of 2021, Pub. L. No. 117-2, § 9812) Section 1 of this bill requires the Director to include in the State Plan for Medicaid coverage for postpartum care services provided to a recipient for 12 months following the end of pregnancy. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

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

Section 1. Chapter 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 postpartum care services provided to a recipient of Medicaid for 12 months following the end of pregnancy.*

2. *As used in this section, "postpartum care services" means medical care that is consistent with current standards of care and provided to a person following the end of pregnancy, including, without limitation:*

(a) *The development of a plan for postpartum care;*

(b) *Contact with the person ~~within 3 weeks~~ after the end of pregnancy ~~+~~ as needed by the person;*

(c) *A comprehensive postpartum visit, including, without limitation ~~+~~ a full assessment of ~~+~~:*

*(1) Screening concerning the physical, social and psychological well-being of the person; and*

*(2) If necessary, a referral for a full assessment of the physical, social and psychological well-being of the person and any necessary treatment;*

(d) *Treatment of complications of pregnancy and childbirth, including, without limitation, pelvic floor disorders and postpartum depression ~~+~~, and any necessary referral for the evaluation and treatment of such complications;*

(e) *~~The assessment of risk factors.~~ Screening for cardiovascular disease ~~+~~ and, if necessary, a referral for a full assessment for cardiovascular disease and any necessary treatment; and*

(f) *Care related to the loss of a pregnancy.*

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

232.320 1. The Director:

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

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and
- (5) The Administrator of the Division of Public and Behavioral Health.

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

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

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

- (1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;
- (2) Set forth priorities for the provision of those services;
- (3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;
- (4) Identify the sources of funding for services provided by the Department and the allocation of that funding;
- (5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and
- (6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their

budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

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

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

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

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

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

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

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 63 to Senate Bill No. 232 updates the definition of "postpartum services" to include medical care that is consistent with the current standards of care. Additionally, this amendment updates the services that should be included in a comprehensive postpartum care visit.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 241.

Bill read second time and ordered to third reading.

Senate Bill No. 297.

Bill read second time.

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

Amendment No. 87.

SUMMARY—Provides for the establishment of the Nevada Memory Network. (BDR 40-298)

AN ACT relating to dementia; providing for the establishment of the Nevada Memory Network for the diagnosis of dementia and the care of patients with dementia; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Task Force on Alzheimer's Disease within the Department of Health and Human Services and requires the Task Force to develop a state plan to address Alzheimer's disease. (NRS 439.508-439.5085) Section 1 of this bill authorizes the University of Nevada, Las Vegas, School of Medicine and the University of Nevada, Reno, School of Medicine, in collaboration with the Department, to establish the Nevada Memory Network, which is a system for the diagnosis of dementia and the ongoing management of care for patients with dementia. Section 2 of this bill makes an appropriation to the Nevada System of Higher Education to support the establishment and operation of the Network.

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 University of Nevada, Las Vegas, School of Medicine and the University of Nevada, Reno, School of Medicine, in collaboration with the Department, may establish the Nevada Memory Network in accordance with this section. If the Nevada Memory Network is established, the University of Nevada, Las Vegas, School of Medicine, the University of Nevada, Reno, School of Medicine and the Department shall:*

(a) *Establish or contract with clinics that employ or contract with physicians who specialize in neurology, neuropsychology and geriatrics to:*

(1) *Train providers of primary care in screening for and treating dementia;*

(2) *Diagnose dementia in patients referred to the clinics by providers of primary care;*

(3) *Create plans of care for patients with dementia; and*

(4) *Use telehealth where necessary or convenient to carry out the duties prescribed in subparagraphs (1), (2) and (3).*

(b) *Employ or contract with ~~persons to serve as community-based~~ community health workers who specialize in dementia care. ~~navigators.~~ The ~~community-based dementia care navigators~~ community health workers shall:*

(1) *Coordinate care and provide referrals to community-based services and in-home care for patients diagnosed with dementia pursuant to subparagraph (2) of paragraph (a); and*

(2) *Monitor the well-being of and provide support to persons who provide care to patients diagnosed with dementia pursuant to subparagraph (2) of paragraph (a), including, without limitation, providers of respite care to such patients.*

2. *The University of Nevada, Las Vegas, School of Medicine, the University of Nevada, Reno, School of Medicine and the Department may collaborate or contract with any additional persons or entities as necessary to carry out the provisions of this section.*

3. *As used in this section ~~,"telehealth"~~:*

(a) *"Community health worker" has the meaning ascribed to it in NRS 449.0027.*

(b) *"Telehealth" has the meaning ascribed to it in NRS 629.515.*

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of \$684,573 to support the establishment and operation of the Nevada Memory Network pursuant to section 1 of this act, including, without limitation, by employing or contracting with at least four persons to perform the functions described in paragraph (b) of subsection 1 of 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. 3. This act becomes effective on July 1, 2023.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 87 to Senate Bill No. 297 replaces the term "community-based dementia care navigators" with "community health workers who specialize in dementia."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 311.

Bill read second time and ordered to third reading.

Senate Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 205.

SUMMARY—Makes various changes relating to criminal law. (BDR 14-132)

AN ACT relating to criminal law; revising ~~the required contents of provisions relating to~~ certain annual reports concerning criminal cases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the district attorney for each county to prepare and submit to the Attorney General an annual report concerning certain cases filed during the previous calendar year which included a charge for murder or voluntary manslaughter. Among other requirements, existing law requires the annual report to include, for each case filed: (1) the age, gender and race of the defendant; and (2) the name of each court in which the case was prosecuted. (NRS 178.750) This bill ~~additionally requires~~ revises requirements relating to the annual report by: (1) transferring the responsibilities of the Attorney General concerning the report to the Department of Sentencing Policy; and (2) requiring the report to include ~~+(1)~~ the name of the defendant ~~+~~ and ~~+(2)~~ the case number.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 178.750 is hereby amended to read as follows:

178.750 1. The district attorney for each county shall prepare and submit a report, on a form approved by the ~~Attorney General,~~ Department of

Sentencing Policy created by NRS 176.01323, to the ~~Attorney General~~ Department of Sentencing Policy not later than February 1 of each year concerning each case filed during the previous calendar year that included a charge for murder or voluntary manslaughter. The district attorney shall exclude from the report any charge for manslaughter that resulted from a death in a crash involving a motor vehicle.

2. The report required pursuant to subsection 1 must include, without limitation:

- (a) The *name*, age, gender and race of the defendant;
- (b) The age, gender and race of any codefendant or other person charged or suspected of having participated in the homicide and in any alleged related offense;
- (c) The age, gender and race of the victim of the homicide and any alleged related offense;
- (d) The date of the homicide and of any alleged related offense;
- (e) The date of filing of the information or indictment;
- (f) The ~~name of each~~ *case number and court* in which the case was prosecuted;
- (g) Whether or not the prosecutor filed a notice of intent to seek the death penalty and, if so, when the prosecutor filed the notice;
- (h) The final disposition of the case and whether or not the case was tried before a jury;
- (i) The race, ethnicity and gender of each member of the jury, if the case was tried by a jury; and
- (j) The identity of:
  - (1) Each prosecuting attorney who participated in the decision to file the initial charges against the defendant;
  - (2) Each prosecuting attorney who participated in the decision to offer or accept a plea, if applicable;
  - (3) Each prosecuting attorney who participated in the decision to seek the death penalty, if applicable; and
  - (4) Each person outside the office of the district attorney who was consulted in determining whether to seek the death penalty or to accept or reject a plea, if any.

3. If all the information required pursuant to subsection 1 cannot be provided because the case is still in progress, an additional report must be filed with the ~~Attorney General~~ Department of Sentencing Policy each time a subsequent report is filed until all the information, to the extent available, has been provided.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 205 to Senate Bill No. 316 transfers the submittal of reports and the duties associated with those reports from the Attorney General to the Nevada Department of Sentencing Policy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 317.

Bill read second time.

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

Amendment No. 235.

SUMMARY—Establishes provisions relating to resources for persons experiencing homelessness. (BDR 38-981)

AN ACT relating to public welfare; authorizing a provider of homeless services to authorize the use of the provider's address as a temporary mailing address by a person experiencing homelessness for certain purposes; requiring the Division of Welfare and Supportive Services of the Department of Health and Human Services to publish a list of such providers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to provide certain services to persons who are transient, at imminent risk of homelessness or homeless. (NRS 422A.680) Section 7 of this bill authorizes a provider of homeless services to authorize a person experiencing homelessness to utilize the provider's address as a temporary mailing address, if that person is a Nevada resident receiving other services from the provider. A person authorized to use a temporary mailing address under section 7 may use that temporary mailing address for various purposes, including applying for public assistance, enrolling a family member in school, enrolling in an institution of the Nevada System of Higher Education, obtaining housing and seeking or retaining employment. Section 7 requires a provider of homeless services to notify the Division of Welfare and Supportive Services of the Department within 30 days after authorizing a person experiencing homelessness to use the provider's address as that person's temporary address. ~~Finally, section~~ Section 7 further requires the Division, within the limits of legislative appropriation, to publish on the Internet website maintained by the Division a list of providers of homeless services that authorize a person experiencing homelessness to use the provider's address as that person's temporary mailing address. Finally, section 7 provides that nothing in this bill shall be construed to prohibit a person actually residing at a provider of homeless services from using the address of that provider for the purpose of registering to vote or receiving voting materials by mail.

Section 8 of this bill authorizes the Administrator of the Division to adopt regulations to carry out the provisions of sections 2-8 of this bill.

Sections 3-6 of this bill define terms relating to the provision of a temporary address for a person experiencing homelessness.

~~Section 1 of this bill makes a conforming change to indicate the proper placement of sections 2-8 in the Nevada Revised Statutes.~~

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Nevada resident" means a person who has:*

1. *Actually resided in this State for at least 6 months; or*
2. *A valid driver's license or identification card issued by the Department of Motor Vehicles of this State, other than such an identification card which indicates that the person is a seasonal resident.*

Sec. 4. *"Person experiencing homelessness" means a person who is transient, at imminent risk of homelessness or homeless.*

Sec. 5. *"Provider of homeless services" means an organization that:*

1. *Is a governmental entity or is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3);*
2. *Operates in this State; and*
3. *Primarily provides services to persons experiencing homelessness.*

Sec. 6. *"Temporary mailing address" means a mailing address which a person experiencing homelessness is authorized to use pursuant to section 7 of this act.*

Sec. 7. 1. *A provider of homeless services may authorize a person to use the provider's address as that person's temporary mailing address for a period of time not to exceed 180 days if that person is:*

- (a) *A Nevada resident;*
- (b) *A person in crisis; and*
- (c) *Receiving services from the provider of homeless services.*

2. *A person experiencing homelessness may use a temporary mailing address to:*

- (a) *Apply for public assistance;*
- (b) *Enroll a family member in a school or other public educational facility;*
- (c) *Enroll in an institution of the Nevada System of Higher Education;*
- (d) *Obtain permanent or temporary housing, including, without limitation, supportive housing;*
- (e) *Seek or retain employment; or*
- (f) *Facilitate any other purpose prescribed by the Administrator of the Division.*

3. *A provider of homeless services that authorizes a person experiencing homelessness to use the provider's address as a temporary mailing address shall notify the Division within 30 days after the authorization is given.*

4. *Within the limits of legislative appropriation, the Division shall publish a list of all the providers of homeless services that authorize a person experiencing homelessness to use the provider's address as the person's temporary mailing address on an Internet website maintained by the Division.*

5. Nothing in this section shall be construed to prohibit a person actually residing at a provider of homeless services from using the address of that provider of homeless services where the person resides for the purpose of registering to vote or receiving voting materials by mail.

Sec. 8. *The Administrator may adopt regulations to carry out the provisions of sections 2 to 8, inclusive, of this act.*

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 8, 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.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 235 to Senate Bill No. 317 removes the definition of a Nevada resident as an individual who has resided in the State for at least six months or has a Nevada driver's license and adds that nothing in this provision precludes a person who is residing at a provider of homeless services or experiencing homelessness from using the address at their residence for purposes of registering to vote or obtaining voting materials by mail.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 350.

Bill read second time.

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

Amendment No. 135.

SUMMARY—Revises provisions relating to graduate medical education. (BDR 18-553)

AN ACT relating to health care; requiring the Office of Science, Innovation and Technology in the Office of the Governor to establish the Graduate Medical Education Grant Program for the purpose of awarding competitive grants to create, expand and retain residency and fellowship programs for physicians in this State; establishing and prescribing the duties of the Advisory Council on Graduate Medical Education; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor. (NRS 232.600) Section 5 of this bill requires the Office to establish the Graduate Medical Education Grant Program for the purpose of awarding grants to institutions seeking to create, expand or retain accredited programs for residency training and postdoctoral fellowships for physicians. Section 2 of this bill creates the Account for the Graduate Medical Education Grant Program in the State General Fund, requires the Director of the Office to administer the Account and requires money in the Account to be used to award competitive grants pursuant to the Program. Section 3 of this

bill establishes the Advisory Council on Graduate Medical Education, and section 4 of this bill requires the Council to make recommendations to the Office concerning applications for grants pursuant to the Program. Under sections 4 and 5, the Council and the Office are required to give priority to applications for grants made for the purpose of retaining programs of residency training and postdoctoral fellowships when the federal funding supporting such programs expires. Section 6 of this bill requires the Office to submit an annual report to the Governor and the Legislature concerning the Program and any recommendations for the measures to create, expand and retain programs of residency training and postdoctoral fellowships. Sections 7 and 8 of this bill make conforming changes to, respectively: (1) require the Director to provide support for the Council and implement the Program; and (2) clarify that money for the Program is required to be deposited in the Account. Section 9 of this bill makes an appropriation from the State General Fund to the Program. Section 11 of this bill provides that this bill becomes effective upon passage and approval.

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

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

Sec. 2. 1. *The Account for the Graduate Medical Education Grant Program is hereby created in the State General Fund. The Director of the Office of Science, Innovation and Technology shall administer the Account.*

2. *The Director of the Office of Science, Innovation and Technology may:*

(a) *Accept any gift, donation, bequest or devise; and*

(b) *Apply for and accept any grant, loan or other source of money,*

↪ *for deposit in the Account to assist the Director in carrying out the Graduate Medical Education Grant Program established pursuant to section 5 of this act.*

3. *The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.*

4. *The money in the Account must only be used to:*

(a) *Award competitive grants to institutions in this State seeking to create, expand or retain programs for residency training and postdoctoral fellowships that are approved by the Accreditation Council for Graduate Medical Education or its successor organization; and*

(b) *Defray the costs of establishing and administering the Graduate Medical Education Grant Program established pursuant to section 5 of this act.*

5. *Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

6. *Claims against the Account must be paid as other claims against the State are paid.*

Sec. 3. 1. *The Advisory Council on Graduate Medical Education is hereby created within the Office of Science, Innovation and Technology. The Council consists of:*

*(a) The dean of each medical school in this State that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations, or his or her designee;*

*(b) The dean of each school of osteopathic medicine in this State that is accredited by the Commission on Osteopathic College Accreditation of the American Osteopathic Association or its successor organization, or his or her designee;*

*(c) Two members appointed by the Governor who are physicians licensed pursuant to chapter 630 or 633 of NRS;*

*(d) One member appointed by the Governor who represents hospitals located in counties whose population is less than 100,000;*

*(e) One member appointed by the Governor who represents hospitals located in counties whose population is 100,000 or more but less than 700,000;*

*(f) One member appointed by the Governor who represents hospitals located in a county whose population is 700,000 or more;*

*(g) One member appointed by the Governor who represents the medical corps of any of the Armed Forces of the United States;*

*(h) One member appointed by the Governor who represents the Department of Health and Human Services; and*

*(i) One member appointed by the Governor who represents the Office of Economic Development in the Office of the Governor.*

2. *In addition to the members appointed by the Governor pursuant to subsection 1, the Governor may appoint two members as the Governor determines necessary to carry out the provisions of sections 2 to 6, inclusive, of this act.*

3. *After the initial terms, the term of each member of the Council is 3 years, and members shall serve at the pleasure of the Governor.*

4. *Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.*

5. *The Council shall select from its members a Chair and a Vice Chair who shall hold office for 1 year and who may be reelected.*

6. *The Council shall meet at the call of the Chair ~~and~~ as often as necessary to evaluate applications for competitive grants for the Graduate Medical Education Grant Program established pursuant to section 5 of this act and make recommendations to the Office of Science, Innovation and Technology concerning the approval of applications for such grants.*

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

8. *The members of the Council serve without compensation, except that each member is 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 Council.*

9. *A member of the Council 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 Council and perform any work necessary to carry out the duties of the Council 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 Council 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 Council; or*

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

Sec. 4. *The Advisory Council on Graduate Medical Education shall:*

1. *Evaluate applications for competitive grants for the Graduate Medical Education Grant Program established pursuant to section 5 of this act and make recommendations to the Office of Science, Innovation and Technology concerning the approval of applications for such grants. In evaluating and making recommendations concerning such applications, the Council shall give priority to the award of grants for the retention of programs in this State for residency training and postdoctoral fellows when the federal funding for the support of such programs expires.*

2. *Study and make recommendations to the Office of Science, Innovation and Technology, the Governor and the Legislature concerning:*

*(a) The creation and retention of programs in this State for residency training and postdoctoral fellows that are approved by the Accreditation Council for Graduate Medical Education or its successor organization; and*

*(b) The recruitment and retention of physicians necessary to meet the health care needs of the residents of this State ~~and~~, with the emphasis on those health care needs.*

Sec. 5. 1. *The Office of Science, Innovation and Technology shall establish and administer a Graduate Medical Education Grant Program as a competitive grant program to award grants to institutions in this State seeking to create, expand or retain programs for residency training and postdoctoral fellows that are approved by the Accreditation Council for Graduate Medical Education or its successor organization.*

2. *In awarding grants pursuant to the Program established pursuant to subsection 1, the Office of Science, Innovation and Technology shall consider the recommendations of the Advisory Council on Graduate Medical Education created by section 3 of this act and give priority to the award of grants for the retention of programs in this State for residency training and postdoctoral fellows when the federal funding for the support of such programs expires.*

3. *The Office of Science, Innovation and Technology may adopt regulations necessary to carry out the Program established pursuant to*

*subsection 1. Such regulations may include, without limitation, the requirements to apply for and receive a grant.*

Sec. 6. 1. *On or before October 1 of each year, the Office of Science, Innovation and Technology shall submit a written report to:*

*(a) The Governor; and*

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

*(1) The Interim Finance Committee in an odd-numbered year; or*

*(2) The next regular session of the Legislature in an even-numbered year.*

2. *The report must include, without limitation:*

*(a) Information on the Graduate Medical Education Grant Program established pursuant to section 5 of this act; and*

*(b) Any recommendations regarding graduate medical education in this State, including, without limitation:*

*(1) The creation, expansion and retention of programs in this State for residency training and postdoctoral fellows; and*

*(2) Methods by which this State may recruit and retain physicians necessary to meet the health care needs of the residents of this State.*

Sec. 7. NRS 223.610 is hereby amended to read as follows:

223.610 The Director of the Office of Science, Innovation and Technology shall:

1. Advise the Governor and the Executive Director of the Office of Economic Development on matters relating to science, innovation and technology.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for economic development and diversification in this State in the areas of science, innovation and technology.

3. As directed by the Governor, identify, recommend and carry out policies related to science, innovation and technology.

4. Report periodically to the Executive Director of the Office of Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology.

5. Coordinate activities in this State relating to the planning, mapping and procurement of broadband service in a competitively neutral and nondiscriminatory manner, which must include, without limitation:

(a) Development of a strategic plan to improve the delivery of broadband services in this State to schools, libraries, providers of health care, transportation facilities, prisons and other community facilities;

(b) Applying for state and federal grants on behalf of eligible entities and managing state matching money that has been appropriated by the Legislature;

(c) Coordinating and processing applications for state and federal money relating to broadband services;

(d) Prioritizing construction projects which affect or involve the expansion or deployment of broadband services in this State;

(e) In consultation with providers of health care from various health care settings, the expansion of telehealth services to reduce health care costs and

increase health care quality and access in this State, especially in rural, unserved and underserved areas of this State;

(f) Expansion of the fiber optic infrastructure in this State for the benefit of the public safety radio and communications systems in this State;

(g) Collection and storage of data relating to agreements and contracts entered into by the State for the provision of fiber optic assets in this State;

(h) Administration of the trade policy for fiber optic infrastructure in this State; and

(i) Establishing and administering a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State using money from the Account for the Grant Program for Broadband Infrastructure created by NRS 223.660. The Director may adopt regulations to carry out his or her duties pursuant to this paragraph.

6. Provide support to the Advisory Council on Science, Technology, Engineering and Mathematics and direct the implementation in this State of plans developed by the Council concerning, without limitation, workforce development, college preparedness and economic development.

7. *Provide support to the Advisory Council on Graduate Medical Education and implement the Graduate Medical Education Grant Program established pursuant to section 5 of this act.*

8. In carrying out his or her duties pursuant to this section, consult with the Executive Director of the Office of Economic Development and cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

~~8.~~ 9. Administer such grants as are provided by legislative appropriation.

Sec. 8. NRS 223.630 is hereby amended to read as follows:

223.630 1. The Account for the Office of Science, Innovation and Technology is hereby created in the State General Fund. The Account must be administered by the Director of the Office of Science, Innovation and Technology.

2. Except as otherwise provided in NRS 223.660 ~~and~~ *and section 2 of this act*, any money accepted pursuant to NRS 223.620 must be deposited in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. The money in the Account must only be used to carry out the duties of the Director.

5. Claims against the Account must be paid as other claims against the State are paid.

Sec. 9. ~~11.~~ There is hereby appropriated from the State General Fund to the Account for the Graduate Medical Education Grant Program created by

section 2 of this act, the sum of \$17,000,000 for the Graduate Medical Education Grant Program established pursuant to section 5 of this act.

~~[ 2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, 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 17, 2027, 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 17, 2027.]~~

Sec. 10. 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. 11. This act becomes effective upon passage and approval.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 135 to Senate Bill No. 350 updates the study requirements for the Advisory Council on Graduate Medical Education to include the retention and recruitment of physicians. It establishes the frequency for how often the Council should meet and requires any remaining balance for the appropriation awarded to be reverted to the Graduate Medical Education Grant Program for additional expenditures.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 368.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 164.

SUMMARY—Revises provisions relating to real property. (BDR 10-989)

AN ACT relating to real property; ~~[authorizing certain persons to file]~~ prescribing a ~~[petition requesting that]~~ procedure for removing certain discriminatory restrictions or prohibitions ~~[be redacted]~~ from ~~[an original]~~ a written instrument relating to real property; requiring the ~~[county recorder to redact certain restrictions or prohibitions from an original written instrument under certain circumstances;]~~ Real Estate Division of the Department of Business and Industry to prescribe a restrictive covenant modification form; eliminating certain provisions relating to a declaration of removal of a discriminatory restriction or prohibition; requiring each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any restriction or prohibition in a written instrument relating to real property that purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of the real property or purports to limit, restrict or prohibit the use or occupation of the real property

on the basis of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression is void and unenforceable by operation of law. Existing law authorizes an owner of real property that is subject to such a restriction or prohibition to record a declaration of removal of the discriminatory restriction or prohibition by filing a declaration form with the county recorder of the county in which the real property is located. If an owner files such a form, existing law requires the county recorder to attach the declaration form to the original recorded instrument to indicate that the discriminatory restriction or prohibition is void. (NRS 111.237)

Section ~~11~~ 1.3 of this bill eliminates provisions relating to the filing and recordation of a declaration of removal of a discriminatory restriction or prohibition. Instead, ~~section 1 authorizes~~ section 1.3 prescribes a procedure for removing a discriminatory restriction or prohibition from a written instrument relating to real property. Section 1.3 requires an ~~owner and certain other~~ interested ~~persons~~ person who wishes to remove a discriminatory restriction or prohibition from a written instrument to file a petition in the district court requesting that the court issue an order directing the county recorder to ~~redact from an original written instrument~~ record a ~~restriction or prohibition that is void and unenforceable by operation of law~~ restrictive covenant modification document, which redacts from a written instrument any discriminatory restriction or prohibition identified by the court in its order. If, after considering such a petition and any objections, the district court determines that a restriction or prohibition identified in a petition is void and unenforceable by operation of law, section ~~11~~ 1.3 requires the district court to issue an order directing the appropriate county recorder to ~~redact the restriction or prohibition from the original written instrument~~ record a restrictive covenant modification document. If the district court issues such an order, section 1.3 authorizes an interested person to record a restrictive covenant modification document by filing with the appropriate county recorder: (1) a restrictive covenant modification form; (2) a certified copy of the written instrument; and (3) a certified copy of the court order. Upon ~~the issuance of such an order~~ receipt of these documents, section ~~11~~ 1.3 requires the county recorder to : (1) redact ~~the restriction or prohibition~~ from the ~~original~~ written instrument ~~Sections~~ any language identified in the court order; (2) record and index the restrictive covenant modification document and restrictive covenant modification form; and (3) retain the original written instrument as a public record for historical purposes.

Section 1 of this bill defines certain terms relating to the procedure prescribed by section 1.3. Section 2 ~~and 4~~ of this bill ~~make~~ makes a conforming ~~changes~~ change relating to the ~~elimination of the provisions concerning the filing and~~ recordation of a ~~declaration of removal of a discriminatory restriction~~ restrictive covenant modification document or ~~prohibition~~ restrictive covenant modification form.

Section 1.5 of this bill requires the Real Estate Division of the Department of Business and Industry to: (1) solicit recommendations concerning the design and contents of a restrictive covenant modification form; and (2) prescribe such a form.

Section 3 of this bill requires each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder.

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

*Section 1. NRS 111.010 is hereby amended to read as follows:*

111.010 As used in this chapter:

1. "Conveyance" shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be its form, and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned or surrendered.

2. "Estate and interest in lands" shall be construed and embrace every estate and interest, present and future, vested and contingent, in lands as defined in subsection 3.

3. "Lands" shall be construed as coextensive in meaning with lands, tenements and hereditaments, and shall include in its meaning all possessory right to the soil for mining and other purposes.

4. "Restrictive covenant modification document" means a certified copy of a written instrument which redacts from the written instrument any language identified in a court order issued pursuant to NRS 111.237.

5. "Restrictive covenant modification form" means the form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to NRS 111.2375.

~~[Section 1.]~~ *Sec. 1.3. NRS 111.237 is hereby amended to read as follows:*

111.237 1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

2. Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

3. ~~3. The owner or owners of any real property subject to an interested person may file a petition in the district court requesting that the court issue an order directing the county recorder to redact from an original written instrument a~~ A restriction or prohibition that is void and unenforceable by operation of law pursuant to subsection 1 or 2 ~~may~~ may ~~record~~ be removed from a written instrument using the restrictive covenant modification procedure provided in this section.

4. An interested person who wishes to remove from a written instrument any restriction or prohibition that is void and unenforceable by operation of law must file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document. Any such petition must:

(a) ~~Be made on a form prescribed by the [Real Estate Division] clerk of the [Department of Business and Industry pursuant to NRS 111.2375 declaring that all such restrictions] court;~~

(b) ~~Specifically identify any restriction or [prohibitions are removed from] prohibition the [referenced original] interested person seeks to have redacted from the written instrument [-]; and~~

(c) ~~Be accompanied by [an];~~

(1) An affidavit that states that the petitioner meets the definition of "interested person" set forth in subsection ~~11.1~~ 14, if the petitioner is not the owner or owners of the real property [-

~~4. The form must be completed and signed by]; and~~

(2) A copy of the written instrument.

5. If the petitioner is not the owner or owners of the real property [and], a copy of the petition must be served upon each owner of the property by mailing a copy of the petition by certified mail, return receipt requested, to each owner at his or her place of residence or to the registered agent of each owner at the address of the registered agent.

~~5.6. If, within 10 days after service of the petition:~~

(a) ~~No written objection is filed, [in] the [office of] district court may consider the petition without a hearing.~~

(b) ~~A written objection is filed, the district court shall set the matter for a hearing.~~

~~6.7. After considering the petition and any objections, if the district court determines that a restriction or prohibition identified in the petition is void and unenforceable by operation of law pursuant to subsection 1 or 2, the district court shall issue an order directing the county recorder of the county in which the real property is located [-~~

~~5.] to [redact the restriction or prohibition from the original written instrument.] record a restrictive covenant modification document. An order issued pursuant to this subsection must clearly identify the language that must be redacted [from] in the [original written instrument.] restrictive covenant modification document.~~

~~7.7~~ 8. If the ~~{form is filed with the appropriate county recorder}~~ district court issues an order pursuant to subsection ~~{4, 6, 7}~~ 7, an interested person may record a restrictive covenant modification document by filing with the appropriate county recorder:

- (a) A completed, signed restrictive covenant modification form;
- (b) A certified copy of the written instrument; and
- (c) A certified copy of a court order issued pursuant to subsection 7.

9. Upon receipt of the documents required by subsection 8, the county recorder shall ~~record and index the form with any other restriction or prohibition upon real property, including, without limitation, real property within a common interest community pursuant to chapter 116 of NRS.~~

~~6.~~ If the form is not filed with the county recorder of the appropriate county pursuant to subsection 4, the county recorder shall transfer the form to the county recorder of the appropriate county for recording and indexing in the manner described in subsection 5.

~~7. redact~~ :

(a) Redact from the ~~original~~ certified copy of the written instrument any language identified in the order ~~f-7~~ ;

(b) Record and index:

- (1) The restrictive covenant modification document; and
- (2) The restrictive covenant modification form; and
- (c) Retain the original written instrument as a public record for historical purposes.

~~8.7~~ 10. The decision of the district court is not appealable.

~~9.7~~ 11. No fee may be charged by:

(a) The clerk of the court for ~~the~~ :

(1) The filing of a petition or written objection pursuant to this section ~~f-7~~ ; or

(2) Providing a certified copy of a court order issued pursuant to subsection 7; or

(b) The county recorder for any filing, indexing or recording required pursuant to subsection 9.

~~10.7~~ 12. The filing of a petition pursuant to subsection 4 does not constitute grounds for delaying any probate proceeding, divorce proceeding or bankruptcy proceeding to which an owner is a party.

13. Nothing in this section regarding familial status shall be construed to apply to housing for older persons so long as such housing complies with the requirements of 42 U.S.C. § 3607.

~~8.11~~ 14. As used in this section:

- (a) "Disability" means, with respect to a person:
  - (1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;
  - (2) A record of such an impairment; or
  - (3) Being regarded as having such an impairment.
- (b) "Familial status" means the fact that a person:

- (1) Lives with a child under the age of 18 and has:
- (I) Lawful custody of the child; or
  - (II) Written permission to live with the child from the person who has lawful custody of the child;
- (2) Is pregnant; or
- (3) Has begun the proceeding to adopt or otherwise obtain lawful custody of a child.

(c) "Interested person" includes:

- (1) The owner or owners of the real property.
- (2) A representative of a common-interest community, if the real property is located within a common-interest community.
- (3) A nonprofit organization or academic institution whose mission, in whole or in part, is to combat discrimination based upon race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression.

Sec. 1.5. NRS 111.2375 is hereby amended to read as follows:

111.2375 1. The Real Estate Division of the Department of Business and Industry shall:

(a) Solicit recommendations from the county recorder of each county concerning the design and contents of a restrictive covenant modification form that may be used ~~to make a declaration of removal of~~ for the purpose of redacting and removing a discriminatory restriction pursuant to NRS 111.237.

(b) Prescribe such a form after considering all recommendations solicited pursuant to paragraph (a).

2. ~~The form must provide for the inclusion of the following:~~

~~—(a) Identifying information concerning the original written instrument that contains a prohibition or restriction that is void and unenforceable pursuant to NRS 111.237;~~

~~—(b) The name or names of the owner or owners of the property;~~

~~—(c) The assessor's parcel number;~~

~~—(d) The legal description of the real property as provided in the original written instrument;~~

~~—(e) The mailing address of the owner or owners of the property; and~~

~~—(f) The following statements in 14 point font, in substantially the following form:~~

~~—(1) The referenced original written instrument contains discriminatory restrictions that are void and unenforceable pursuant to NRS 111.237. This declaration removes from the referenced original instrument all provisions that are void and unenforceable pursuant to NRS 111.237 and is valid solely for that purpose; and~~

~~—(2) All persons in this State shall have an equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression pursuant to chapter 118 of NRS.~~

~~3.~~ The form must be made available, free of charge:

(a) By the Real Estate Division at its principal office designated pursuant to NRS 645.170 and at each branch office established pursuant to NRS 645.170 and on any Internet website maintained by the Division; and

(b) By the county recorder at the office of the county recorder and on any Internet website maintained by the county recorder in his or her official capacity.

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,] restrictive covenant modification form, a restrictive covenant modification document,~~ 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.

Sec. 3. As soon as reasonably practicable on or after October 1, 2023, each county recorder in this State shall provide notice of the provisions of this act to each owner who, before October 1, 2023, recorded a form declaring that a restriction or prohibition is removed from an original written instrument.

Sec. 4. ~~NRS 111.2375 is hereby repealed.~~ (Deleted by amendment.)~~†~~

~~TEXT OF REPEALED SECTION~~

~~NRS 111.2375 Form to make declaration of removal of discriminatory restriction:~~

~~1. The Real Estate Division of the Department of Business and Industry shall:~~

~~(a) Solicit recommendations from the county recorder of each county concerning the design and contents of a form that may be used to make a declaration of removal of a discriminatory restriction pursuant to NRS 111.237.~~

~~(b) Prescribe such a form after considering all recommendations solicited pursuant to paragraph (a).~~

~~2. The form must provide for the inclusion of the following:~~

~~(a) Identifying information concerning the original written instrument that contains a prohibition or restriction that is void and unenforceable pursuant to NRS 111.237;~~

~~(b) The name or names of the owner or owners of the property;~~

~~(c) The assessor's parcel number;~~

~~(d) The legal description of the real property as provided in the original written instrument;~~

~~(e) The mailing address of the owner or owners of the property; and~~

~~(f) The following statements in 14-point font, in substantially the following form:~~

~~(1) The referenced original written instrument contains discriminatory restrictions that are void and unenforceable pursuant to NRS 111.237. This declaration removes from the referenced original instrument all provisions that are void and unenforceable pursuant to NRS 111.237 and is valid solely for that purpose; and~~

~~(2) All persons in this State shall have an equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression pursuant to chapter 118 of NRS.~~

~~3. The form must be made available, free of charge.~~

~~— (a) By the Real Estate Division at its principal office designated pursuant to NRS 645.170 and at each branch office established pursuant to NRS 645.170 and on any Internet website maintained by the Division; and~~

~~— (b) By the county recorder at the office of the county recorder and on any Internet website maintained by the county recorder in his or her official capacity.]~~

Senator Nguyen moved the adoption of the amendment.

Remarks by Senator Nguyen.

Amendment No. 164 to Senate Bill No. 368 requires a district court that determines that a restriction or prohibition is void and unenforceable to issue an order directing the county recorder to record, free of charge, a Restrictive Covenant Modification form and redact the restriction or prohibition from all future versions of the written instrument.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 387.

Bill read second time and ordered to third reading.

Senate Bill No. 416.

Bill read second time and ordered to third reading.

Senate Bill No. 428.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 88, 176, 232, 241, 297, 311, 350, 387, 416 and 428 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 223.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 223 makes various revisions relating to real property, including, but not limited to, clarifying that a notice of pendency of an action or withdrawal or cancellation of such must be filed with the recorder of each county where any of the property is located. It similarly clarifies that documents relating to a foreclosure or a trustee's sale must be recorded in each county where any of the property is located. The bill also clarifies certain instances when a lien must be recorded and exempts the property of a seller who, after a sale, becomes a tenant of the same property for 90 days or less from the provisions of the Residential Landlord and Tenant Act. Finally, the bill provides that a real estate broker's claim for a commission is satisfied when an escrow agent who has reserved from an owner's net proceeds an amount equal to the amount claimed by the broker in his or her recorded claim deposits that amount with the district court thus removing the escrow agent from any further involvement with such a claim.

Roll call on Senate Bill No. 223:

YEAS—21.

NAYS—None.

Senate Bill No. 223 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Spearman:

Senate Bill No. 451—AN ACT relating to energy; requiring the Office of Energy within the Office of the Governor, the Public Utilities Commission of Nevada, the Office of Economic Development within the Office of the Governor and the Department of Transportation to coordinate and take certain actions to promote the development and use of clean hydrogen technology in this State; and providing other matters properly relating thereto.

Senator Spearman moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

WAIVERS AND EXEMPTIONS  
WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Cannizzaro.

For: Senate Bill No. 451.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Monday, March 27, 2023.

NICOLE CANNIZZARO  
*Senate Majority Leader*

STEVE YEAGER  
*Speaker of the Assembly*

SECOND READING AND AMENDMENT

Senate Bill No. 41.

Bill read second time.

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

Amendment No. 86.

SUMMARY—Revises provisions relating to child welfare. (BDR 38-392)

AN ACT relating to child welfare; replacing a program to award incentive payments to certain agencies which provide child welfare services with a program to award ~~biennial~~ annual categorical grants to such agencies; providing for a study on certain matters relating to the funding of the child welfare system in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to administer a program to award incentive payments to an agency which provides child welfare services in a

county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 432B.2165) To receive an incentive payment, existing law requires such an agency to submit to the Division an application that includes, without limitation: (1) a description of the specific goal that the agency which provides child welfare services agrees to achieve over the upcoming fiscal year if the incentive payment is awarded; and (2) where applicable, an estimate of the percentage of the goals established in the prior application that will be achieved by the agency which provides child welfare services by the end of the current fiscal year. (NRS 432B.2165, 432B.217) Existing law requires the Division to award an incentive payment to each applicant in an amount that, for an applicant that received an incentive payment for the previous fiscal year, depends on the percentage of the goal established in the prior application that the applicant achieved. (NRS 432B.2165-432B.2175) Sections 2-4 of this bill revise that program to instead require the Division to award categorical grants to each agency which provides child welfare services in a county whose population is 100,000 or more. Section 2 of this bill requires such an agency which provides child welfare services to submit to the Division: (1) a description of the specific goal that the agency which provides child welfare services agrees to achieve over the upcoming ~~biennium~~ fiscal year using the money awarded to the agency which provides child welfare services as a categorical grant; and (2) where applicable, an estimate of the percentage of the goal established for the current ~~biennium~~ fiscal year that the agency which provides child welfare services will achieve by the end of the ~~biennium~~ fiscal year. Section 2 requires the Division to award a categorical grant to each agency which provides child welfare services in a county whose population is 100,000 or more for each ~~biennium that begins on July 1 of an odd-numbered~~ fiscal year. Section 2 requires each agency which provides child welfare services that receives a categorical grant to use the money: (1) for the purpose of achieving the goal established by the agency which provides child welfare services for the ~~biennium~~ fiscal year for which the categorical grant is awarded; and (2) if any money remains after the agency which provides child welfare services achieves that goal, to provide child welfare services.

Section 8 of this bill repeals a provision prescribing the procedure for applying for and awarding incentive payments under the current program. Section 1 of this bill makes conforming changes to: (1) replace a reference to the current program of incentive payments with a reference to grants awarded pursuant to section 2; and (2) revise a statutory reference that is not applicable to the program of categorical grants.

Section 3 of this bill requires each agency which provides child welfare services that receives a categorical grant to submit to the Division, after the conclusion of the ~~biennium~~ fiscal year for which the grant was received, a report which demonstrates whether the goal established by the agency which provides child welfare services for the ~~biennium~~ fiscal year was achieved and, if the goal was not achieved, the percentage of the goal that was achieved.

Section 4 of this bill requires the Division to ~~(biennially)~~ annually report similar information to the Governor and the Legislature. Section 6 of this bill prescribes the procedure for transitioning from the current program of incentive payments to the program of categorical grants prescribed by sections 2-4.

Existing law requires the Joint Interim Standing Committee on Health and Human Services to evaluate and review issues relating to child welfare. (NRS 218E.330) During the 2023-2024 interim, section 5 of this bill requires the Committee to study: (1) issues related to the funding of agencies which provide child welfare services in this State; ~~and~~ (2) the effects of reductions to rates of reimbursement under Medicaid and the Children's Health Insurance Program on agencies which provide child welfare services and other persons and entities that provide services to children in the child welfare system in this State ~~and~~; (3) certain additional factors relating to child welfare; (4) necessary investments in technology to support the administration and maintenance of information relating to child welfare in this State; and (5) any other subjects identified by agencies which provide child welfare services.

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

Section 1. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.
2. Request appropriations from the Legislature in amounts sufficient to ~~provide~~ ~~(a) Provide block~~ provide grants to ~~an~~ each agency which provides child welfare services in a county whose population is 100,000 or more pursuant to NRS ~~432B.2165 and~~ 432B.2185. ~~and~~ ~~(b) Administer a program to provide additional incentive payments to such an agency pursuant to NRS 432B.2165.~~

3. Monitor the performance of an agency which provides child welfare services in a county whose population is 100,000 or more through data collection, evaluation of services and the review and approval of agency improvement plans pursuant to NRS ~~[432B.2165.]~~ 432B.216.

4. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.

5. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.

6. Involve communities in the improvement of child welfare services.

7. Evaluate all child welfare services provided throughout the State and, if an agency which provides child welfare services is not in substantial compliance with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans

or policies relating to the provision of child welfare services, require corrective action of the agency which provides child welfare services.

8. Coordinate with and assist:

(a) Each agency which provides child welfare services in recruiting, training and licensing providers of foster care as defined in NRS 424.017;

(b) Each foster care agency licensed pursuant to NRS 424.093 to 424.270, inclusive, in screening, recruiting, licensing and training providers of foster care as defined in NRS 424.017; and

(c) A nonprofit or community-based organization in recruiting and training providers of foster care as defined in NRS 424.017 if the Division determines that the organization provides a level of training that is equivalent to the level of training provided by an agency which provides child welfare services.

Sec. 2. NRS 432B.2165 is hereby amended to read as follows:

432B.2165 1. The Division of Child and Family Services shall administer a program to award ~~{incentive payments—biennial}~~ annual categorical grants to ~~{an}~~ each agency which provides child welfare services in a county whose population is 100,000 or more ~~{—}~~ to the extent that money has been appropriated to the Division of Child and Family Services for that purpose. The amount of the appropriation to the Division of Child and Family Services for that purpose must be based on the amount appropriated for the previous ~~{biennium—}~~ fiscal year.

2. On or before May 1 of each ~~{odd-numbered}~~ year, an agency which provides child welfare services ~~{may}~~ in a county whose population is 100,000 or more shall submit ~~{an application}~~ to the Division of Child and Family Services : ~~{for an incentive payment.~~

~~—3. The application for an incentive payment must include, without limitation:—~~

(a) A description of the specific goal that the agency which provides child welfare services agrees to achieve by June 30 of the following ~~{odd-numbered}~~ year ~~{if the incentive payment is awarded;}~~ using the money awarded to the agency which provides child welfare services as a categorical grant;

(b) Baseline data to support the need to achieve the specific goal and which will provide a manner in which to measure whether the goal is achieved or to determine the percentage of the goal that is achieved; and

(c) ~~{The amount requested by the agency which provides child welfare services as an incentive payment.~~

~~—4. If the Division of Child and Family Services does not approve the application, the Division must notify the agency which provides child welfare services of the specific deficiencies in the application and allow the agency to resubmit the application within 30 days.~~

~~—5. If the Division of Child and Family Services approves the application, the~~ If applicable, an estimate of the percentage of the specific goal established pursuant to paragraph (a) for the ~~{biennium ending on June 30 of the}~~ current fiscal year that the agency which provides child welfare services will achieve by ~~{that date.}~~ the end of the current fiscal year.

3. The Division of Child and Family Services shall, to the extent that money is available for that purpose, award ~~an incentive payment~~ a categorical grant to ~~the~~ each agency which provides child welfare services in a county whose population is 100,000 or more for the fiscal year ~~2 years~~ beginning on July 1 of ~~the each odd-numbered~~ calendar year ~~in which the application is submitted.~~

4. Except as otherwise provided in this subsection, an agency which provides child welfare services that receives a categorical grant pursuant to this section must use the money allocated for any costs of achieving the specific goal established pursuant to paragraph (a) of subsection 2. If money remains after the agency which provides child welfare services has achieved that goal, the agency which provides child welfare services may use the money for any costs of providing child welfare services without restriction. The agency which provides child welfare services is not required to return any money remaining from that allocation at the end of ~~each~~ a fiscal year, and the money does not revert to the State General Fund.

Sec. 3. NRS 432B.2175 is hereby amended to read as follows:

432B.2175 ~~1.~~ On or before September 1 of ~~the each odd-numbered~~ year following the year in which an agency which provides child welfare services is awarded ~~an incentive payment~~ a categorical grant from the program established pursuant to NRS 432B.2165, the ~~each~~ agency which provides child welfare services ~~that received a categorical grant pursuant to NRS 432B.2165 for the biennium ending on June 30 of that year~~ shall submit to the Division of Child and Family Services a report which demonstrates whether the goal established pursuant to NRS 432B.2165 was achieved and, if not, the percentage of the goal that was achieved by June 30 of the fiscal ~~that~~ year ~~in which the incentive payment~~ categorical grant was awarded.

~~2. If the report submitted pursuant to subsection 1 demonstrates that the agency which provides child welfare services achieved:~~

~~—(a) A greater percentage of the goal than estimated pursuant to NRS 432B.217, the Division of Child and Family Services shall increase the incentive payment to the agency which provides child welfare services by an amount equal to the additional amount that should have been awarded pursuant to subsection 4 of NRS 432B.217; or~~

~~—(b) A lower percentage of the goal than estimated pursuant to NRS 432B.217, the agency which provides child welfare services shall reimburse to the Division an amount equal to the additional amount that should not have been awarded pursuant to subsection 4 of NRS 432B.217.]~~

Sec. 4. NRS 432B.218 is hereby amended to read as follows:

432B.218 ~~1.~~ On or before ~~January 31~~ November 1 of each year, the Division of Child and Family Services shall prepare and submit a report to the Governor and the Legislature which includes, without limitation, information concerning ;

1. The ~~the~~ progress made by each agency which provides child welfare services in a county whose population is 100,000 or more toward achieving

the specific performance targets set forth in an improvement plan submitted by the agency pursuant to NRS 432B.216 ~~##~~; and

2. ~~Whether [the On or before January 31 of each even numbered year, the Division of Child and Family Services shall prepare and submit a report to the Governor and the Legislature which includes, without limitation, information concerning whether] each agency which provides child welfare services in a county whose population is 100,000 or more achieved the specific goal established pursuant to NRS 432B.2165 , if applicable, during the previous fiscal year [biennium ending on June 30 of the immediately preceding year] and, if not, the percentage of the goal that was achieved.~~

Sec. 5. 1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services shall study:

(a) Issues related to the funding of agencies which provide child welfare services in this State, including, without limitation:

(1) The history of unfunded mandates imposed by the Legislature and the Federal Government upon agencies which provide child welfare services in this State and the impact of unfunded mandates on the child welfare system; and

(2) The impact of any reductions in federal funding of the agencies which provide child welfare services in this State on the ability of those agencies which provide child welfare services to meet applicable requirements prescribed by federal law and regulations; ~~and~~

(b) The effects of reductions to rates of reimbursement under Medicaid and the Children's Health Insurance Program on agencies which provide child welfare services and other persons and entities that provide services to children in the child welfare system in this State ~~##~~;

(c) Additional factors, including, without limitation:

(1) The complexity of casework handled by and the overall workload of agencies which provide child welfare services;

(2) The impact of economic conditions, including, without limitation, the cost of living and population growth, on agencies which provide child welfare services; and

(3) The impact of requirements to be eligible for federal adoption assistance programs established pursuant to Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq., on each agency which provides child welfare services;

(d) Any necessary investments in technology to support the administration and maintenance of information relating to child welfare in this State; and

(e) Any other subjects identified by the agencies which provide child welfare services, including, without limitation, the impacts on children served by the child welfare and juvenile justice systems.

2. On or before January 15, 2025, the Joint Interim Standing Committee on Health and Human Services shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a

written report concerning the funding of the agencies which provide child welfare services in this State which must include, without limitation:

- (a) The results of the study conducted pursuant to subsection 1; and
- (b) Solutions, including, without limitation, solutions to issues related to funding, identified in the study conducted pursuant to subsection 1.

3. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 6. 1. Notwithstanding the provisions of NRS 432B.2165, as amended by section 2 of this act ~~+~~

~~—(a) Each~~, each agency which provides child welfare services in a county whose population is 100,000 or more shall, on or before May 1, 2024, submit to the Division of Child and Family Services:

~~[(1)]~~ (a) The information required by paragraphs (a) and (b) of subsection 2 of NRS 432B.2165, as amended by section 2 of this act; and

~~[(2)]~~ (b) If the agency which provides child welfare services received an incentive payment pursuant to NRS 432B.2165, as that section existed on December 31, 2023, for the fiscal year beginning on July 1, 2023, an estimate of the percentage of the goal established in the application for that incentive payment that will be achieved by the agency which provides child welfare services by June 30, 2024.

~~[(b) The Division of Child and Family Services shall, to]~~

2. To the extent that money is available ~~[for that purpose, award a]~~, the amount of a categorical grant awarded to ~~each~~ an agency which provides child welfare services in a county whose population is 100,000 or more for the fiscal year beginning on July 1, 2024 ~~[for the purposes prescribed in]~~, pursuant to NRS 432B.2165, as amended by section 2 of this act, ~~+~~ ~~The amount of the appropriation to the Division of Child and Family Services for the purpose of awarding such categorical grants]~~ must be based on the amount appropriated for the purpose of awarding incentive payments pursuant to NRS 432B.2165, as that section existed on December 31, 2023, for the fiscal year beginning on July 1, 2023.

~~[(2)]~~ 3. Notwithstanding the provisions of NRS 432B.2175, as amended by section 3 of this act ~~+~~

~~—(a) On~~, on or before September 1, 2024, each agency which provides child welfare services that received an incentive payment for the fiscal year beginning on July 1, 2023, shall submit to the Division of Child and Family Services the report required by subsection 1 of NRS 432B.2175, as that section existed on December 31, 2023.

~~[(b) On or before September 1, 2025, each agency which provides child welfare services in a county whose population is 100,000 or more shall submit to the Division of Child and Family Services a report which demonstrates whether the goal established pursuant to NRS 432B.2165, as amended by section 2 of this act, for the fiscal year beginning on July 1, 2024, was achieved and, if not, the percentage of the goal that was achieved by June 30, 2025.~~

~~3.] 4.~~ Notwithstanding the provisions of NRS 432B.218, as amended by section 4 of this act ~~;~~

~~(a) The reports], the report~~ submitted to the Governor and the Legislature by the Division of Child and Family Services pursuant to subsection 2 of that section on or before ~~January 31,] November 1, 2024, [and January 31, 2025,]~~ must include, without limitation, information concerning whether each agency which provides child welfare services that received an incentive payment for the fiscal ~~years] year~~ beginning on ~~July 1, 2022, and] July 1, 2023, [respectively,]~~ achieved the goal established pursuant to NRS 432B.2165, as that section existed on December 31, 2023, during ~~(those] that~~ fiscal ~~years] year~~ and, if not, the percentage of the goal that was achieved.

~~(b) The report submitted to the Governor and the Legislature by the Division of Child and Family Services pursuant to subsection 2 of that section on or before January 31, 2026, must include, without limitation, information concerning whether each agency which provides child welfare services in a county whose population is 100,000 or more achieved the goal established pursuant to NRS 432B.2165, as amended by section 2 of this act, during the previous fiscal year and, if not, the percentage of the goal that was achieved.~~

~~4.] 5.~~ As used in this section, "Division of Child and Family Services" means the Division of Child and Family Services of the Department of Health and Human Services.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. NRS 432B.217 is hereby repealed.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Section 5 of this act becomes effective on July 1, 2023.

3. Sections 1 to 4, inclusive, and 6, 7 and 8 of this act 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.

#### TEXT OF REPEALED SECTION

432B.217 Incentive payment program: Application for incentive payment in subsequent years; approval or denial of application; amount of subsequent incentive payment awarded.

1. Each year following the award of an incentive payment pursuant to NRS 432B.2165, the agency which provides child welfare services may submit an application on or before May 1 for an incentive payment to be awarded for the next fiscal year beginning on July 1 following approval of the application.

2. The agency which provides child welfare services shall submit the application in the manner set forth in NRS 432B.2165 and must, in addition to the information required pursuant to NRS 432B.2165, include an estimate of

the percentage of the goals established in the prior application that will be achieved by the agency which provides child welfare services by June 30.

3. If the Division of Child and Family Services approves the application, the Division shall, to the extent that money has been made available for that purpose, award an incentive payment to the agency which provides child welfare services for the fiscal year beginning on July 1 of the year in which the application is submitted in an amount not to exceed a percentage of the amount awarded for the current fiscal year as determined pursuant to subsection 4.

4. The amount of an incentive payment that may be awarded for the next fiscal year pursuant to this section must be determined by multiplying the amount awarded for the current fiscal year by the percentage point of completion of the goal established for the current fiscal year, up to a maximum of 100 percent of the amount of the incentive payment awarded for the current fiscal year.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 86 to Senate Bill No. 41 provides authority for the State to administer the grant as a categorical annual grant instead of as an incentive grant; based this process on the fiscal year rather than the calendar year; changes the timeline of reporting the progress made by each agency to the Governor and the Legislature to 60 days from year-end after the submission; and adds factors and additional topics to be addressed and studied by the 2023-2024 Joint Interim Standing Committee on Health and Human Services.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 81.

Bill read second time.

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

Amendment No. 156.

SUMMARY—Revises provisions governing regional planning. (BDR S-536)

AN ACT relating to regional planning; requiring representatives of certain counties and cities to meet jointly for a specified period to identify issues and make recommendations regarding the orderly management of growth in the region; requiring such representatives to prepare certain reports during that period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires Carson City, Douglas County, Lyon County, Storey County and Washoe County, in consultation with any cities within each such county, to each prepare a report for submission to each Legislator who represents any portion of one of these counties at the end of each calendar year between July 1, 2019, and December 31, 2022. Each report must identify certain issues relating to the orderly management of growth in those counties and make recommendations regarding such issues. (Chapter 144, Statutes of

Nevada 2019, at page 798) This bill extends the meeting and reporting requirements through calendar year 2026 and revises the meeting and reporting requirements.

Specifically, this bill requires, on or before December 1 of each calendar year during the period between July 1, 2023, and December 1, 2026, Carson City, Douglas County, Lyon County, Storey County and Washoe County, in consultation with any cities within each such county, to meet to discuss and identify the positive and negative issues relating to growth in the region that are impacting any such county and prepare a report that: (1) identifies certain issues relating to growth in the region; and (2) addresses, without limitation, the areas of conservation, population, land use and development, transportation, and public facilities and services. Each report must set forth recommendations that are intended to resolve any negative impact on such issues which have been identified in the report.

Additionally, this bill requires during the period between January 1, 2024, and January 1, 2027, certain Legislators and other representatives of each county and city in the region to meet jointly at least twice during each calendar year during the period to identify and discuss the positive and negative issues relating to the orderly management of growth in the region. On or before December 31 of each calendar year during the period, ~~such persons~~ county managers or certain other designees are required to prepare a joint regional report of the issues identified. The joint regional report must also address comprehensively all of the issues identified and recommendations made in the reports prepared by the counties and cities.

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

Section 1. Section 1 of chapter 144, Statutes of Nevada 2019, at page 798, is hereby amended to read as follows:

Section 1. 1. The Legislature hereby finds and declares that:

(a) The region of Carson City, Douglas County, Lyon County, Storey County and Washoe County is a unique, contiguous geographical area that comprises the northwestern border of Nevada.

(b) As part of *one of* the fastest-growing ~~state~~ *states* in the nation, the population of this region has increased rapidly in recent years, especially as a result of the location of substantial economic development projects in the region.

(c) This increased population and economic development activity has *had* a significant impact on resources beyond the boundaries of individual political subdivisions, affecting the region in such areas as transportation, land use development and public services and facilities.

(d) Because of the unique conditions in the region, a general law cannot be made applicable and necessitates this special act to require discussion and planning for the orderly management of growth in the region in a collaborative and structured manner by the counties and

cities in the region for the well-being of the residents as well as the long-term economic development of the region.

2. On or before December ~~{31}~~ 1 of each calendar year during the period between July 1, ~~{2019,}~~ 2023, and December ~~{31, 2022,}~~ 1, 2026, each county in the region, in consultation with any cities within each such county, shall *meet to discuss and identify the positive and negative issues relating to growth in the region that are impacting any county in the region and* prepare and submit to each Legislator who represents any portion of the ~~{county}~~ region a ~~{separate}~~ report that:

(a) Identifies ~~{issues}~~ *each positive or negative issue* relating to the orderly management of growth in the *region that is impacting any county, including cities within ~~{the}~~ any county ~~{, and}~~ in the region, including, without limitation, issues in the following areas:*

(1) Conservation, including, without limitation, the use and protection of natural resources;

(2) Population, including, without limitation, projected population growth *in the region* and the projected resources *of the county or city that are necessary to support that regional population ~~{}~~ growth;*

(3) Land use and development;

(4) Transportation; and

(5) Public facilities and services, including, without limitation, roads, water and sewer service, flood control, police and fire protection, mass transit, libraries and parks.

(b) ~~{Makes}~~ *Set forth* recommendations ~~{regarding}~~ *that are intended to resolve any negative impact on those issues ~~{}~~ that are identified in the report.*

3. In preparing the report required by subsection 2, each county in the region and any city within such a county may consult with and solicit input concerning issues relating to the orderly management of growth in the county, city or region from any state agency, including, without limitation, the Department of Transportation and the Office of Economic Development, and from other entities in the county, including, without limitation, ~~{the}~~ school ~~{district}~~ districts and any town, airport authority, regional transportation commission, water authority, military base, flood control agency, public safety agency or Indian colony or tribe in the county.

4. During the period between January 1, ~~{2020,}~~ 2024, and ~~{December 1, 2023,}~~ January 1, 2027, ~~{one member}~~ two members, one from the majority political party and one from the minority political party, of the Senate ~~{representing a}~~ whose legislative ~~{district in}~~ districts include any area within the region and designated by the Majority Leader of the Senate, ~~{one member}~~ two members, one from the majority political party and one from the

*minority political party, of the Assembly ~~representing a~~ whose legislative ~~district~~ districts include any area within the region and designated by the Speaker of the Assembly, the county manager of each county in the region or his or her designee, or if a county manager is not appointed pursuant to NRS 244.125, a person designated by the board of county commissioners of the county, and the city manager of each city in the region or his or her designee or, if the city does not have a city manager, a person designated by the governing body of the city, shall meet jointly at least twice during each calendar year in that period to identify and discuss *the positive and negative* issues relating to the orderly management of growth in the region, including, without limitation, the issues identified and *any* recommendations made in the reports prepared pursuant to subsection 2. Each Legislator and city manager serve in an ex officio capacity and are not voting members.*

5. Except as otherwise provided in this subsection, on or before December ~~1~~ 31 of each calendar year during the period between January 1, ~~2020,~~ 2024, and ~~December 1, 2023, the counties in the region, in consultation with the cities in the region,~~ January 1, 2027, ~~the ~~persons~~ county managers or their designees described in subsection 4 shall prepare a joint regional report of the issues identified during the meetings held pursuant to subsection 4 during that calendar year and any recommendations made relating to those issues . ~~and submit the report~~ The contents of each joint regional report must be approved by a simple majority of ~~all persons~~ the county managers or their designees described in subsection 4. Each joint regional report must be submitted to each Legislator who represents any portion of a county in the region and to the Legislative Commission. ~~The~~ Each joint report that must be submitted ~~on or before December 1, 2023,~~ pursuant to this subsection must address comprehensively all the issues identified and recommendations made by the counties and cities in the ~~region during the period between January 1, 2020, and December 1, 2023, relating to the orderly management of growth in the region.~~ report prepared by the counties and cities pursuant to subsection 2.~~

6. A Legislator is not entitled to compensation or to any per diem or travel expenses to attend a meeting described in subsection 4.

7. As used in this section, "region" means the combined geographical area consisting of Carson City, Douglas County, Lyon County, Storey County and Washoe County.

Sec. 2. Section 2 of chapter 144, Statutes of Nevada 2019, at page 800, is hereby amended to read as follows:

Sec. 2. This act becomes effective on July 1, 2019 . ~~and expires by limitation on December 31, 2023.~~

Sec. 3. This act becomes effective on July 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 156 to Senate Bill No. 81 adds certain state agencies and school districts to the list of agencies that local governments may consult with and solicit input concerning certain requirements; requires the Majority Leader of the Senate and the Speaker of the Assembly to each appoint two members from their respective houses, one from the majority party and one from the minority party; clarifies that each legislative member and each city manager serves in an ex officio capacity; and requires the joint regional report to be prepared and approved by a majority of the county managers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 115.

Bill read second time.

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

Amendment No. 157.

SUMMARY—Revises provisions relating to the mitigation of certain projects. (BDR 20-679)

AN ACT relating to counties; revising provisions relating to compensatory mitigation for losses of aquatic resources; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law sets forth certain requirements : (1) governing compensatory mitigation for losses of aquatic resources resulting from certain activities governed by section 404 of the federal Clean Water Act, 33 U.S.C. § 1344, including the establishment, use and operation of mitigation banks and in-lieu fee programs ~~+~~; (2) relating to certain Department of the Army permits concerning waters of the United States; and (3) governing disposal sites for dredged or fill material, including specifications for mitigation banks and in-lieu fee programs. (33 C.F.R. ~~(Part 332)~~ Parts 325 and 332, 40 C.F.R. Part 230) Existing state law authorizes a board of county commissioners to: (1) by ordinance establish, use and operate a wetlands mitigation bank in accordance with guidelines set forth in certain federal regulations; and (2) enter into a cooperative agreement with a public agency or nonprofit organization for the operation of the mitigation bank. (NRS 244.388) Section 1 of this bill authorizes a board of county commissioners to also: (1) establish, use and operate an in-lieu fee program for compensatory mitigation in accordance with guidelines set forth in certain federal regulations; and (2) enter into a cooperative agreement with a public agency or nonprofit organization for the establishment, use or operation of the in-lieu fee program.

Section 2 of this bill makes a conforming change to amend a reference to a definition deleted in section 1.

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

Section 1. NRS 244.388 is hereby amended to read as follows:

244.388 1. The board of county commissioners of a county may by ordinance establish, use and operate a ~~[wetlands]~~ mitigation bank *or an in-lieu fee program* in accordance with the ~~[guidelines]~~ *federal regulations* set forth in ~~[Federal Guidance for the Establishment, Use and Operation of Mitigation Banks, as issued by the United States Army Corps of Engineers, Environmental Protection Agency, National Resources Conservation Service, Fish and Wildlife Service and National Marine Fisheries Service in 60 Federal Register 58,605 on November 28, 1995.] 33 C.F.R. ~~[Part]~~ *Parts 325 and 332 ~~[~~]~~~~ and 40 C.F.R. Part 230.*~~

2. A board of county commissioners that establishes a mitigation bank *or an in-lieu fee program* pursuant to subsection 1 may enter into a cooperative agreement with a public agency or nonprofit organization for the *establishment, use or* operation of the mitigation bank ~~[-~~

~~—3. As used in this section:~~

~~—(a) "Hydric soil" means soil that, in its undrained condition, is saturated, flooded or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.~~

~~—(b) "Hydrophytic vegetation" means a plant growing in:~~

~~—(1) Water; or~~

~~—(2) A substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.~~

~~—(c) "Mitigation bank" means a system in which the creation, enhancement, restoration or preservation of wetlands is recognized by a regulatory agency as generating compensatory credits allowing the future development of other wetland sites.~~

~~—(d) "Public agency" has the meaning ascribed to it in NRS 277.100.~~

~~—(e) "Wetland" means land that:~~

~~—(1) Has a predominance of hydric soil;~~

~~—(2) Is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and~~

~~—(3) Under normal circumstances does support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.] *or the in-lieu fee program.*~~

Sec. 2. NRS 482.379185 is hereby amended to read as follows:

482.379185 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with Nevada Ducks Unlimited or its successor, shall design, prepare and issue license plates for the support of the conservation of wetlands, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or

issue the license plates unless it receives at least 1,000 applications for the issuance of those plates.

2. If the Department receives at least 1,000 applications for the issuance of license plates for the support of the conservation of wetlands, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the conservation of wetlands if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the conservation of wetlands pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the conservation of wetlands is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the conservation of wetlands must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be distributed pursuant to subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Treasurer of Nevada Ducks Unlimited or its successor for use by Nevada Ducks Unlimited or its successor in carrying out:

(a) Projects for the conservation of wetlands that are:

(1) Conducted within Nevada; and

(2) Sponsored or participated in by Nevada Ducks Unlimited or its successor; and

(b) Fundraising activities for the conservation of wetlands that are:

(1) Conducted within Nevada; and

(2) Sponsored or participated in by Nevada Ducks Unlimited or its successor.

6. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. As used in this section, "wetland" ~~has the meaning ascribed to it in NRS 244.388.~~ means land that:

(a) Has a predominance of hydric soil;

(b) Is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(c) Under normal circumstances supports a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

Sec. 3. This act becomes effective upon passage and approval.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 157 to Senate Bill No. 115 clarifies the application of certain federal regulations regarding an ordinance establishing a mitigation bank or an in-lieu fee program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 117.

Bill read second time.

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

Amendment No. 232.

SUMMARY—Revises provisions relating to community health workers. (BDR ~~[40-333]~~ 38-333)

AN ACT relating to health care; ~~prohibiting a person from holding himself or herself out as a certified community health worker unless he or she holds certain certification; establishing a civil penalty for such a violation;~~ authorizing Medicaid coverage for the services of certain community health workers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[Existing law prohibits a person from holding himself or herself out as licensed, certified or registered to engage in certain professions, such as massage therapy, embalming and sign language interpreting, without holding the proper licensure, certification or registration. (NRS 640C.010, 642.580, 656A.800) Section 1 of this bill: (1) similarly prohibits a person from holding himself or herself out as a certified community health worker unless he or she is certified as such by the Nevada Certification Board; and (2) establishes a \$500 civil penalty to be imposed against a person who violates that prohibition.]~~

Existing law requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid coverage for the services of a community health worker who is supervised by a physician, physician assistant or advance practice registered nurse. (NRS 422.2722) ~~[Section 2 of this]~~ This bill authorizes the Director to include in the State Plan coverage for

services of community health workers who are supervised by other types of providers of health care.

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

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

~~1. A person shall not hold himself or herself out as a certified community health worker unless the person has been certified by the Nevada Certification Board, or its successor organization.~~

~~2. A person who violates the provisions of subsection 1 is liable for a civil penalty to be recovered by the Attorney General in the name of the Board of not more than \$500 for each violation. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used to administer and carry out the provisions of this section, NRS 449.001 to 449.430, inclusive, 449.435 to 449.531, inclusive, and chapter 449A of NRS and to protect the health, safety, well being and property of the persons served by community health workers.] (Deleted by amendment.)~~

Sec. 2. NRS 422.2722 is hereby amended to read as follows:

422.2722 1. The Director shall include in the State Plan for Medicaid a requirement that the State, to the extent authorized by federal law, pay the nonfederal share of expenditures incurred for the services of a community health worker who provides services under the supervision of a physician, physician assistant or advanced practice registered nurse.

2. *The Director may include in the State Plan for Medicaid a requirement that the State, to the extent authorized by federal law, pay the nonfederal share of expenditures incurred for the services of community health workers who provide services under the supervision of specified types of providers of health care, other than those described in subsection 1.*

3. As used in this section ~~["community"]~~:

(a) "Community health worker" has the meaning ascribed to it in NRS 449.0027.

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

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

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

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

(b) On July 1, 2023, for all other purposes.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 232 to Senate Bill No. 117 removes the provisions relating to community health workers (CHW) that state a person shall not hold himself or herself out as a CHW and poses civil penalties for a person who violates.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 145.

Bill read second time.

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

Amendment No. 95.

SUMMARY—Revises provisions related to employee misclassification. (BDR 53-159)

AN ACT relating to employee misclassification; authorizing the Labor Commissioner to use certain money to pay for additional staff for the Office of the Labor Commissioner; revising provisions relating to the communication between offices of certain state agencies of information relating to employee misclassification; revising the ~~amount of the~~ administrative ~~penalty~~ penalties that may be imposed for certain conduct relating to employee misclassification; eliminating the Task Force on Employee Misclassification; and providing other matters properly relating there to.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner to enforce all labor laws of the State of Nevada. If the Labor Commissioner has reason to believe that a person is violating or has violated a labor law or regulation, the Labor Commissioner may take any appropriate action and, under certain circumstances, impose an administrative penalty against the person. All money collected by the Labor Commissioner as an administrative penalty must be deposited in the State General Fund. (NRS 607.160) Section 1 of this bill requires the Labor Commissioner to instead deposit all money collected as an administrative penalty or as an investigative cost into a separate account in the State General Fund. Section 1 further authorizes the Labor Commissioner to use the money in the account to pay for additional staff for the Office of the Labor Commissioner.

Existing law: (1) requires the offices of the Labor Commissioner, the Division of Industrial Relations of the Department of Business and Industry, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the Department of Taxation and the Attorney General to share between their respective offices information relating to suspected employee misclassification which is received in the performance of their official duties and which is not otherwise declared by law to be confidential; and (2) authorizes such offices to communicate information relating to employee misclassification which is received in the performance of their official duties and which is otherwise declared by law to be confidential, if the confidentiality of the information is otherwise maintained under the terms and conditions required by law. (NRS 607.217) Section 2 of this bill instead requires these offices to communicate between their respective offices information relating to suspected or actual employee misclassification which

is received in the performance of their official duties, regardless of whether the information is otherwise declared by law to be confidential. Section 2 further provides that any such information communicated between their respective offices which is otherwise declared by law to be confidential must otherwise be maintained under the terms and conditions required by law. Section 4 of this bill makes a conforming change to require the Department of Taxation to share such information.

Existing law authorizes the Labor Commissioner to impose certain administrative penalties against an employer who misclassifies a person as an independent contractor or otherwise fails to properly classify an employee including: (1) for a first offense committed by an employer who unintentionally misclassifies or otherwise fails to properly classify a person as an employee, a warning; (2) for a first offense committed by an employer who willfully fails to properly classify a person as an employee, a fine of \$2,500 for the first incident of willfully misclassifying one or more persons; and (3) for a second or subsequent offense, a fine of \$5,000 for each employee who was willfully misclassified. (NRS 608.400) Section 3 of this bill provides instead that ~~any such administrative penalty imposed by Labor Commissioner is~~ for the first offense committed by an employer who misclassifies or otherwise fails to properly classify a person as an employee, a warning; and (2) for a second or subsequent offense, a fine of \$5,000, for each employee who was misclassified.

Existing law creates the Task Force on Employee Misclassification, consisting of certain persons appointed by the Governor. The Task Force has various duties, including: (1) evaluating the policies and practices of certain state agencies relating to employee misclassification; (2) evaluating any existing fines, penalties or other disciplinary action relating to employee misclassification; (3) developing certain recommendations to reduce the occurrence of employee misclassification; and (4) submitting an annual report to the Legislative Commission that includes a summary of the Task Force's work and recommendations. (NRS 607.218, 607.219, 607.2195) Section 5 of this bill eliminates the Task Force and its duties. Section 2 makes a conforming change to reorganize the definition of "employee misclassification" into NRS 607.217, which is the only section to which that definition applies after the elimination of the provisions in the Nevada Revised Statutes relating to the Task Force.

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

Section 1. NRS 607.160 is hereby amended to read as follows:

607.160 1. The Labor Commissioner:

(a) Shall enforce all labor laws of the State of Nevada:

(1) Without regard to whether an employee or worker is lawfully or unlawfully employed; and

(2) The enforcement of which is not specifically and exclusively vested in any other officer, board or commission.

(b) May adopt regulations to carry out the provisions of paragraph (a).

2. If the Labor Commissioner has reason to believe that a person is violating or has violated a labor law or regulation, the Labor Commissioner may take any appropriate action against the person to enforce the labor law or regulation whether or not a claim or complaint has been made to the Labor Commissioner concerning the violation.

3. Before the Labor Commissioner may enforce an administrative penalty against a person who violates a labor law or regulation, the Labor Commissioner must provide the person with notice and an opportunity for a hearing as set forth in NRS 607.207.

4. In determining the amount of any administrative penalty to be imposed against a person who violates a labor law or regulation, the Labor Commissioner shall consider the person's previous record of compliance with the labor laws and regulations and the severity of the violation.

5. All money collected by the Labor Commissioner as an administrative penalty *or as an investigative cost* must be deposited in *a separate account* in the State General Fund. *The Labor Commissioner may use the money in the account to pay for additional staff for the Office of the Labor Commissioner.*

6. The actions and remedies authorized by the labor laws are cumulative. If a person violates a labor law or regulation, the Labor Commissioner may seek a civil remedy, impose an administrative penalty or take other administrative action against the person whether or not the person is prosecuted, convicted or punished for the violation in a criminal proceeding. The imposition of a civil remedy, an administrative penalty or other administrative action against the person does not operate as a defense in any criminal proceeding brought against the person.

7. If, after due inquiry, the Labor Commissioner believes that a person who is financially unable to employ counsel has a valid and enforceable claim for wages, commissions or other demands, the Labor Commissioner may present the facts to the Attorney General. The Attorney General shall prosecute the claim if the Attorney General determines that the claim is valid and enforceable.

Sec. 2. NRS 607.217 is hereby amended to read as follows:

607.217 1. The offices of the Labor Commissioner, Division of Industrial Relations of the Department of Business and Industry, Employment Security Division of the Department of Employment, Training and Rehabilitation, Department of Taxation and Attorney General ~~;~~

~~1. Shall~~ shall communicate between their respective offices information relating to suspected *or actual* employee misclassification which is received in the performance of their official duties ~~[and which]~~, *regardless of whether the information is [not] otherwise declared by law to be confidential.*

~~[2. May communicate]~~ Any information that is communicated between their respective offices ~~[information]~~ relating to *suspected or actual* employee misclassification ~~[which is received in the performance of their official duties and]~~ *pursuant to this section* which is otherwise declared by law to be

confidential ~~[, if the confidentiality of the information is]~~ must otherwise be maintained under the terms and conditions required by law.

2. *As used in this section, unless the context otherwise requires, "employee misclassification" means the practice by an employer of improperly classifying employees as independent contractors to avoid any legal obligation under state labor, employment and tax laws, including, without limitation, the laws governing minimum wage, overtime, unemployment insurance, workers' compensation insurance, temporary disability insurance, the payment of wages and payroll taxes.*

Sec. 3. NRS 608.400 is hereby amended to read as follows:

608.400 1. An employer shall not:

(a) Through means of coercion, misrepresentation or fraud, require a person to be classified as an independent contractor or form any business entity in order to classify the person as an independent contractor; or

(b) Willfully misclassify or otherwise willfully fail to properly classify a person as an independent contractor.

2. In addition to any other remedy or penalty provided by law, the Labor Commissioner may impose an administrative penalty against an employer who misclassifies a person as an independent contractor or otherwise fails to properly classify a person as an employee of the employer. An ~~The~~ administrative penalty imposed pursuant to this section must be :

(a) For a first offense committed by an employer who ~~unintentionally~~ misclassifies or otherwise fails to properly classify a person as an employee of the employer, a warning issued to the employer by the Labor Commissioner.

(b) ~~For a first offense committed by an employer who willfully misclassifies or otherwise willfully fails to properly classify a person as an employee of the employer, a fine of \$2,500 for the first incident of willfully misclassifying or willfully failing to properly classify one or more persons as an employee of the employer imposed by the Labor Commissioner.~~

~~—(c) For a second or subsequent offense, a fine of \$5,000 for each employee who was ~~willfully~~ misclassified imposed by the Labor Commissioner.~~

3. Before the Labor Commissioner may enforce an administrative penalty against an employer for misclassifying or otherwise failing to properly classify an employee of the employer pursuant to this section, the Labor Commissioner must provide the employer with notice and an opportunity for a hearing as set forth in NRS 607.207. The Labor Commissioner may impose ~~an~~ the administrative penalty as set forth in subsection 2 if the Labor Commissioner finds that:

(a) The employer misclassified a person as an independent contractor; or

(b) The employer otherwise failed to properly classify a person as an employee of the employer.

Sec. 4. NRS 360.255 is hereby amended to read as follows:

360.255 1. Except as otherwise provided in this section and NRS 239.0115, ~~and~~ 360.250 ~~+~~ and 607.217, the records and files of the Department concerning the administration or collection of any tax, fee,

assessment or other amount required by law to be collected or the imposition of disciplinary action are confidential and privileged. The Department, an employee of the Department and any other person engaged in the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action or charged with the custody of any such records or files:

(a) Shall not disclose any information obtained from those records or files; and

(b) May not be required to produce any of the records or files for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files of the Department concerning the administration and collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding before the Nevada Tax Commission, the State Board of Equalization, the Department, a grand jury or any court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to the provisions of any law of this State.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases, or disclosure to any federal agency, state or local law enforcement agency, including, without limitation, the Cannabis Compliance Board, or local regulatory agency that requests the information for the use of the agency in a federal, state or local prosecution or criminal, civil or regulatory investigation.

(e) Disclosure in confidence to:

(1) The Governor or his or her agent in the exercise of the Governor's general supervisory powers;

(2) The Budget Division of the Office of Finance for use in the projection of revenue;

(3) Any person authorized to audit the accounts of the Department in pursuance of an audit;

(4) The Attorney General or other legal representative of the State in connection with an action or proceeding relating to a taxpayer or licensee; or

(5) Any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to an agreement between the Nevada Tax Commission and any county fair and recreation board or the governing body of any county, city or town.

(g) Upon written request made by a public officer of a local government, disclosure of the name and address of a taxpayer or licensee who must file a return with the Department. The request must set forth the social security number of the taxpayer or licensee about which the request is made and contain a statement signed by the 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 privileged and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

(h) Disclosure of information as to amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties to successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested.

(i) Disclosure of relevant information as evidence in an appeal by the taxpayer from a determination of tax due if the Nevada Tax Commission has determined the information is not proprietary or confidential in a hearing conducted pursuant to NRS 360.247.

(j) Disclosure of the identity of a person and the amount of tax assessed and penalties imposed against the person at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the person a penalty for fraud or intent to evade a tax imposed by law becomes final or is affirmed by the Nevada Tax Commission.

(k) Disclosure of the identity of a licensee against whom disciplinary action has been taken and the type of disciplinary action imposed against the licensee at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the licensee disciplinary action becomes final or is affirmed by the Nevada Tax Commission.

(l) Disclosure of information pursuant to subsection 2 of NRS 370.257.

(m) With respect to an application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS, as that chapter existed on June 30, 2020, or a license to operate a marijuana establishment pursuant to chapter 453D of NRS, as that chapter existed on June 30, 2020, which was submitted on or after May 1, 2017, and on or before June 30, 2020, and regardless of whether the application was ultimately approved, disclosure of the following information:

(1) The identity of an applicant, including, without limitation, any owner, officer or board member of an applicant;

(2) The contents of any tool used by the Department to evaluate an applicant;

(3) The methodology used by the Department to score and rank applicants and any documentation or other evidence showing how that methodology was applied; and

(4) The final ranking and scores of an applicant, including, without limitation, the score assigned to each criterion in the application that composes a part of the total score of an applicant.

(n) Disclosure of the name of a licensee and the jurisdiction of that licensee pursuant to chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020, and any regulations adopted pursuant thereto.

3. The Executive Director shall periodically, as he or she deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which the Executive Director has a record. The list must include the mailing address of the business as reported to the Department.

4. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out his or her duties with respect to the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

5. As used in this section:

(a) "Applicant" means any person listed on the application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS, as that chapter existed on June 30, 2020, or a license to operate a marijuana establishment pursuant to chapter 453D of NRS, as that chapter existed on June 30, 2020.

(b) "Disciplinary action" means any suspension or revocation of a license, registration, permit or certificate issued by the Department pursuant to this title or chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020, or any other disciplinary action against the holder of such a license, registration, permit or certificate.

(c) "Licensee" means a person to whom the Department has issued a license, registration, permit or certificate pursuant to this title or chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020. The term includes, without limitation, any owner, officer or board member of an entity to whom the Department has issued a license.

(d) "Records" or "files" means any records and files related to an investigation or audit or a disciplinary action, financial information, correspondence, advisory opinions, decisions of a hearing officer in an administrative hearing and any other information specifically related to a taxpayer or licensee.

(e) "Taxpayer" means a person who pays any tax, fee, assessment or other amount required by law to the Department.

Sec. 5. NRS 607.216, 607.218, 607.219 and 607.2195 are hereby repealed.

Sec. 6. This act becomes effective on July 1, 2023.

#### TEXT OF REPEALED SECTIONS

607.216 "Employee misclassification" defined. As used in NRS 607.216 to 607.2195, inclusive, unless the context otherwise requires, "employee misclassification" means the practice by an employer of improperly classifying employees as independent contractors to avoid any legal obligation under state labor, employment and tax laws, including, without limitation, the laws governing minimum wage, overtime, unemployment insurance, workers' compensation insurance, temporary disability insurance, wage payment and payroll taxes.

607.218 Task Force on Employee Misclassification: Creation; appointment, qualifications and terms of members; vacancies; meetings; Chair and Vice Chair; quorum; compensation; administrative support.

1. The Task Force on Employee Misclassification is hereby created.

2. The Governor shall appoint to serve on the Task Force:

(a) One person who represents an employer located in this State that employs more than 500 full-time or part-time employees.

(b) One person who represents an employer located in this State that employs 500 or fewer full-time or part-time employees.

(c) One person who is an independent contractor in this State.

(d) Two persons who represent organized labor in this State.

(e) One person who represents a trade or business association in this State.

(f) One person who represents a governmental agency that administers laws governing employee misclassification.

3. The Governor may appoint up to two additional members to serve on the Task Force as the Governor deems appropriate.

4. After the initial terms, the members of the Task Force serve a term of 2 years and until their respective successors are appointed. A member may be reappointed in the same manner as the original appointments.

5. Any vacancy occurring in the membership of the Task Force must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

6. The Task Force shall meet at least twice each fiscal year and may meet at such additional times as deemed necessary by the Chair.

7. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and a Vice Chair.

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

9. The Task Force shall comply with the provisions of chapter 241 of NRS, and all meetings of the Task Force must be conducted in accordance with that

chapter.

10. Members of the Task Force serve without compensation.

11. The Labor Commissioner shall provide the personnel, facilities, equipment and supplies required by the Task Force to carry out its duties.

607.219 Task Force on Employee Misclassification: Duties; annual report. The Task Force on Employee Misclassification created by NRS 607.218 shall:

1. Evaluate the policies and practices of the Labor Commissioner, Division of Industrial Relations of the Department of Business and Industry, Employment Security Division of the Department of Employment, Training and Rehabilitation, Department of Taxation and Attorney General relating to employee misclassification.

2. Evaluate any existing fines, penalties or other disciplinary action relating to employee misclassification that are authorized to be imposed by a state agency.

3. Develop recommendations for policies, practices or proposed legislation to reduce the occurrence of employee misclassification.

4. On or before July 1, 2020, and on or before July 1 of each subsequent year, 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 recommendations for legislation concerning employee misclassification.

607.2195 Task Force on Employee Misclassification: Authority to appoint subcommittee.

1. The Task Force on Employee Misclassification created by NRS 607.218 may create a subcommittee to the Task Force for any purpose that is consistent with NRS 607.216 to 607.2195, inclusive.

2. The Task Force shall appoint the members of the subcommittee and designate one of the members of the subcommittee as chair of the subcommittee. The chair of the subcommittee must be a member of the Task Force.

3. The subcommittee shall meet at the times and places specified by a call of the chair of the subcommittee. A majority of the members of the subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the subcommittee.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 95 to Senate Bill No. 145 requires that administrative penalties imposed by the Labor Commissioner include issuing a warning to an employer for the first offense of misclassifying or otherwise failing to properly classify a person as an employee and a \$5,000 fine for a second or subsequent offense of willfully misclassifying an employee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 166.

Bill read second time.

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

Amendment No. 158.

SUMMARY—Revises provisions relating to collective bargaining by public employees. (BDR 23-556)

AN ACT relating to collective bargaining; revising the definition of "supervisory employee" for the purposes of collective bargaining for local government and state employees; revising the provisions relating to bargaining units of state employees who are peace officers or supervisory employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits employees who exercise certain duties under a paramilitary command structure from being deemed supervisory employees solely due to the exercise of such duties. (NRS 288.138) Section 1 of this bill also excludes from being deemed supervisory employees solely due to the exercise of certain duties under a paramilitary command structure certain employees who provide civilian support services to a law enforcement agency.

Existing law requires the Government Employee-Management Relations Board to establish one bargaining unit per group for certain occupational groups of employees of the Executive Department, including category I, category II and category III peace officers and supervisory employees from all occupational groups. (NRS 288.515) Section 2 of this bill ~~is (1)~~ requires the Board to establish a separate bargaining unit for supervisory employees who are: (1) category I ~~or~~ peace officers; (2) category II ~~or~~ peace officers; (3) category III peace officers; and ~~(2)~~ (4) firefighters. Section 2 also provides that a bargaining unit for peace officers must be composed exclusively of peace officers.

Section 3 of this bill provides that the amendatory provisions of this bill do not apply during the current term of any collective bargaining agreement entered into before July 1, 2023.

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

Section 1. NRS 288.138 is hereby amended to read as follows:

288.138 1. "Supervisory employee" includes:

(a) Any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday. If any of the following persons perform some, but not all, of the foregoing duties under a paramilitary command structure, such

a person shall not be deemed a supervisory employee solely because of such duties:

(1) A police officer, as defined in NRS 288.215;

(2) A firefighter, as defined in NRS 288.215; ~~or~~

(3) A person who:

(I) Has the powers of a peace officer pursuant to NRS 289.150, 289.170, 289.180 or 289.190; and

(II) Is a local government employee who is authorized to be in a bargaining unit pursuant to the provisions of this chapter ~~+~~; *or*

(4) A person who:

(I) Provides civilian support services to a law enforcement agency; *and*

(II) Is an employee who is authorized to be in a bargaining unit pursuant to the provisions of this chapter.

(b) Any individual or class of individuals appointed by the employer and having authority on behalf of the employer to:

(1) Hire, transfer, suspend, lay off, recall, terminate, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or to effectively recommend such action;

(2) Make budgetary decisions; and

(3) Be consulted on decisions relating to collective bargaining,

↪ if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday.

2. Nothing in this section shall be construed to mean that an employee who has been given incidental administrative duties shall be classified as a supervisory employee.

Sec. 2. NRS 288.515 is hereby amended to read as follows:

288.515 1. ~~The~~ *Except as otherwise provided in subsection 2, the Board shall establish one bargaining unit for each of the following occupational groups of employees of the Executive Department:*

(a) Labor, maintenance, custodial and institutional employees, including, without limitation, employees of penal and correctional institutions who are not responsible for security at those institutions.

(b) Administrative and clerical employees, including, without limitation, legal support staff and employees whose work involves general office work, or keeping or examining records and accounts.

(c) Technical aides to professional employees, including, without limitation, computer programmers, tax examiners, conservation employees and regulatory inspectors.

(d) Professional employees who do not provide health care, including, without limitation, engineers, scientists and accountants.

(e) Professional employees who provide health care, including, without limitation, physical therapists and other employees in medical and other professions related to health.

(f) Employees, other than professional employees, who provide health care and personal care, including, without limitation, employees who provide care for children.

(g) Category I peace officers.

(h) Category II peace officers.

(i) Category III peace officers.

(j) Supervisory employees from all occupational groups ~~+~~ *other than firefighters and category I, category II or category III peace officers.*

(k) Firefighters.

*(l) Supervisory employees who are category I ~~+~~ peace officers.*

*(m) Supervisory employees who are category II ~~+~~ peace officers.*

*(n) Supervisory employees who are category III peace officers.*

*(o) Supervisory employees who are firefighters.*

2. Any bargaining unit established for peace officers pursuant to subsection 1 must be composed exclusively of peace officers.

3. The Board shall determine the classifications of employees within each bargaining unit. The parties to a collective bargaining agreement may assign a new classification to a bargaining unit based upon the similarity of the new classification to other classifications within the bargaining unit. If the parties to a collective bargaining agreement do not agree to the assignment of a new classification to a bargaining unit, the Board must assign a new classification to a bargaining unit based upon the similarity of the new classification to other classifications within the bargaining unit.

~~3-~~ 4. As used in this section:

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Professional employee" means an employee engaged in work that:

(1) Is predominately intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;

(2) Involves the consistent exercise of discretion and judgment in its performance;

(3) Is of such a character that the result accomplished or produced cannot be standardized in relation to a given period; and

(4) Requires advanced knowledge in a field of science or learning customarily acquired through a prolonged course of specialized intellectual instruction and study in an institution of higher learning, as distinguished from general academic education, an apprenticeship or training in the performance of routine mental or physical processes.

(e) "Supervisory employee" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 288.138.

Sec. 3. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before July 1, 2023, but do apply to any extension or renewal of such an agreement and to any collective bargaining agreement entered into on or after July 1, 2023. For the purposes of this section, the term of a collective bargaining agreement ends on the date provided in the agreement, notwithstanding the provisions of NRS 288.550 or any provision of the agreement that it remains in effect, in whole or in part, after that date until a successor agreement becomes effective.

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

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 158 to Senate Bill No. 166 provides for separate bargaining units for supervisory employees who are category I, category II and category III peace officers and supervisory employees who are firefighters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 167.

Bill read second time.

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

Amendment No. 104.

SUMMARY—Prohibits the imposition of step therapy under certain circumstances. (BDR 57-81)

AN ACT relating to insurance; prohibiting the imposition of a step therapy protocol for a drug prescribed to treat a psychiatric condition under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a policy of health insurance which provides coverage for prescription drugs, including a policy of health insurance provided by a local government or private employer for its employees, from limiting or excluding coverage for a drug if the drug: (1) had previously been approved for coverage by the insurer for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and (2) is appropriately prescribed and considered safe and effective for treating the medical condition of the insured. (NRS 689A.04045, 689B.0368, 689C.168, 695A.184, 695B.1905, 695C.1734, 695F.156, 695G.166) Existing law also requires the Department of Health and Human Services to establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs. (NRS 422.403) Sections 1, 3-9 and 11-15 of this bill prohibit private

insurers, voluntary purchasing groups, insurance plans for state, local and private employees and Medicaid from imposing a step therapy protocol for a drug that is ~~[appropriately prescribed]~~ approved by the United States Food and Drug Administration or that medical or scientific evidence establishes may be used to treat a psychiatric condition if ~~the~~ : (1) a practitioner who meets certain requirements prescribed the drug ; and (2) that practitioner reasonably expects each drug that is required to be dispensed according to the step therapy protocol to be ineffective. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes. Section 10 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of authority of a health maintenance organization that fails to comply with the requirements of section 8 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 1, 3-8, 11 and 12 of this bill. (NRS 680A.200)

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A policy of health insurance which provides coverage for prescription drugs must not require an insured to submit to a step therapy protocol before covering a drug approved by the Food and Drug Administration that is [appropriately] prescribed to treat a psychiatric condition of the insured, if ~~the~~ :*

*(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the insured or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;*

*(b) The drug is prescribed by:*

*(1) A psychiatrist;*

*(2) A physician assistant under the supervision of a psychiatrist;*

*(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or*

*(4) A primary care provider that is providing care to an insured in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the closest practitioner listed in subparagraph (1), (2) or (3) who participates in the network plan of the insurer is located 60 miles or more from the residence of the insured; and*

*(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the insured, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition. ~~Based on the known physical or mental characteristics of the insured and the known characteristics of the drug regimen.]~~*

2. Any provision of a policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, which is in conflict with this section is void.

3. As used in this section ~~["practitioner" has the meaning ascribed to it in NRS 639.0125.]~~:

(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

(b) "Network plan" means a policy of health insurance offered by an insurer 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 insurer. The term does not include an arrangement for the financing of premiums.

(c) "Step therapy protocol" means a procedure that requires an insured to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the insured before his or her policy of health insurance provides coverage for the recommended drug.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[-]~~, and section 1 of this act.

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A policy of group health insurance which provides coverage for prescription drugs must not require an insured to submit to a step therapy protocol before covering a drug approved by the Food and Drug Administration that is ~~appropriately~~ prescribed to treat a psychiatric condition of the insured, if ~~the~~:

(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the insured or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;

(b) The drug is prescribed by:

(1) A psychiatrist;

(2) A physician assistant under the supervision of a psychiatrist;

(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(4) A primary care provider that is providing care to an insured in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the closest practitioner listed in subparagraph (1), (2) or (3) who participates in the network plan of the insurer is located 60 miles or more from the residence of the insured; and

~~(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the insured, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition. ~~Based on the known physical or mental characteristics of the insured and the known characteristics of the drug regimen.~~~~

2. Any provision of a policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, which is in conflict with this section is void.

3. As used in this section ~~the "practitioner" has the meaning ascribed to it in NRS 639.0125.~~ :

(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

(b) "Network plan" means a policy of group health insurance offered by an insurer 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 insurer. The term does not include an arrangement for the financing of premiums.

(c) "Step therapy protocol" means a procedure that requires an insured to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the insured before his or her policy of group health insurance provides coverage for the recommended drug.

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health benefit plan which provides coverage for prescription drugs must not require an insured to submit to a step therapy protocol before covering a drug approved by the Food and Drug Administration that is ~~appropriately~~ prescribed to treat a psychiatric condition of the insured, if ~~the~~ :

(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the insured or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;

(b) The drug is prescribed by:

(1) A psychiatrist;  
(2) A physician assistant under the supervision of a psychiatrist;  
(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(4) A primary care provider that is providing care to an insured in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the closest practitioner listed in subparagraph (1), (2) or (3) who participates in the network plan of the health carrier is located 60 miles or more from the residence of the insured; and

(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the insured, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition . ~~Based on the known physical or mental characteristics of the insured and the known characteristics of the drug regimen.~~

2. Any provision of a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, which is in conflict with this section is void.

3. As used in this section ~~,"practitioner" has the meaning ascribed to it in NRS 639.0125.~~ :

(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

(b) "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 health carrier. The term does not include an arrangement for the financing of premiums.

(c) "Step therapy protocol" means a procedure that requires an insured to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the insured before his or her health benefit plan provides coverage for the recommended drug.

Sec. 5. 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 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. 6. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A benefit contract which provides coverage for prescription drugs must not require an insured to submit to a step therapy protocol before covering a drug approved by the Food and Drug Administration that is ~~appropriately~~ prescribed to treat a psychiatric condition of the insured, if ~~the~~ :

(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the insured or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;

(b) The drug is prescribed by:

(1) A psychiatrist;

(2) A physician assistant under the supervision of a psychiatrist;

(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(4) A primary care provider that is providing care to an insured in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the closest practitioner listed in subparagraph (1), (2) or (3) who participates in the network plan of the society is located 60 miles or more from the residence of the insured; and

(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the insured, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition. ~~based on the known physical or mental characteristics of the insured and the known characteristics of the drug regimen.~~

2. Any provision of a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, which is in conflict with this section is void.

3. As used in this section ~~“practitioner” has the meaning ascribed to it in NRS 639.0125.~~:

(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

(b) "Network plan" means a benefit contract offered by a society 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 society. The term does not include an arrangement for the financing of premiums.

(c) "Step therapy protocol" means a procedure that requires an insured to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the insured before his or her benefit contract provides coverage for the recommended drug.

Sec. 7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A policy of health insurance offered or issued by a hospital or medical services corporation which provides coverage for prescription drugs must not require an insured to submit to a step therapy protocol before covering a drug approved by the Food and Drug Administration that is ~~appropriately~~ prescribed to treat a psychiatric condition of the insured, if ~~the~~:

(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the insured or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;

(b) The drug is prescribed by:

(1) A psychiatrist;

(2) A physician assistant under the supervision of a psychiatrist;

(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(4) A primary care provider that is providing care to an insured in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the closest practitioner listed in subparagraph (1), (2) or (3) who participates in the network plan of the hospital or medical services corporation is located 60 miles or more from the residence of the insured; and

(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the insured, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition. ~~[based on the known physical or mental characteristics of the insured and the known characteristics of the drug regimen.]~~

2. Any provision of a policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, which is in conflict with this section is void.

3. As used in this section ~~["practitioner" has the meaning ascribed to it in NRS 639.0125.]~~:

(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

(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 is 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) "Step therapy protocol" means a procedure that requires an insured to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the insured before his or her policy of health insurance offered or issued by a hospital or medical services corporation provides coverage for the recommended drug.

Sec. 8. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care plan which provides coverage for prescription drugs must not require an enrollee to submit to a step therapy protocol before covering a drug approved by the Food and Drug Administration that is ~~[appropriately]~~ prescribed to treat a psychiatric condition of the enrollee, if ~~the~~:

(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the enrollee or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;

(b) The drug is prescribed by:

(1) A psychiatrist;

(2) A physician assistant under the supervision of a psychiatrist;

(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(4) A primary care provider that is providing care to an enrollee in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the closest practitioner listed in subparagraph (1), (2) or (3) who participates in the network plan of the health maintenance organization is located 60 miles or more from the residence of the enrollee; and

(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the enrollee, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition. ~~based on the known physical or mental characteristics of the enrollee and the known characteristics of the drug regimen.~~

2. Any provision of a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, which is in conflict with this section is void.

3. As used in this section ~~["practitioner" has the meaning ascribed to it in NRS 639.0125.]:~~

(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

(b) "Network plan" means a health care plan offered by a health maintenance organization 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 health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Step therapy protocol" means a procedure that requires an enrollee to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the enrollee before his or her health care plan provides coverage for the recommended drug.

Sec. 9. 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 8 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. 10. 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 8 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. 11. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Evidence of coverage which provides coverage for prescription drugs must not require an enrollee to use a step therapy protocol before covering a drug approved by the Food and Drug Administration that is ~~inappropriately~~ prescribed to treat a psychiatric condition of the enrollee, if ~~the~~:*

*(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the enrollee or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;*

*(b) The drug is prescribed by:*

*(1) A psychiatrist;*

*(2) A physician assistant under the supervision of a psychiatrist;*

*(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or*

*(4) A primary care provider that is providing care to an enrollee in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the*

closest practitioner listed in subparagraph (1), (2) or (3) who participates in the network plan of the prepaid limited health service organization is located 60 miles or more from the residence of the enrollee; and

(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the enrollee, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition ~~based on the known physical or mental characteristics of the enrollee and the known characteristics of the drug regimen.~~

2. Any provision of an evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, which is in conflict with this section is void.

3. As used in this section ~~,"practitioner" has the meaning ascribed to it in NRS 639.0125.~~;

(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

(b) "Network plan" means evidence of coverage offered by a prepaid limited health service organization 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 prepaid limited health service organization. The term does not include an arrangement for the financing of premiums.

(c) "Step therapy protocol" means a procedure that requires an enrollee to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the enrollee before his or her evidence of coverage provides coverage for the recommended drug.

Sec. 12. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care plan which provides coverage for prescription drugs must not require an insured to submit to a step therapy protocol before covering a drug approved by the Food and Drug Administration that is ~~appropriately~~ prescribed to treat a psychiatric condition of the insured, if ~~the~~ :

(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the insured or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;

(b) The drug is prescribed by:

(1) A psychiatrist;

(2) A physician assistant under the supervision of a psychiatrist;

(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(4) A primary care provider that is providing care to an insured in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the closest practitioner listed in subparagraph (1), (2) or (3) who participates in

the network plan of the managed care organization is located 60 miles or more from the residence of the insured; and

(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the insured, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition . ~~based on the known physical or mental characteristics of the insured and the known characteristics of the drug regimen.~~

2. Any provision of a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2023, which is in conflict with this section is void.

3. As used in this section ~~f, "practitioner" has the meaning ascribed to it in NRS 639.0125.] :~~

(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

(b) "Network plan" means a health care plan offered by a managed care organization 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 managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Step therapy protocol" means a procedure that requires an insured to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the insured before his or her health care plan provides coverage for the recommended drug.

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 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. 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 12 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. NRS 422.403 is hereby amended to read as follows:

422.403 1. The Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.

2. The Drug Use Review Board shall:

(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;

(b) Develop step therapy protocols and prior authorization policies and procedures for use by the Medicaid program for prescription drugs; and

(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.

3. *The step therapy protocol established pursuant to this section must not apply to a drug approved by the Food and Drug Administration that is ~~inappropriately~~ prescribed to treat a psychiatric condition of a recipient of Medicaid, if ~~the~~:*

*(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the insured or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;*

*(b) The drug is prescribed by:*

*(1) A psychiatrist;*

(2) A physician assistant under the supervision of a psychiatrist;

(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(4) A primary care provider that is providing care to an insured in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the closest practitioner listed in subparagraph (1), (2) or (3) who participates in Medicaid is located 60 miles or more from the residence of the recipient; and

(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the recipient, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition ~~based on the known physical or mental characteristics of the recipient and the known characteristics of the drug regimen.~~

4. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed pursuant to NRS 422.4025.

~~{4.}~~ 5. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols and prior authorization policies and procedures used by the Medicaid program for prescription drugs.

6. ~~As used in this section f, "practitioner" has the meaning ascribed to it in NRS 639.0125.~~

(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053

(b) "Step therapy protocol" means a procedure that requires a recipient of Medicaid to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the recipient before Medicaid provides coverage for the recommended drug.

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. 17. This act becomes effective on July 1, 2023.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 104 to Senate Bill No. 167 extends the list of prescribing practitioners to include specific medical professionals; adds a subsection defining "step therapy protocol"; and replaces provisions to prohibit health plans from requiring step therapy for Food and Drug Administration approved psychiatric drugs or drugs backed by medical or scientific evidence if a prescribing practitioner deems the required drugs ineffective based on the medical history of the insured.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 203.

Bill read second time.

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

Amendment No. 154.

SUMMARY—Prohibits certain gifts by a manufacturer or wholesaler of drugs or medical devices to a practitioner. (BDR 54-50)

AN ACT relating to pharmacy; prohibiting a wholesaler or manufacturer of drugs, medicines, chemicals or medical devices or appliances from offering or giving a gift to a practitioner; requiring ~~such a wholesaler or~~ the State Board of Pharmacy to provide a link on its Internet website to certain information concerning gifts provided by a manufacturer ~~to submit a report concerning certain compensation and items provided~~ to a practitioner; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "practitioner" to refer to persons who are authorized to prescribe and dispense prescription drugs in this State. (NRS 639.0125) Section 2 of this bill prohibits a wholesaler or manufacturer of certain drugs, medicines, chemicals, devices or appliances or an agent of such a wholesaler or manufacturer from offering or giving a gift to a practitioner or otherwise directly or indirectly arranging, facilitating or serving as a conduit for such a gift. Section 2 provides that certain items and expenditures, including certain expenditures for education, medical or scientific purposes or purposes relating to policy, do not constitute gifts for that purpose. A person who violates the provisions of section 2 is subject to disciplinary action and guilty of a misdemeanor. (NRS 639.210, 639.310) Section 3 of this bill requires ~~a wholesaler or manufacturer to submit an annual report to~~ the State Board of Pharmacy ~~about certain compensation or items given to a practitioner that do not constitute gifts for the purposes of section 2. Sections 3 and 4 of this bill prohibit the public disclosure of proprietary or confidential business information in such a report.~~ to post on its Internet website a link to publicly available information concerning any gift provided to a practitioner by a manufacturer that is required to be reported pursuant to federal law. (42 U.S.C. § 1320a-7h)

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *A wholesaler or manufacturer or any agent of a wholesaler or manufacturer shall not offer or give any gift to a practitioner or otherwise directly or indirectly arrange, facilitate or serve as a conduit for such a gift.*

2. *As used in this section, "gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received. The term does not include:*

(a) A sample of a drug, medical device or appliance, medical food or infant formula provided to a practitioner for distribution to a patient at no cost;

(b) A medical device or appliance loaned to a practitioner for a trial period of less than 120 days for the purpose of allowing the practitioner to evaluate the medical device or appliance;

(c) Where the evaluation of a medical device or appliance pursuant to paragraph (b) requires the use or administration of a drug, a sample of such a drug provided to a practitioner who is evaluating the medical device or appliance;

(d) A payment to the sponsor of an educational, medical, scientific or policy conference or seminar, if the payment is:

(1) Not made directly to a practitioner; and

(2) Used solely for a bona fide educational purpose;

(e) A reasonable honorarium and payment of the reasonable expenses of a practitioner who serves on the faculty at an educational, medical, scientific or policy conference or seminar;

(f) A scholarship or grant for a practitioner who is a resident or fellow to attend an educational, medical, scientific or policy conference or seminar if the recipient of the scholarship or grant is selected by the person organizing the conference or seminar;

(g) A salary paid to a practitioner who is participating in a fellowship that is funded by a grant from a manufacturer or wholesaler if:

(1) The grant is applied for by the entity that employs the fellow;

(2) The entity selects the fellow without considering the interests of the wholesaler or manufacturer; and

(3) The name of the manufacturer or wholesaler is not included or referenced in the title of the fellowship or grant;

(h) The provision of ~~coffee, snacks, refreshments or other items with a combined retail value in any calendar year of less than \$50,~~ or payment for modest meals and refreshments in connection with an educational presentation to inform a practitioner about the benefits, risks and appropriate uses of a prescription drug or medical device or other information concerning medicine or science, if the presentation:

(1) Is made in a venue and manner conducive to such an informational presentation; and

(2) Is not a program of continuing education for the practitioner;

(i) Compensation for the professional or consulting services of a practitioner in connection with a bona fide clinical trial or research project;

(j) The provision, distribution or dissemination to a practitioner of peer-reviewed academic, scientific or clinical articles or journals or other items that serve an educational function;

(k) A royalty or licensing fee paid to a practitioner by a wholesaler or manufacturer for the right to use or purchase a patent or other intellectual property owned by the practitioner;

(l) A rebate or discount for a product provided in the normal course of business;

(m) A drug or medical device or appliance distributed free of charge or at a discounted price as part of a patient assistance program that is sponsored or funded by a manufacturer or wholesaler;

(n) Anything of value received as part of bona fide employment by or service as an independent contractor of a manufacturer or wholesaler or otherwise paid for or reimbursed as part of bona fide employment by or service as an independent contractor of a manufacturer or wholesaler; or

(o) Anything of value received from a person who is:

(1) Related to the practitioner, or to the spouse or domestic partner of the practitioner, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the household of the practitioner.

~~Sec. 3. 1. On or before March 1 of each year, a wholesaler and manufacturer shall submit to the Board on the form prescribed by the Board a report concerning each payment, honorarium, reimbursement or other compensation or item described in paragraphs (d) to (k), inclusive, of section 2 of this act given by the manufacturer or wholesaler to a practitioner in this State during the immediately preceding calendar year. Such a report must provide, for each payment, honorarium, reimbursement or other compensation or item:~~

~~—(a) The value of the payment, honorarium, reimbursement or other compensation or item;~~

~~—(b) A description of the purpose of the payment, honorarium, reimbursement or other compensation or item;~~

~~—(c) The name and business address of the practitioner that received the payment, honorarium, reimbursement or other compensation or item; and~~

~~—(d) The name of any business entity with which the practitioner is associated.~~

~~2. The Board f~~

~~—(a) Shall shall post on its Internet website a link to information made available to the public pursuant to 42 U.S.C. § 1320a-7h concerning ~~each~~ payment, honorarium, reimbursement or other compensation or item described in a report submitted pursuant to subsection 1; and~~

~~—(b) Shall not disclose any proprietary or confidential business information of a wholesaler, manufacturer or practitioner contained in such a report. any gift provided to a practitioner by a manufacturer.~~

Sec. 4. ~~NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757,~~

~~116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,  
119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690,  
125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,  
127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,  
159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156,  
176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165,  
179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,  
209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010,  
213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,  
218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300,  
228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190,  
237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040,  
239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,  
240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540,  
247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978,  
268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,  
281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,  
286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855,  
293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,  
293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,  
338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597,  
349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240,  
360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160,  
368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075,  
379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,  
388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033,  
391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,  
392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167,  
394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425,  
396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115,  
408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070,  
422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,  
432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,  
432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,  
439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420,  
439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230,  
442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773,  
447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,  
450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,  
459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,  
463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091,  
481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659,  
483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344,  
503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,  
598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,~~

~~604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 3 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without~~

~~limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:~~

~~(a) The public record:~~

~~(1) Was not created or prepared in an electronic format; and~~

~~(2) Is not available in an electronic format; or~~

~~(b) Providing the public record in an electronic format or by means of an electronic medium would:~~

~~(1) Give access to proprietary software; or~~

~~(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.~~

~~5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself. (Deleted by amendment.)~~

Sec. 5. This act becomes effective on July 1, 2023.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 154 to Senate Bill No. 203 revises the term "gift" to exclude modest meals and refreshments provided in informational communication settings. It deletes proposed annual reporting requirements and adds provisions requiring the State Board of Pharmacy to post a link to publicly available information through the federal Open Payments website concerning any gift provided to a practitioner by a manufacturer on its internet website and deletes provisions concerning confidentiality of certain information.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 208.

Bill read second time.

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

Amendment No. 160.

SUMMARY—~~[Authorizes]~~ Requires counties and cities to enact certain ordinances relating to battery-charged fences. (BDR 20-853)

AN ACT relating to local governments; ~~[authorizing, under certain circumstances,]~~ requiring the governing body of a county or city to enact ordinances relating to battery-charged fences; and providing other matters

properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of a county or city to enact ordinances that regulate certain health and safety issues. (NRS 244.355-244.369, 268.409-268.427) Sections 1 and 2 of this bill ~~authorize~~ require the governing body of a county or city to enact an ordinance that regulates battery-charged fences. Sections 1 and 2 require that such an ordinance require that a battery-charged fence: (1) be located on property not zoned exclusively for residential use; (2) use a battery that is not more than 12 volts of direct current; (3) have an energizer that meets the most current standards set forth by the International Electrotechnical Commission; (4) be surrounded by a nonelectric perimeter fence or wall; (5) be not more than a certain height; and (6) be marked with certain conspicuous warning signs located on the battery-charged fence. Sections 1 and 2 prohibit such an ordinance from: (1) requiring a permit for the installation or use of a battery-charged fence that is in addition to an alarm system permit issued by the county or city; (2) imposing installation or operational requirements for a battery-charged fence that are inconsistent with the standards set forth by the International Electrotechnical Commission; or (3) prohibiting the installation or use of a battery-charged fence.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, a board of county commissioners ~~may~~ shall enact ordinances regulating battery-charged fences.*

2. *An ordinance enacted pursuant to this section must, without limitation, require that a battery-charged fence:*

- (a) Be located on property that is not zoned exclusively for residential use;*
- (b) Use a battery that is not more than 12 volts of direct current;*
- (c) Have an energizer that meets the most current standards set forth by the International Electrotechnical Commission;*
- (d) Be surrounded by a nonelectric perimeter fence or wall that is at least 5 feet in height;*
- (e) Not be higher than 10 feet in height or 2 feet higher than the height of the nonelectric perimeter fence or wall described in paragraph (d), whichever is greater; and*
- (f) Be marked with conspicuous warning signs that are located on the battery-charged fence at intervals of not more than 40 feet and that read: "WARNING: ELECTRIC FENCE."*

3. *A board of county commissioners, in enacting an ordinance pursuant to this section, may not enact an ordinance that:*

- (a) Requires a permit for the installation or use of a battery-charged fence that is in addition to any permit that is required to install an alarm system;*

(b) Imposes any installation or operational requirement for a battery-charged fence that is inconsistent with the most current standards set forth by the International Electrotechnical Commission; or

(c) Prohibits the installation or use of a battery-charged fence.

4. As used in this section:

(a) "Alarm system" means a device or system that transmits an audible, visual or electronic signal intended to summon or alert law enforcement. The term does not include a system which does not transmit a signal from outside of a building or residence and is intended to alert only occupants of a building or residence.

(b) "Battery-charged fence" means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by a battery.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a city council or other governing body of an incorporated city ~~may~~ shall enact ordinances regulating battery-charged fences.

2. An ordinance enacted pursuant to this section must, without limitation, require that a battery-charged fence:

(a) Be located on property that is not zoned exclusively for residential use;

(b) Use a battery that is not more than 12 volts of direct current;

(c) Have an energizer that meets the most current standards set forth by the International Electrotechnical Commission;

(d) Be surrounded by a nonelectric perimeter fence or wall that is at least 5 feet in height;

(e) Not be higher than 10 feet in height or 2 feet higher than the height of the nonelectric perimeter fence or wall described in paragraph (d), whichever is greater; and

(f) Be marked with conspicuous warning signs that are located on the battery-charged fence at intervals of not more than 40 feet and that read: "WARNING: ELECTRIC FENCE."

3. A city council or other governing body of an incorporated city, in enacting an ordinance pursuant to this section, may not enact an ordinance that:

(a) Requires a permit for the installation or use of a battery-charged fence that is in addition to any permit that is required to install an alarm system;

(b) Imposes any installation or operational requirement for a battery-charged fence that is inconsistent with the most current standards set forth by the International Electrotechnical Commission; or

(c) Prohibits the installation or use of a battery-charged fence.

4. As used in this section:

(a) "Alarm system" means a device or system that transmits an audible, visual or electronic signal intended to summon or alert law enforcement. The

*term does not include a system which does not transmit a signal from outside of a building or residence and is intended to alert only occupants of a building or residence.*

*(b) "Battery-charged fence" means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by a battery.*

Sec. 2.5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. Any ordinance, regulation or rule enacted by a county or city before, on or after July 1, 2023, which conflicts with the provisions of this act is void and unenforceable.

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

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 160 to Senate Bill No. 208 changes "may" to "shall" to require the governing body of a county or city to enact an ordinance related to battery-charged fences.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 237.

Bill read second time.

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

Amendment No. 83.

SUMMARY—Revises provisions relating to crisis intervention. (BDR 39-312)

AN ACT relating to behavioral health; revising provisions governing the imposition of a surcharge on certain communications services to support a suicide prevention and behavioral health crisis hotline; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes a state to impose a fee or charge on a commercial mobile communication service or an IP-enabled voice service to fund the operations of a suicide prevention and mental health crisis hotline established pursuant to the National Suicide Prevention Lifeline program. (47 U.S.C. § 251a) Existing state law requires the State Board of Health to adopt regulations to impose a surcharge on certain mobile communication services, IP-enabled voice services and landline telephone services. Existing state law requires telecommunications companies and providers who provide such services to collect the surcharge from customers and transfer the surcharge to the Division of Public and Behavioral Health of the Department of Health and Human Services. Existing state law requires the Division to: (1) deposit the proceeds from the surcharge into the Crisis Response Account; (2) administer the Account; and (3) use the money in the Account to support the

operation of a suicide prevention and mental health crisis hotline and the services provided to persons who access the hotline. (NRS 433.708) ~~Section 2 of this bill transfers the duties to adopt such regulations and receive the surcharge from telecommunications companies from the Board and~~ Existing state law requires the Division ~~[, respectively,]~~ to support the ~~[Public Utilities Commission of Nevada. Section 2 requires the Commission to adopt specific regulations to impose the surcharge and define terms used to refer to the types of telecommunications lines that are subject to the surcharge.]~~ implementation of that hotline through various activities. (NRS 433.704) Section 1 of this bill adds a requirement for the Division to support the implementation of that hotline by supporting the establishment and maintenance of hospitals that hold endorsements as crisis stabilization centers pursuant to existing law. (NRS 449.0915) Section ~~[1]~~ 1.5 of this bill: (1) ~~[requires]~~ authorizes the ~~[Commission]~~ State Board of Health to ~~[collect a]~~ review and adjust, by regulation, the surcharge ~~[of 35 cents on each line until the Commission adopts those regulations; and (2)]~~ not more frequently than once every 5 years; (2) prescribes procedures for calculating the adjusted surcharge; and (3) revises the definitions ~~[for those]~~ of certain terms that apply ~~[until the Commission adopts those regulations. Sections 1 and 2 require the Commission]~~ to ~~[deposit the proceeds of]~~ the surcharge ~~[into]~~ Section 1.5 requires the ~~[Account, which continues to be administered by]~~ telecommunications companies and providers that collect the surcharge to report annually to the Division ~~[. Sections 1 and 2 also clarify]~~ the average number of lines that were subject to the surcharge ~~[applies to]~~ for each ~~[trunk line and each branch of a trunk line.]~~ month of the preceding year. Section 4 of this bill : (1) declares any regulations adopted by the ~~[State]~~ Board ~~[of Health]~~ relating to the surcharge before the effective date of this bill to be void ~~[.]~~

~~Existing law defines "small scale provider of last resort" to mean an incumbent local exchange carrier that is a provider of last resort of basic network service and business line service to customers through less than 60,000 access lines. (NRS 704.023) Section 3 of this bill clarifies that a small scale provider of last resort is required to collect~~ ; (2) prohibits the Board from adjusting the surcharge ~~[described in sections 1 and 2 from its customers and transfer the surcharge to the Commission in the same manner as other telecommunications companies and providers.]~~ until 5 years after the effective date of this bill; and (3) requires telecommunications companies and providers that collect the surcharge to report to the Division on or before July 1, 2023, the average number of lines that were subject to the surcharge for each month of the 2022 calendar year.

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

*Section 1.* NRS 433.704 is hereby amended to read as follows:

433.704 1. The Division shall support the implementation of a hotline for persons who are considering suicide or otherwise in a behavioral health crisis that may be accessed by dialing the digits 9-8-8 by:

(a) Establishing at least one support center that meets the requirements of NRS 433.706 to answer calls to the hotline and coordinate the response to persons who access the hotline;

(b) Encouraging the establishment of and, to the extent that money is available, establishing mobile crisis teams to provide community-based intervention, including, without limitation, de-escalation and stabilization, for persons who are considering suicide or otherwise in a behavioral health crisis and access the hotline;

(c) Participating in any collection of information by the Federal Government concerning the National Suicide Prevention Lifeline program;

(d) Collaborating with the National Suicide Prevention Lifeline program and the Veterans Crisis Line program established pursuant to 38 U.S.C. § 1720F(h) to ensure consistent messaging to the public about the hotline;

~~(and)~~

(e) Supporting the establishment and maintenance of hospitals that hold endorsements as crisis stabilization centers pursuant to NRS 449.0915; and

(f) Adopting any regulations necessary to carry out the provisions of NRS 433.702 to 433.710, inclusive, including, without limitation:

(1) Regulations establishing the qualifications of providers of services who are involved in responding to persons who are considering suicide or are otherwise in a behavioral health crisis and access the hotline;

(2) Any regulations necessary to allow for communication and sharing of information between persons and entities involved in responding to crises and emergencies in this State to facilitate the coordination of care for persons who are considering suicide or are otherwise in a behavioral health crisis and access the hotline; and

(3) Regulations defining the term "person professionally qualified in the field of behavioral health" for the purposes of this section.

2. A mobile crisis team established pursuant to paragraph (b) of subsection 1 must be:

(a) A team based in the jurisdiction that it serves which includes persons professionally qualified in the field of behavioral health and providers of peer recovery support services;

(b) A team established by a provider of emergency medical services that includes persons professionally qualified in the field of behavioral health and providers of peer recovery support services; or

(c) A team established by a law enforcement agency that includes law enforcement officers, persons professionally qualified in the field of psychiatric mental health and providers of peer recovery support services.

3. A telecommunications provider and its employees, agents, subcontractors and suppliers are not liable for damages that directly or indirectly result from the installation, maintenance or provision of service in relation to the hotline implemented pursuant to this section, including, without limitation, the total or partial failure of any transmission to a support center, unless willful conduct or gross negligence is proven.

4. As used in this section, "peer recovery support services" means nonclinical supportive services that use lived experience in recovery from a substance use disorder or other behavioral health disorder to promote recovery in another person with a substance use disorder or other behavioral health disorder by advocating, mentoring, educating, offering hope and providing assistance in navigating systems.

~~{Section 1.}~~ *Sec. 1.5.* NRS 433.708 is hereby amended to read as follows:

433.708 1. The State Board of Health ~~{Public Utilities Commission of Nevada}~~ shall ~~{adopt regulations to}~~ impose a surcharge of 35 cents for each line, as adjusted in accordance with subsection 8, on ~~{each}~~ :

(a) Each access line of each customer of a company that provides commercial mobile communication services or IP-enabled voice services in this State in accordance with 47 U.S.C. § 251a ; and ~~{each}~~

(b) Each access line ~~{,}~~ or trunk line ~~{and branch of a trunk line}~~ of each customer to the local exchange of any telecommunications provider providing those lines in this State. ~~{Those}~~

2. The companies and providers described in subsection 1 shall ~~{collect}~~ :

(a) Collect the surcharge described in subsection 1 from their customers ; and ~~{transfer}~~

(b) Transfer the money collected to the Division ~~{pursuant to regulations adopted by the State Board of Health. The amount of the surcharge must be sufficient to support the uses set forth in subsection 2, except that the amount of the surcharge must not exceed 35 cents for each access line or trunk line.~~

~~2. Public Utilities Commission of Nevada in the manner prescribed by}~~ on or before the ~~{Commission}~~ last day of the month immediately following the month to which the surcharge applies.

3. The Crisis Response Account is hereby created in the State General Fund. Any money collected from the surcharge imposed pursuant to subsection 1 must be deposited in the State Treasury for credit to the Account. The Division shall administer the Account. The money in the Account:

(a) Must be used by the Division to carry out the provisions of NRS 433.702 to 433.710, inclusive, to the extent authorized by 47 U.S.C. § 251a; and

(b) Must not be used to supplant existing methods of funding that are available for those purposes.

~~{3.}~~ 4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

~~{4.}~~ 5. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund but must be carried over into the next fiscal year.

~~{5.}~~ 6. The Division may accept gifts, grants and donations for the purpose of carrying out the provisions of NRS 433.702 to 433.710, inclusive.

7. On or before April 1 of each year, the companies and providers described in subsection 1 shall report to the Division the average number of access lines and trunk lines in service which were subject to the surcharge

imposed pursuant to subsection 1 for each calendar month of the immediately preceding year. Such information shall be deemed proprietary information regarding a trade secret which is subject to the provisions of NRS 333.333.

8. The State Board of Health:

(a) May review and adjust, by regulation, the amount of the surcharge imposed pursuant to subsection 1 not more frequently than once every 5 years;

(b) Except as otherwise provided in paragraph (c), shall calculate the amount of the adjusted surcharge pursuant to paragraph (a) by adding to the surcharge the product of:

(1) The amount of that surcharge; and

(2) The average percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) over the 5 calendar years immediately preceding the year in which the adjustment is calculated; and

(c) May revise the amount of the adjusted surcharge calculated pursuant to paragraph (b) or decline to adjust the amount of the surcharge based on comment received during the process of adopting the regulations.

9. As used in this section:

(a) "Access line" means any voice connection between a customer and a carrier that provides the customer with access to telecommunication in this State ~~and~~ and allows a customer to access the hotline described in NRS 433.704 by dialing the digits 9-8-8.

(b) "Commercial mobile service" ~~has the meaning ascribed to it~~ means commercial mobile service, as that term is defined in 47 U.S.C. § 251a ~~and~~, which is provided to a customer within this State as determined by the place of primary use, as that term is defined in 4 U.S.C. § 124.

(c) "IP-enabled voice service" has the meaning ascribed to it in 47 U.S.C. § 251a.

(d) "Trunk line" means a line which provides a channel between a switchboard owned by a customer of a telecommunications provider and the local exchange of the telecommunications provider.

Sec. 2. ~~NRS 433.708 is hereby amended to read as follows:~~

~~433.708 1. The Public Utilities Commission of Nevada shall adopt regulations to impose a surcharge of not more than 35 cents for each line on:~~

~~(a) Each access line of each customer of a company that provides commercial mobile communication services or IP-enabled voice services in this State in accordance with 47 U.S.C. § 251a; and~~

~~(b) Each access line, trunk line and branch of a trunk line of each customer to the local exchange of any telecommunications provider providing those lines in this State.~~

~~2. The companies and providers described in subsection 1 shall collect the surcharge described in subsection 1 from their customers and transfer the money collected to the Public Utilities Commission of Nevada in the manner prescribed by the Commission.~~

~~3. The Crisis Response Account is hereby created in the State General Fund. Any money collected from the surcharge imposed pursuant to~~

~~subsection 1 must be deposited in the State Treasury for credit to the Account. The Division shall administer the Account. The money in the Account:~~

~~—(a) Must be used by the Division to carry out the provisions of NRS 433.702 to 433.710, inclusive, to the extent authorized by 47 U.S.C. § 251a; and~~

~~—(b) Must not be used to supplant existing methods of funding that are available for those purposes.~~

~~4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.~~

~~5. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund but must be carried over into the next fiscal year.~~

~~6. The Division may accept gifts, grants and donations for the purpose of carrying out the provisions of NRS 433.702 to 433.710, inclusive.~~

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

~~—(a) "Access line" means any connection between a customer and a carrier that provides the customer with access to telecommunication in this State.~~

~~—(b) "Commercial mobile service" has the meaning ascribed to it in 47 U.S.C. § 251a.~~

~~—(c) "IP enabled voice service" has the meaning ascribed to it in 47 U.S.C. § 251a.~~

~~—(d) "Trunk line" means a line which provides a channel between a switchboard owned by a customer of a telecommunications provider and the local exchange of the telecommunications provider.] *The Public Utilities Commission of Nevada shall adopt regulations defining the terms "access line," "commercial mobile service," "IP enabled voice service" and "trunk line" for the purposes of this section.* (Deleted by amendment.)~~

Sec. 3. ~~[NRS 704.040 is hereby amended to read as follows:~~

~~704.040 1. Every public utility shall furnish reasonably adequate service and facilities. Subject to the provisions of subsection 3, the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.~~

~~2. Every unjust and unreasonable charge for service of a public utility is unlawful.~~

~~3. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive:~~

~~—(a) A competitive supplier is exempt from any provision of this chapter governing the rates, prices, terms and conditions of any telecommunication service.~~

~~—(b) A small scale provider of last resort is subject to the provisions of this chapter, NRS 427A.797, 433.708 and chapter 707 of NRS.~~

~~4. All telecommunication providers which offer the same or similar service must be subject to fair and impartial regulation, to promote adequate, economical and efficient service.~~

~~5. To maintain the availability of telephone service in accordance with the regulations adopted pursuant to NRS 704.6873, the Commission shall provide~~

~~for the levy and collection of a uniform and equitable assessment, in an amount determined by the Commission, from all persons furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of the assessment with regard to a particular form of technology is prohibited by federal law. Assessments levied and collected pursuant to this subsection must be maintained in a separate fund established by the Commission. The Commission shall contract with an independent administrator to administer the fund pursuant to open competitive bidding procedures established by the Commission. The independent administrator shall collect the assessments levied and distribute them from the fund pursuant to a plan which has been approved by the Commission.~~

~~6. The Commission shall by regulation establish:~~

~~(a) The procedure for contracting with an independent administrator who will certify or recertify the eligibility of customers for lifeline service as defined in NRS 707.450, including:~~

~~(1) The selection of the independent administrator pursuant to open competitive bidding procedures established by the Commission; and~~

~~(2) The duties of the independent administrator which must be promulgated in advance of conducting the initial request for proposal for the independent administrator.~~

~~(b) The duties of the independent administrator which must:~~

~~(1) Be determined by criteria adopted by the Commission or the Federal Communications Commission;~~

~~(2) Provide for the independent administrator to be able to accomplish all functions necessary for interfacing with the National Lifeline Accountability Database when it is established and operational pursuant to 47 C.F.R. § 54.404 and any other national eligibility database for eligible telecommunication providers; and~~

~~(3) Require the independent administrator to be responsible for informing eligible telecommunication providers of the status of their customers' eligibility to receive lifeline service as defined in NRS 707.450.~~

~~7. To implement the requirements of subsections 5 and 6, the Commission:~~

~~(a) May select a single entity to perform the duties of subsections 5 and 6;~~

~~(b) Is authorized to use the fund set forth in subsection 5 for the sole purpose of maintaining the availability of telephone service as set forth in subsections 5 and 6; and~~

~~(c) May, in accordance with the terms of a contract entered into with an independent administrator pursuant to subsection 6, terminate the service to certify or recertify the eligibility of customers for lifeline service, as defined in NRS 707.450, if the National Lifeline Eligibility Verifier, as defined in 47 C.F.R. § 54.400, is able to certify and recertify the eligibility of customers in this State for lifeline service. (Deleted by amendment.)~~

Sec. 4. 1. Any regulations adopted by the State Board of Health pursuant to NRS 433.708, as that section existed before the effective date of

section ~~44~~ 1.5 of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this section.

2. On or before July 1, 2023, the companies and providers described in subsection 1 of NRS 433.708, as amended by section 1.5 of this act, shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services the average number of access lines and trunk lines in service which were subject to the surcharge imposed pursuant to subsection 1 for each calendar month of the 2022 calendar year. Such information shall be deemed proprietary information regarding a trade secret which is subject to the provisions of NRS 333.333.

3. The State Board of Health may not take any action described in subsection 8 of NRS 433.708, as amended by section 1.5 of this act, before the date 5 years after the effective date of this act.

4. As used in this section:

(a) "Access line" has the meaning ascribed to it in section 1.5 of this act.

(b) "Trunk line" has the meaning ascribed to it in section 1.5 of this act.

Sec. 5. ~~44~~ This ~~section and sections 1, 3 and 4 of this~~ act ~~become~~ becomes effective upon passage and approval.

~~{2. Section 2 of this act becomes effective:~~

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

~~(b) On the date on which the regulations adopted by the Public Utilities Commission prescribing the amount of the surcharge described in NRS 433.708, as amended by section 2 of this act, and defining the terms listed in subsection 7 of NRS 433.708, as amended by section 2 of this act, become effective.}~~

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 83 to Senate Bill No. 237 retains the authority to assess the surcharge with the State Board of Health thereby allowing the Board to promulgate regulations and adjust the surcharge. It adds that the surcharge is to be remitted to the division before the end of each month; requires relevant companies to report information to the department; removes sections 2 and 3; and clarifies that the surcharge can be used for crisis stabilization centers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 239.

Bill read second time.

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

Amendment No. 84.

SUMMARY—Establishes provisions governing the prescribing, dispensing and administering of medication designed to end the life of a patient. (BDR 40-677)

AN ACT relating to health care; revising provisions concerning medical certificates of death relating to a person who self-administers a medication that is designed to end his or her life; authorizing a physician ~~[, physician assistant]~~ or advanced practice registered nurse to prescribe a medication that is designed to end the life of a patient under certain circumstances; prohibiting persons other than a patient from administering a medication that is designed to end the life of the patient; imposing requirements on certain providers of health care and health care facilities relating to the records of a patient who requests a medication that is designed to end his or her life; providing immunity to certain providers of health care and health care facilities that take certain actions relating to prescribing or dispensing a medication that is designed to end the life of a patient; authorizing the owner or operator of a health care facility to prohibit certain persons from providing certain services relating to a medication that is designed to end the life of a patient; prohibiting a person from conditioning provisions of a will, contract, agreement or policy of life insurance on the request for or acquisition or administration of a medication that is designed to end the life of the person; prohibiting a person from ~~refusing to sell or provide life insurance or~~ denying benefits under a policy of life insurance to or imposing additional charges against a policyholder or beneficiary because the insured requested or revoked a request for a medication that is designed to end the life of the person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a patient who has been diagnosed with a terminal condition to refuse life-resuscitating or life-sustaining treatment in certain circumstances. (NRS 449A.400-449A.581, 450B.400-450B.590) Sections 10-39 of this bill authorize a patient, under certain circumstances, to self-administer a medication that is designed to end the life of the patient. Section 20 of this bill defines "practitioner" to mean a physician, osteopathic physician ~~[, physician assistant]~~ or advanced practice registered nurse. Sections ~~11-22~~ 11-18, 21 and 22 of this bill define other relevant terms. Section 23 of this bill authorizes a patient to request that his or her attending practitioner prescribe a medication that is designed to end his or her life if the patient: (1) is at least 18 years of age; (2) has been diagnosed with a terminal condition by at least two practitioners; (3) has made an informed and voluntary decision to end his or her own life; (4) is ~~competent,~~ mentally capable of making such a decision; and (5) is not requesting the medication because of coercion, deception or undue influence. Section 24 of this bill prescribes certain requirements concerning the manner in which a patient may request a medication that is designed to end the life of the patient, including that the patient make two verbal requests and one written request for the medication, and that the written request for the medication be signed by a witness. Section 25 of this bill prescribes the form for the written request for the medication. Section 26 of this bill imposes certain requirements before a practitioner is authorized to prescribe a medication that is designed to end the

life of a patient, including that the practitioner: (1) inform the patient of his or her right to revoke a request for the medication at any time; (2) determine and verify that the patient meets the requirements for making such a request; (3) discuss certain relevant factors with the patient, including the diagnosis and prognosis of the patient and alternative options for care; (4) refer the patient to a consulting practitioner who can confirm the diagnosis, prognosis and ~~competence~~ mental capability of the patient and that the patient has not been coerced or unduly influenced; and (5) instruct the patient against self-administering the medication in public. Section 27 of this bill requires a practitioner who determines that a patient who has requested a prescription for a medication that is designed to end his or her life may not be ~~competent~~ mentally capable to refer the patient to a qualified mental health professional and to receive confirmation about the patient's ~~competence~~ mental capability.

Section 28 of this bill: (1) prescribes procedures for the issuance of a prescription for a medication that is designed to end the life of the patient; and (2) provides that only an attending practitioner or a pharmacist may dispense such a medication. Section 29 of this bill prohibits an attending practitioner from prescribing a medication that is designed to end the life of a patient based solely on the age or disability of the patient. Section 30 of this bill requires certain providers of health care to include certain information concerning requests and prescriptions for and the dispensing of a medication that is designed to end the life of a patient in the medical record of the patient. If a patient who has requested a medication that is designed to end the life of a patient transfers care to another practitioner or health care facility, sections 30 and 37 of this bill require the practitioner or health care facility that previously provided care to the patient to forward the patient's medical records to the new practitioner or health care facility. Section 33 of this bill prescribes certain information that must be reported by an attending practitioner to the Division of Public and Behavioral Health of the Department of Health and Human Services relating to a patient who has been prescribed or self-administered such a medication. Section 34 of this bill requires the Division to compile an annual report concerning the implementation of the provisions of this bill authorizing a patient to request a prescription for a medication that is designed to end the life of the patient. Sections 33, 46 and 47 of this bill provide that such information is otherwise confidential when reported to the Division.

Section 31 of this bill authorizes a patient, at any time, to revoke a request for a medication that is designed to end his or her life. Sections 32 and 41 of this bill provide that only the patient to whom a medication that is designed to end his or her life is prescribed may administer the medication. Section 32 establishes requirements for the disposal of any unused portion of the medication.

Section 39 of this bill makes certain persons exempt from professional discipline and immune from civil and criminal penalties and provides that such persons do not violate any applicable standard of care for taking actions

authorized by this bill to assist a patient in acquiring a medication that is designed to end the life of the patient. Section 35 of this bill provides that a death resulting from the self-administration of a medication that is designed to end the life of a patient is not mercy killing, euthanasia, assisted suicide, suicide or homicide when done in accordance with the provisions of this bill, and section 4 of this bill requires a death certificate to list the terminal condition of the patient as the cause of death of the patient. Sections 3 and 7 of this bill provide that a coroner, coroner's deputy or local health officer is ~~is~~ ~~(1) not required to certify the cause of such a death. [; and (2) prohibited from investigating such a death under certain circumstances.]~~ Section 46.5 of this bill: (1) authorizes a coroner to make an appropriate investigation after discovering that a person has self-administered a medication designed to end the life of the person, to the extent necessary to determine the cause of the terminal condition with which the person was diagnosed; and (2) requires a coroner to cease such an investigation after determining that the terminal condition resulted from a natural cause. Section 46.2 of this bill makes a conforming change to revise certain internal references.

Sections 36 and 44 of this bill prohibit a person from preventing or requiring a person to make or revoke a request for a medication that is designed to end the life of the person as a condition to receiving health care or as a condition in an agreement, contract or will.

Section 37 of this bill clarifies that a practitioner is not required to prescribe a medication that is designed to end the life of a patient and remains responsible for treating the patient's pain. However, if a patient who is diagnosed with a terminal condition requests information concerning the prescription and self-administration of a medication that is designed to end the life of the patient, section 37 requires a practitioner to provide that information or refer the patient to another provider of health care who is willing to do so. Section 37 also provides that a pharmacist is not required to fill a prescription for or dispense such a medication. Section 38 of this bill allows the owner or operator of a health care facility to prohibit an employee or independent contractor of the health care facility or any person who provides services on the premises of the health care facility from providing any services relating to prescribing a medication that is designed to end the life of a patient while acting within the scope of his or her employment or contract with the facility or while on the premises of the facility. Section 39 prohibits a health care facility ~~[;]~~ or provider of health care ~~[or professional organization or association]~~ from taking certain actions against an employee ~~[;]~~ or independent contractor ~~[or member]~~ who: (1) provides accurate, scientific information concerning end-of-life care to a patient; ~~[within or outside the scope of employment, contract or membership, as applicable;]~~ or (2) facilitates the prescription or self-administration of a medication that is designed to end the life of the patient. ~~[outside the scope of the employment, contract or membership, as applicable.]~~ Sections 40-43 of this bill make conforming changes to clarify that a practitioner or pharmacist is authorized to dispense a

medication that is designed to end the life of a patient that is a controlled substance or dangerous drug and a patient may self-administer such a medication in accordance with other provisions governing medications designed to end the life of a patient.

~~[Existing law authorizes a physician or advanced practice registered nurse to sign a death certificate. (NRS 440.380) Section 4 additionally authorizes the attending physician assistant of a patient who dies after self-administering a medication that is designed to end the life of the patient or the operator of the facility for hospice care at which such a patient dies to sign the death certificate of the patient. Section 2 of this bill defines "physician assistant" for that purpose to refer to a physician assistant licensed by the Board of Medical Examiners or the State Board of Osteopathic Medicine. Section 6 of this bill makes a conforming change to remove a redundant definition of that term. Sections 5, 7 and 8 of this bill make revisions such that a death certificate signed by a physician assistant or the operator of a facility for hospice care is treated similarly to a death certificate signed by a physician assistant or advanced practice registered nurse.]~~

Section 45 of this bill provides that a proposed protected person shall not be deemed to be in need of a general or special guardian solely because the proposed protected person requested a medication that is designed to end his or her life or revoked such a request.

~~Sections 48 and 49 of this bill prohibit insurers from [(1) refusing to sell, provide or issue a policy of life insurance or group life insurance or annuity contract or charging a higher rate because a person makes or revokes a request for a medication that is designed to end the life of the person or self-administers such a medication; or (2)] conditioning life insurance benefits, group life insurance benefits or the payment of claims on whether the insured makes, fails to make or revokes a request for a medication that is designed to end the life of the insured or self-administers such a medication. Section 50 of this bill makes a conforming change to reflect this prohibition on a policy of group life insurance.~~

WHEREAS, A mentally capable adult patient should have the right to self-determination concerning his or her health care decisions based on his or her values, beliefs or personal preferences; and

WHEREAS, It is important that patients have the full range of options for their care, especially at the end of their lives; and

WHEREAS, Patients with a terminal illness may undergo unremitting pain, agonizing discomfort and a sudden, continuing and irreversible reduction in their quality of life; and

WHEREAS, The availability of medical aid in dying provides an additional palliative care option for persons with a terminal illness who seek to retain their autonomy and some level of control over the progression of their disease or ease unnecessary pain and suffering; and

WHEREAS, The integration of medical aid in dying into standard end-of-life care has demonstrably improved such care by contributing to better

conversations between providers of health care and patients, earlier and more appropriate enrollment in hospice care and better training concerning palliative care for providers; and

WHEREAS, Patient-directed care respects and responds to the decisions, preferences, needs and values of individual patients, ensures that the values of patients direct all clinical decisions concerning their care and ensures that patients are fully informed of and able to access the options for care that they desire; now, therefore,

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

Section 1. Chapter 440 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~[As used in this chapter, "physician assistant" means a person who is licensed as a physician assistant pursuant to chapter 630 or 633 of NRS.] (Deleted by amendment.)~~

Sec. 3. 1. A coroner, coroner's deputy or local health officer ~~is~~ ~~(a) is~~ ~~is not required to certify the cause of death of a patient who dies after self-administering a medication that is designed to end the life of the patient in accordance with the provisions of sections 10 to 39, inclusive, of this act. ~~and~~~~  
~~(b) Must not investigate the death of a patient who dies after self-administering a medication that is designed to end the life of the patient in accordance with the provisions of sections 10 to 39, inclusive, of this act if the coroner or coroner's deputy confirms the circumstances of the death with a physician, physician assistant or advanced practice registered nurse responsible for overseeing the care of the patient or the physician, physician assistant or advanced practice registered nurse who prescribed the medication.]~~

2. A coroner, coroner's deputy or local health officer may access any records or information submitted to the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to section 33 of this act to confirm that a patient died from self-administering a medication that is designed to end the life of the patient in accordance with the provisions of sections 10 to 39, inclusive, of this act.

Sec. 4. NRS 440.380 is hereby amended to read as follows:

440.380 1. ~~The~~ ~~[Except as otherwise provided in subsection 3, the]~~ medical certificate of death must be signed by the physician or advanced practice registered nurse, if any, last in attendance on the deceased, or pursuant to regulations adopted by the Board, it may be signed by the attending physician's associate physician, the chief medical officer of the hospital or institution in which the death occurred, or the pathologist who performed an autopsy upon the deceased. The person who signs the medical certificate of death shall specify:

- (a) The social security number of the deceased.
- (b) The hour and day on which the death occurred.

(c) The cause of death, so as to show the cause of disease or sequence of causes resulting in death, giving first the primary cause of death or the name of the disease causing death, and the contributory or secondary cause, if any, and the duration of each.

2. In deaths in hospitals or institutions, or of nonresidents, the physician or advanced practice registered nurse shall furnish the information required under this section, and may state where, in his or her opinion, the disease was contracted.

3. *The medical certificate of death of a patient who dies after self-administering a medication that is designed to end the life of the patient in accordance with sections 10 to 39, inclusive, of this act:*

(a) ~~May be signed by the physician, physician assistant or advanced practice registered nurse who prescribed the medication or the operator of a facility for hospice care, as defined in NRS 449.0033, at which the patient dies;~~

~~(b) Must specify the terminal condition with which the patient was diagnosed as the cause of death; and~~

~~(c) (b) Must not indicate suicide as the cause of death or mention that the patient self-administered a medication that is designed to end the life of the patient.~~

Sec. 5. ~~[NRS 440.400 is hereby amended to read as follows:  
440.400 Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit. Any certificate containing only such terms as defined by the State Board of Health shall be returned to the physician, physician assistant or advanced practice registered nurse for correction and more definite statement.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 440.415 is hereby amended to read as follows:  
440.415 1. A physician who anticipates the death of a patient because of an illness, infirmity or disease may authorize a specific registered nurse or physician assistant or the registered nurses or physician assistants employed by a medical facility or program for hospice care to make a pronouncement of death if they attend the death of the patient. An advanced practice registered nurse who anticipates the death of a patient because of an illness, infirmity or disease may authorize a specific registered nurse or the registered nurses employed by a medical facility or program for hospice care to make a pronouncement of death if they attend the death of the patient.~~

~~2. Such an authorization is valid for 120 days. Except as otherwise provided in subsection 3, the authorization must:~~

~~(a) Be a written order entered on the chart of the patient;~~

~~(b) State the name of the registered nurse or nurses or physician assistant or assistants authorized to make the pronouncement of death; and~~

~~(c) Be signed and dated by the physician or advanced practice registered nurse.~~

~~3. If the patient is in a medical facility or under the care of a program for hospice care, the physician may authorize the registered nurses or physician~~

~~assistants employed by the facility or program, or an advanced practice registered nurse may authorize such a registered nurse, to make pronouncements of death without specifying the name of each nurse or physician assistant, as applicable.~~

~~4. If a pronouncement of death is made by a registered nurse or physician assistant, the physician or advanced practice registered nurse who authorized that action shall sign the medical certificate of death within 24 hours after being presented with the certificate.~~

~~5. If a patient in a medical facility is pronounced dead by a registered nurse or physician assistant employed by the facility, the registered nurse or physician assistant may release the body of the patient to a licensed funeral director pending the completion of the medical certificate of death by the attending physician or attending advanced practice registered nurse if the physician, advanced practice registered nurse or the medical director or chief of the medical staff of the facility has authorized the release in writing.~~

~~6. The Board may adopt regulations concerning the authorization of a registered nurse or physician assistant to make pronouncements of death.~~

~~7. As used in this section:~~

~~(a) "Advanced practice registered nurse" means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.~~

~~(b) "Medical facility" means:~~

~~(1) A facility for skilled nursing as defined in NRS 449.0039;~~

~~(2) A facility for hospice care as defined in NRS 449.0033;~~

~~(3) A hospital as defined in NRS 449.012;~~

~~(4) An agency to provide nursing in the home as defined in NRS 449.0015; or~~

~~(5) A facility for intermediate care as defined in NRS 449.0038.~~

~~(c) ["Physician assistant" means a person who holds a license as a physician assistant pursuant to chapter 630 or 633 of NRS.~~

~~(d) "Program for hospice care" means a program for hospice care licensed pursuant to chapter 449 of NRS.~~

~~[(e) (d) "Pronouncement of death" means a declaration of the time and date when the cessation of the cardiovascular and respiratory functions of a patient occurs as recorded in the patient's medical record by the attending provider of health care in accordance with the provisions of this chapter.]~~

~~(Deleted by amendment.)~~

Sec. 7. NRS 440.420 is hereby amended to read as follows:

440.420 1. In case of any death occurring without medical attendance, the funeral director shall notify the local health officer, coroner or coroner's deputy of such death and refer the case to the local health officer, coroner or coroner's deputy . ~~[for immediate investigation and certification.]~~ *Except as otherwise provided in NRS 259.050 and section 3 of this act, the coroner, coroner's deputy or local health officer shall immediately investigate the death and certify the cause of death.*

2. Where there is no qualified physician or advanced practice registered nurse in attendance, and in such cases only, the local health officer is authorized to make the certificate and return from the statements of relatives or other persons having adequate knowledge of the facts.

3. If the death was caused by unlawful or suspicious means, the local health officer shall then refer the case to the coroner for investigation and certification.

4. In counties which have adopted an ordinance authorizing a coroner's examination in cases of sudden infant death syndrome, the funeral director shall notify the local health officer whenever the cause or suspected cause of death is sudden infant death syndrome. The local health officer shall then refer the case to the coroner for investigation and certification.

5. The coroner or the coroner's deputy may certify the cause of death in any case which is referred to the coroner by the local health officer or pursuant to a local ordinance.

Sec. 8. ~~NRS 440.470 is hereby amended to read as follows:  
440.470 The funeral director or person acting as undertaker shall present the certificate to the attending physician or attending advanced practice registered nurse, if any, or, under the circumstances authorized by subsection 3 of NRS 440.380, the attending physician assistant or the operator of the hospice facility at which a person dies, or to the health officer or coroner, for the medical certificate of the cause of death and other particulars necessary to complete the record unless the attending physician, [or] attending advanced practice registered nurse, attending physician assistant or operator initiated the record of death and provided the required information at the time of death.]~~  
(Deleted by amendment.)

Sec. 9. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 39, inclusive, of this act.

Sec. 10. *As used in sections 10 to 39, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11 to 22, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 11. *"Advanced practice registered nurse" means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.*

Sec. 12. *"Attending practitioner" means the practitioner who has primary responsibility for the treatment of a terminal condition from which a patient suffers.*

Sec. 13. ~~["Competent" means that a person has the ability to make, communicate and understand the nature of decisions concerning his or her health care.]~~ (Deleted by amendment.)

Sec. 14. *"Consulting practitioner" means a practitioner to whom a patient is referred pursuant to paragraph (d) of subsection 1 of section 26 of this act for confirmation of the diagnosis and prognosis of the patient and that the patient is ~~competent~~ mentally capable.*

Sec. 15. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 16. "Health care facility" means any facility licensed pursuant to chapter 449 of NRS.

Sec. 16.5. "Mentally capable" means that a patient has the ability to make, communicate and understand the nature of the decision to request and self-administer a medication that is designed to end the life of the patient.

Sec. 17. "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.

Sec. 18. "Physician" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS.

Sec. 19. [~~"Physician assistant" means a person who is licensed as a physician assistant pursuant to chapter 630 or 633 of NRS.~~] (Deleted by amendment.)

Sec. 20. "Practitioner" means a physician ~~[, physician assistant]~~ or advanced practice registered nurse.

Sec. 21. "Self-administer" or "self-administration" means the ingestion by a person of a medication that is designed to end his or her life as an affirmative, conscious and voluntary act. The term does not include the administration of the medication by parenteral injection or infusion.

Sec. 22. "Terminal condition" means an incurable and irreversible condition that will, in accordance with reasonable medical judgment, result in death within 6 months.

Sec. 23. A patient may request that his or her attending practitioner prescribe a medication that is designed to end the life of the patient if the patient:

1. Is at least 18 years of age;
2. Has been diagnosed with a terminal condition by the attending practitioner and at least one consulting practitioner;
3. Has made an informed and voluntary decision to end his or her own life;
4. Is ~~[competent;]~~ mentally capable; and
5. Is not requesting the medication because of coercion, deception or undue influence.

Sec. 24. 1. A patient who wishes to obtain a prescription for a medication that is designed to end his or her life must:

(a) Make two verbal requests for the medication to his or her attending practitioner. Except as otherwise provided in this paragraph, the second verbal request must be made at least 15 days after the first verbal request. If the attending practitioner determines that the patient is reasonably likely to die within 15 days after the first verbal request, the patient may make the second verbal request at any time.

(b) Make a written request for the medication in the form prescribed by section 25 of this act and submit the written request to the attending

practitioner. The written request for the medication must be signed by the patient and one witness, who must not be:

- (1) Related to the patient by blood, marriage or adoption;
- (2) Entitled to any portion of the estate of the patient upon death under a will or by operation of law;
- (3) An owner, operator or employee of a health care facility where the patient is receiving treatment or is a resident;
- (4) The attending practitioner; or
- (5) An interpreter for the patient.

2. An oral or written request made pursuant to this section may not be made:

(a) By any person acting on behalf of the patient, including, without limitation, a surrogate, supporter, guardian or person designated in a power of attorney to make decisions concerning health care pursuant to NRS 162A.790.

(b) In an advance directive.

3. As used in this section:

(a) "Advance directive" has the meaning ascribed to it in NRS 449A.703.

(b) "Supporter" has the meaning ascribed to it in NRS 162C.090.

Sec. 25. A written request for a medication that is designed to end the life of a patient must be in substantially the following form:

**REQUEST FOR A MEDICATION  
THAT IS DESIGNED TO END MY LIFE**

I, ....., am an adult of sound mind.

I have been diagnosed with ..... and given a prognosis of less than 6 months to live.

I have been fully informed of my diagnosis, my prognosis and the feasible alternative, concurrent or additional treatment opportunities, including comfort care, hospice care and pain control. I have been offered resources or referrals to pursue these alternative, concurrent or additional treatment opportunities.

I have been fully informed of the nature of the medication to be prescribed to me and the risks and benefits of self-administering the medication, including that the likely effect of self-administering the medication is death. I understand that I can rescind this request at any time and that I am under no obligation to fill the prescription once it is written or to self-administer the medication if I obtain it.

I request that my attending practitioner prescribe a medication that I may self-administer to end my life and authorize my attending practitioner to contact a pharmacist to fill the prescription at a time of my choosing.

I make this request voluntarily, free from coercion or undue influence.

Signed:.....

Dated: .....

Witness Signature: .....

Date: .....

Sec. 26. 1. Before prescribing a medication that is designed to end the life of a patient, the attending practitioner of the patient must:

(a) Inform the patient that he or she may revoke a request for the medication at any time and provide the patient with the opportunity to revoke his or her second verbal request made pursuant to subsection 1 of section 24 of this act;

(b) Determine and verify, after each verbal and written request for the medication made pursuant to subsection 1 of section 24 of this act and immediately before writing the prescription, that the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;

(c) Discuss with the patient:

(1) The diagnosis and prognosis of the patient;

(2) All available methods of treating or managing the terminal condition of the patient, including, without limitation, comfort care, hospice care and pain control, and the risks and benefits of each method;

(3) The risks and benefits of self-administering the medication, including, without limitation, that death is the probable result of self administering the medication;

(4) The recommended procedure for self-administering the medication;

(5) The manner in which the medication must be kept and disposed of in accordance with applicable state and federal law;

(6) The importance of having another person present when the patient self-administers the medication; and

(7) The benefits of notifying the patient's next of kin of his or her decision to request a prescription for a medication that is designed to end the life of the patient;

(d) Refer the patient to a consulting practitioner who is qualified by reason of specialty or experience to diagnose the terminal condition of the patient for examination and receive written confirmation from that practitioner of the diagnosis and prognosis of the patient and that the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;

(e) Inform the patient that there is no obligation to fill the prescription or to self-administer the medication, if obtained; and

(f) Instruct the patient against self-administering the medication in a public place. As used in this paragraph, "public place" means any location readily accessible to the general public, but does not include a health care facility.

2. The attending practitioner shall refer the patient for comfort care, palliative care, hospice care, pain control or other end-of-life care if requested or as clinically indicated.

Sec. 27. 1. If the attending practitioner to whom a patient makes a request for a medication that is designed to end the life of the patient or the consulting practitioner to whom a patient is referred pursuant to paragraph (d) of subsection 1 of section 26 of this act determines that the patient may not be ~~competent~~ mentally capable:

(a) The attending practitioner or consulting practitioner, as applicable, must refer the patient for examination by a person professionally qualified in the field of psychiatric mental health; and

(b) The attending practitioner must not prescribe a medication that is designed to end the life of the patient, unless the person professionally qualified in the field of psychiatric mental health concludes, based on the examination, that the patient is ~~competent to make a decision concerning whether to end his or her life.~~ mentally capable.

2. If a patient is examined pursuant to subsection 1, the person professionally qualified in the field of psychiatric mental health must provide to the attending practitioner and, if applicable, the consulting practitioner who made the referral, his or her written determination regarding whether the patient is ~~competent to make a decision concerning whether to end his or her life.~~ mentally capable.

Sec. 28. 1. Except as otherwise provided in section 29 of this act, the attending practitioner of a patient may prescribe a medication that is designed to end the life of the patient after the attending practitioner has ensured that the requirements of sections 23 to 27, inclusive, of this act have been met.

2. After an attending practitioner prescribes a medication that is designed to end the life of a patient, the attending practitioner shall, after obtaining the written consent of the patient, contact a pharmacist and inform the pharmacist of the prescription. After the pharmacist has been notified, the attending practitioner shall transmit the prescription directly to the pharmacist.

3. A medication that is designed to end the life of a patient may only be dispensed by a registered pharmacist or by the attending practitioner of the patient. A pharmacist may only dispense such a medication pursuant to a valid prescription provided by an attending practitioner in accordance with subsection 2 to:

- (a) The patient;
- (b) The attending practitioner who prescribed the medication; or
- (c) An agent of the patient who has been expressly identified to the pharmacist as such by the patient.

Sec. 29. An attending practitioner shall not prescribe a medication that is designed to end the life of a patient based solely on the age or disability of the patient.

Sec. 30. 1. The attending practitioner of a patient who requests a medication that is designed to end the life of the patient shall document in the medical record of the patient:

(a) Each request for such a medication made by the patient, including, without limitation, by including in the record a copy of the written request submitted pursuant to paragraph (b) of subsection 1 of section 24 of this act, and each revocation of such a request;

(b) The diagnosis and the prognosis of the patient provided by the attending practitioner;

(c) Each determination made by the attending practitioner concerning whether the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;

(d) Confirmation that:

(1) The attending practitioner offered the patient the opportunity to revoke his or her second verbal request for the medication, as required by subsection 1 of section 26 of this act; and

(2) The requirements set forth in sections 10 to 39, inclusive, of this act have been satisfied; and

(e) The name, amount and dosage of any medication that is designed to end the life of the patient and any ancillary medications that the attending practitioner prescribes for the patient.

2. A consulting practitioner shall report to the attending practitioner of the patient and document in the medical record of the patient his or her:

(a) Confirmation that the patient has requested a medication designed to end the life of the patient;

(b) Diagnosis and opinion regarding the prognosis of the patient; and

(c) Determination concerning whether the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act.

3. A person professionally qualified in the field of psychiatric mental health to whom a patient is referred pursuant to section 27 of this act shall document in the medical record of the patient his or her determination of whether the patient is ~~competent to make a decision concerning whether to end his or her life.~~ mentally capable.

4. If a patient who has requested a medication that is designed to end his or her life changes his or her attending practitioner or transfers his or her care to a different health care facility, the prior attending practitioner and health care facility, as applicable, must, upon the request of the patient or the new attending practitioner or health care facility, forward the medical records of the patient to the new attending practitioner or health care facility, as applicable.

Sec. 31. 1. A patient who requests a medication that is designed to end his or her life may revoke the request at any time, without regard to his or her age or physical or mental condition.

2. The revocation of a request for such a medication becomes effective immediately upon the patient communicating the revocation to his or her attending practitioner. When the patient revokes such a request, the attending practitioner must document the revocation in the medical record of the patient.

Sec. 32. 1. Only a patient to whom a medication that is designed to end his or her life is prescribed may administer the medication. No other person may administer the medication to the patient, including, without limitation, by parenteral injection or infusion. Any person who is present may assist the patient in preparing the medication for self-administration.

2. If any amount of a medication that is designed to end the life of a patient is not self-administered, it must be disposed of in accordance with law.

Sec. 33. 1. *An attending practitioner who prescribes a medication that is designed to end the life of a patient shall:*

(a) *Not more than 30 days after prescribing the medication, provide to the Division in the form prescribed by the Division the name, date of birth, diagnosis and prognosis of the patient and affirmation that the prescription was issued in accordance with the provisions of sections 10 to 39, inclusive, of this act; and*

(b) *Not more than 60 days after the death of a patient from administering the medication, provide to the Division the name and date of birth of the patient, the date on which the patient died and a statement of whether the patient was receiving hospice care at the time of death.*

2. *The Division shall prescribe forms for reporting each set of information required by subsection 1.*

3. *Except as otherwise provided in NRS 239.0115 and sections 3 and 34 of this act, any information or records submitted to the Division pursuant to this section are confidential.*

4. *The Division shall annually review a sample of the reports submitted pursuant to subsection 1 to ensure compliance with the requirements of that subsection.*

5. *The provisions of subsection 1 of section 39 of this act do not apply to a practitioner who willfully fails to comply with the requirements of this section.*

Sec. 34. *On or before February 1 of each year, the Division shall:*

1. *Compile ~~an annual~~ a report concerning the implementation of the provisions of sections 10 to 39, inclusive, of this act. The report:*

(a) *Must include, for the immediately preceding calendar year:*

(1) *The number of patients to whom a medication that is designed to end the life of a patient was prescribed;*

(2) *The number of patients described in subparagraph (1) who died after self-administering the medication and the terminal conditions which were specified as the cause of those deaths; and*

(3) *The number of practitioners who prescribed a medication that is designed to end the life of a patient.*

(b) *Must not include the personally identifiable information of any patient or provider of health care.*

2. *Make the report compiled pursuant to subsection 1 publicly available on the Internet website maintained by the Division.*

Sec. 35. 1. *A death resulting from a patient self-administering a medication that is designed to end his or her life in accordance with the provisions of sections 10 to 39, inclusive, of this act does not constitute mercy killing, euthanasia, assisted suicide, suicide or homicide.*

2. *Any report or other document produced by this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State must refer to a request for, acquisition of, prescription of, dispensing of and self-administration of a medication that*

*is designed to end the life of a patient as a request for, acquisition of, prescription of, dispensing of and self-administration, as applicable, of a medication that is designed to end the life of a patient.*

Sec. 36. 1. *A person shall not prevent a patient from making or revoking or require a patient to make or revoke a request for a medication that is designed to end the life of the patient as a condition of receiving health care.*

2. *Any provision in any contract or agreement entered into before, on or after the effective date of this act, whether written or oral, that would affect the right of a patient to take any action in accordance with the provisions of sections 10 to 39, inclusive, of this act is unenforceable and void.*

Sec. 37. 1. *The provisions of sections 10 to 39, inclusive, of this act do not:*

(a) *Require an attending practitioner to prescribe a medication that is designed to end the life of a patient or require a pharmacist to fill a prescription for or dispense such a medication;*

(b) *Affect the responsibility of a practitioner to provide information and treatment in accordance with the standard of care, including, without limitation, treatment for a patient's comfort or alleviation of pain; or*

(c) *Condone, authorize or approve mercy killing, euthanasia or assisted suicide.*

2. *An attending practitioner shall provide a patient who is diagnosed with a terminal condition with complete and accurate information concerning his or her available options for care and the risks and benefits of each option. If an attending practitioner is unwilling or unable to provide information concerning the prescription and self-administration of a medication that is designed to end the life of the patient in accordance with sections 10 to 39, inclusive, of this act to a patient who requests such information, the attending practitioner must refer the patient to another provider of health care who is willing and able to provide this information. An attending practitioner who fails to comply with the requirements of this subsection shall be deemed to have failed to obtain informed consent to any care provided to the patient after the request.*

3. *If a patient requests pursuant to section 24 of this act that the attending practitioner prescribe a medication that is designed to end the life of the patient and the attending practitioner is unwilling or unable to issue any prescription for such medication, the attending practitioner must:*

(a) *Document the request and the date of the request in the medical record of the patient; and*

(b) *Upon request, forward the medical records of the patient as required by subsection 4 of section 30 of this act.*

Sec. 38. 1. *Except as otherwise required by section 37 of this act, the owner or operator of a health care facility may prohibit:*

(a) *Any employee or independent contractor of the health care facility from providing any services described in sections 10 to 39, inclusive, of this act*

while acting within the scope of his or her employment or contract, as applicable, with the health care facility; or

(b) Any other person, including, without limitation, an employee or independent contractor of the health care facility or another provider of health care who provides services on the premises of the health care facility, from providing any services described in sections 10 to 39, inclusive, of this act on the premises of the health care facility.

2. An owner or operator of a health care facility who prohibits any person from providing services described in sections 10 to 39, inclusive, of this act shall provide notice of the prohibition to:

(a) Each employee and independent contractor of the health care facility at the time of hiring and annually thereafter; and

(b) Each provider of health care not described in paragraph (a) who provides services on the premises of the health care facility, including, without limitation, through telehealth as defined in NRS 629.515, at the time the provider of health care begins providing services on the premises of the health care facility and annually thereafter.

3. The owner or operator of a health care facility may take any action authorized by law or authorized pursuant to any applicable rule, policy, procedure or contract against any person who provides a service prohibited by the owner or operator in compliance with subsection 1 while acting within the scope of his or her employment or contract, as applicable, or on the premises of the health care facility.

Sec. 39. 1. Except as otherwise provided in section 38 of this act:

(a) A health care facility or provider of health care shall not:

(1) Prohibit an employee or independent contractor from:

(I) Providing services described in sections 10 to 39, inclusive, of this act outside the scope of the employment or contract, as applicable, and off the premises of the health care facility or any premises owned or operated by the provider of health care;

(II) Being present when a patient self-administers a medication that is designed to end the life of the patient outside the scope of his or her employment or contract, as applicable, and off the premises of the health care facility or any premises owned or operated by the provider of health care; or

(III) Providing accurate, scientific information concerning the diagnosis and prognosis of a patient or options for the treatment of a terminal condition, including, without limitation, the administration of a medication that is designed to end the life of a patient, or providing information concerning available health care services and other resources, including, without limitation, information about how to access such services and resources, when discussing the options of the patient for end-of-life care; or

(2) Discharge, demote, censure, suspend, revoke or suspend the privileges of, discipline or otherwise penalize an employee or independent contractor who takes any action described in subparagraph (1).

(b) ~~A professional organization or association shall not:~~

~~(1) Prohibit a member from:~~

~~(I) Providing services described in sections 10 to 39, inclusive, of this act outside the scope of his or her membership and off the premises owned or operated by the professional organization or association;~~

~~(II) Being present when a patient self-administers a medication that is designed to end the life of the patient outside the scope of his or her membership and off the premises owned or operated by the professional organization or association; or~~

~~(III) Providing accurate, scientific information concerning the diagnosis and prognosis of a patient or options for the treatment of a terminal condition, including, without limitation, the administration of a medication that is designed to end the life of a patient, or providing information concerning available health care services and other resources when discussing the options of the patient for end-of-life care; or~~

~~(2) Terminate or suspend the membership of, revoke the privileges of, censure, discipline or otherwise penalize a member who takes any action described in subparagraph (1);~~

~~(c)~~ A practitioner, person professionally qualified in the field of psychiatric mental health, pharmacist or other provider of health care is not subject to professional discipline, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because the provider of health care ~~takes~~ :

~~(1) Takes any action authorized by sections 10 to 39, inclusive, of this act;~~

~~(d)~~ , including, without limitation, assisting a patient in preparing a medication that is designed to end the life of the patient in accordance with subsection 1 of section 32 of this act; or

~~(2) Is present when a patient self-administers a medication that is designed to end the life of the patient or when a patient dies as a result of such self-administration.~~

~~(c)~~ A health care facility is not subject to disciplinary action, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because an employee or independent contractor of the health care facility takes any action authorized by sections 10 to 39, inclusive, of this act.

~~(e)~~ ~~(d)~~ A person other than a provider of health care is not subject to professional discipline, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because the person:

(1) Assists a patient in preparing a medication that is designed to end the life of the patient in accordance with subsection 1 of section 32 of this act; or

(2) Is present when a patient self-administers a medication that is designed to end the life of the patient or when a patient dies as a result of such self-administration.

2. If any part of paragraph (a) of subsection 1 conflicts with requirements concerning the receipt of federal money by this State, the conflicting provision

does not apply solely to the extent of the conflict with respect to the health care facility or provider of health care directly affected.

3. A local government, coroner, law enforcement agency or an employee of a local government, coroner or law enforcement agency is not subject to any civil or criminal penalty for ceasing or refusing to investigate or take other action in response to a death resulting from the self-administration of a medication designed to end the life of the patient pursuant to sections 10 to 39, inclusive, of this act or refusing to make a finding concerning such a death.

4. The provisions of this section do not limit liability for damages resulting from the negligence or intentional misconduct of any person providing services pursuant to sections 10 to 39, inclusive, of this act.

Sec. 40. NRS 453.256 is hereby amended to read as follows:

453.256 1. A prescription for a controlled substance must be given to a pharmacy in compliance with NRS 639.23535. A prescription for a substance included in schedule II must not be refilled. A prescription for a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201 must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

2. A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.

3. A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his or her profession.

4. No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

5. An individual practitioner may not dispense a substance included in schedule II, III or IV for the practitioner's own personal use except in a medical emergency.

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

7. As used in this section, "medical treatment" includes ~~dispensing~~ :

(a) *Dispensing* or administering a narcotic drug for pain, whether or not intractable ~~+~~; and

(b) *Dispensing a medication that is designed to end the life of a patient pursuant to the provisions of sections 10 to 39, inclusive, of this act.*

Sec. 41. NRS 453.375 is hereby amended to read as follows:

453.375 1. ~~A~~ *Except as otherwise provided in sections 10 to 39, inclusive, of this act, a controlled substance may be possessed and administered by the following persons:*

(a) A practitioner.

(b) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist,

podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(c) A paramedic:

(1) As authorized by regulation of:

(I) The State Board of Health in a county whose population is less than 100,000; or

(II) A county or district board of health in a county whose population is 100,000 or more; and

(2) In accordance with any applicable regulations of:

(I) The State Board of Health in a county whose population is less than 100,000;

(II) A county board of health in a county whose population is 100,000 or more; or

(III) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(d) A respiratory therapist, at the direction of a physician or physician assistant.

(e) A medical student, student in training to become a physician assistant or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician or physician assistant and:

(1) In the presence of a physician, physician assistant or a registered nurse; or

(2) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

↪ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(f) An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

(g) Any person designated by the head of a correctional institution.

(h) A veterinary technician at the direction of his or her supervising veterinarian.

(i) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(j) In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

(k) A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and

administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(l) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

2. As used in this section, "accredited college of medicine" means:

(a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(b) A school of osteopathic medicine, as defined in NRS 633.121.

Sec. 42. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217 ~~and~~ *and sections 10 to 39, inclusive, of this act*, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

↪ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 43. NRS 454.215 is hereby amended to read as follows:

454.215 ~~{A}~~ *Except as otherwise provided in sections 10 to 39, inclusive, of this act, a dangerous drug may be dispensed by:*

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;
4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;
5. A medical intern in the course of his or her internship;
6. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;
7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;
8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or
9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Public and Behavioral Health of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,  
 ↪ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 44. NRS 133.065 is hereby amended to read as follows:

133.065 1. Except *as otherwise provided in subsection 2* or to the extent that it violates public policy, a testator may:

~~1-1~~ (a) Make a devise conditional upon a devisee's action or failure to take action or upon the occurrence or nonoccurrence of one or more specified events; and

~~1-2~~ (b) Specify the conditions or actions which would disqualify a person from serving or which would constitute cause for removal of a person who is serving in any capacity under the will, including, without limitation, as a personal representative, guardian or trustee.

2. *Any provision in a will executed on or after the effective date of this act that conditions a devise on any person requesting or failing to request a medication designed to end his or her life, revoking such a request or self-administering such a medication in accordance with the provision of sections 10 to 39, inclusive, of this act is unenforceable and void.*

Sec. 45. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds that the proposed protected person is not incapacitated and is not in need of a guardian, the court shall dismiss the petition.

2. If the court finds that the proposed protected person is of limited capacity and is in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the person, estate, or person and estate of the proposed protected person.

4. *A proposed protected person shall not be deemed to be in need of a general or special guardian based solely upon a request by the proposed protected person for a medication that is designed to end his or her life or the*

*revocation of such a request if made in accordance with the provisions of sections 10 to 39, inclusive, of this act.*

Sec. 46. 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 33 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. 46.2. NRS 259.010 is hereby amended to read as follows:*

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025, 259.045, 259.047, 259.049, subsections ~~3~~ 4 and ~~4~~ 5 of NRS 259.050, NRS 259.053 and 259.150 to 259.180, inclusive, do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

*Sec. 46.5. NRS 259.050 is hereby amended to read as follows:*

259.050 1. When a coroner or the coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means, the coroner shall make an appropriate investigation.

2. When a coroner or the coroner's deputy is informed or otherwise discovers that a person has self-administered a medication designed to end his or her life pursuant to sections 10 to 39, inclusive, of this act, the coroner:

(a) May make an appropriate investigation to the extent necessary to determine that the cause of the terminal condition with which the person was diagnosed; and

(b) Must cease investigating the death after determining that the terminal condition with which the person was diagnosed resulted from a natural cause.

3. In all cases where it is apparent or can be reasonably inferred that the death may have been caused by a criminal act, the coroner or the coroner's deputy shall notify the district attorney of the county where the inquiry is made, and the district attorney shall make an investigation with the assistance of the coroner. If the sheriff is not ex officio the coroner, the coroner shall also notify the sheriff, and the district attorney and sheriff shall make the investigation with the assistance of the coroner.

~~3.~~ 4. If it is apparent to or can be reasonably inferred by the coroner that a death may have been caused by drug use or poisoning, the coroner shall cause a postmortem examination to be performed on the decedent by a forensic pathologist unless the death occurred following a hospitalization stay of 24 hours or more.

~~4.~~ 5. A coroner may issue a subpoena for the production of any document, record or material that is directly related or believed to contain evidence related to an investigation by the coroner.

~~5.~~ 6. The holding of a coroner's inquest is within the sound discretion of the district attorney or district judge of the county. An inquest need not be conducted in any case of death manifestly occasioned by natural cause, suicide, accident, motor vehicle crash or when it is publicly known that the death was caused by a person already in custody, but an inquest must be held unless the district attorney or a district judge certifies that no inquest is required.

~~6.~~ 7. If an inquest is to be held, the district attorney shall call upon a justice of the peace of the county to preside over it. The justice of the peace shall summon three persons qualified by law to serve as jurors, to appear before the justice of the peace forthwith at the place where the body is or such other place within the county as may be designated by him or her to inquire into the cause of death.

~~7.~~ 8. A single inquest may be held with respect to more than one death, where all the deaths were occasioned by a common cause.

Sec. 47. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 439.538 and 639.2357, *and section 33 of this act*, a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

- (a) The patient for whom the original prescription was issued;
- (b) The practitioner who originally issued the prescription;

- (c) A practitioner who is then treating the patient;
  - (d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;
  - (e) An agency of state government charged with the responsibility of providing medical care for the patient;
  - (f) An insurance carrier, on receipt of written authorization signed by the patient or his or her legal guardian, authorizing the release of such information;
  - (g) Any person authorized by an order of a district court;
  - (h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;
  - (i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:
    - (1) Misusing prescriptions to obtain excessive amounts of drugs; or
    - (2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person;
  - (j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:
    - (1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or
    - (2) To carry out a search warrant or subpoena issued pursuant to a court order; or
  - (k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:
    - (1) Identifying a deceased person;
    - (2) Determining a cause of death; or
    - (3) Performing other duties authorized by law.
2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:
- (a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or
  - (b) The deceased person whose cause of death is being determined.
3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.
4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original

prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.281.

Sec. 48. Chapter 688A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall not ~~+~~

~~=(a) Deny] deny a claim under a policy of life insurance or annuity contract, cancel a policy of life insurance or annuity contract or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 10 to 39, inclusive, of this act, requested a medication designed to end the life of the insured, revoked such a request or self-administered such a medication.~~

~~[(b) Refuse to sell, provide or issue a policy of life insurance or annuity contract that covers a person or charge a higher rate to cover a person solely because the person has, in accordance with the provisions of sections 10 to 39, inclusive, of this act, requested a medication designed to end the life of the person or revoked such a request.]~~

2. Any provision of a policy of life insurance or annuity contract that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy or contract and which is included in a policy or contract that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.

Sec. 49. Chapter 688B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall not ~~+~~

~~=(a) Deny] deny a claim under a policy of group life insurance, cancel a policy of group life insurance or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 10 to 39, inclusive, of this act, requested a medication designed to end the life of the insured, revoked such a request or self-administered such a medication.~~

~~[(b) Refuse to sell, provide or issue a policy of group life insurance that covers a person or charge a higher rate to cover a person solely because the person has, in accordance with the provisions of sections 10 to 39, inclusive, of this act, requested a medication designed to end the life of the person or revoked such a request.]~~

2. Any provision of a policy of group life insurance that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy and which is included in a policy that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.

Sec. 50. NRS 688B.040 is hereby amended to read as follows:

688B.040 No policy of group life insurance shall be delivered in this State unless it contains in substance the provisions set forth in NRS 688B.040 to 688B.150, inclusive, *and section 49 of this act*, or provisions which in the opinion of the Commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable to the policyholder; except:

1. NRS 688B.100 to 688B.140, inclusive, do not apply to policies issued to a creditor to insure debtors of such creditor;
2. The standard provisions required for individual life insurance policies do not apply to group life insurance policies; and
3. If the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder; but nothing in this subsection shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies.

Sec. 51. Not later than 45 days after the effective date of this act, the Division of Public and Behavioral Health of the Department of Health and Human Services shall prescribe and make available on an Internet website maintained by the Division the forms for making the reports required by section 33 of this act.

Sec. 52. This act becomes effective upon passage and approval.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 84 to Senate Bill No. 239 authorizes a coroner or its deputy to investigate these deaths but does not require them to. Additionally, it adds language that protects local governments, coroners and law enforcement employees from civil and criminal penalties for investigating these deaths. It clarifies that the manner of death cannot indicate a suicide; replaces the term "mental competence" with "mental capacity"; removes the section defining physician assistants (PAs) as practitioners, excluding PAs from being able to prescribe the end-of-life drug; and adds a new section that excludes deaths resulting from exercising the provisions of this bill from the definition of a suicide.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 249.

Bill read second time.

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

Amendment No. 103.

SUMMARY—Revises provisions relating to cosmetology. (BDR 54-829)

AN ACT relating to cosmetology; ~~authorizing certain nurses to perform certain nonablative esthetic medical procedures only under the supervision of certain health care professionals;~~ revising provisions governing the scope of practice of certain persons licensed and regulated by the State Board of

Cosmetology; establishing procedures to contest certain citations issued by the Board; repealing or removing provisions which provide for the licensure and regulation by the Board of demonstrators of cosmetics and establishments for hair braiding; revising the powers and duties of the Board and the Executive Director of the Board; requiring the Board to adopt certain regulations; revising certain requirements for a person to obtain certain licenses and certificates of registration issued by the Board; revising certain licensing fees; revising provisions concerning the issuance and renewal of certain licenses and certificates of registration issued by the Board; revising provisions relating to cosmetological establishments and schools of cosmetology; revising certain requirements relating to the supervision of certain apprentices; authorizing the Board to issue certain citations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation by the State Board of Cosmetology of persons engaged in various branches of cosmetology and makeup artistry, cosmetological establishments and schools of cosmetology. (Chapter 644A of NRS)

Existing law exempts, with certain exceptions, persons authorized to practice medicine, commissioned medical officers of the United States Army, Navy or Marine Hospital Service and various other persons from the provisions of existing law governing cosmetology. (NRS 644A.150) Section 14 of this bill additionally exempts, with certain exceptions, persons authorized to practice nursing and certain additional members of the Armed Forces of the United States.

Existing law authorizes the Board to issue a citation to a: (1) licensee or registrant for certain violations relating to health or sanitation; and (2) person for certain unlicensed activities. (NRS 644A.865, 644A.955) Section 62 of this bill additionally authorizes the Board to issue a citation to a licensee or registrant for certain additional violations. Section 4 of this bill sets forth a process by which a person may contest certain citations. Section 5 of this bill authorizes the Board to take appropriate legal action to recover the amount of a fine imposed by the Board.

Existing law provides for the licensure and regulation by the Board of persons engaged in the practice of: (1) esthetics, which existing law defines, in general, to include certain practices involving the care of the skin, the application of cosmetics and the removal of superfluous hair; and (2) advanced esthetics, which existing law defines to mean the practice of advanced esthetic procedures in addition to the practice of esthetics. (NRS 644A.014, 644A.075) Existing law designates a person engaged in the practice of esthetics as an esthetician and a person engaged in the practice of advanced esthetics as an advanced esthetician. (NRS 644A.013, 644A.065) Existing law also provides for the licensure and regulation by the Board of cosmetologists, which existing law defines, in general, to mean a person engaged in various practices involving the hair, nails and skin of a person. (NRS 644A.030)

Section 7 of this bill revises the list of procedures that constitute advanced esthetic procedures to: (1) include a medium-depth chemical peel, which section 3 of this bill defines, in general, to mean the removal of certain layers of skin using chemicals; and (2) remove certain procedures. Section 6 of this bill makes a conforming change to indicate the proper placement of section 3 in the Nevada Revised Statutes.

Existing law defines "esthetic medical device" to mean, in general, certain devices used to perform an esthetic medical procedure. (NRS 644A.062) Section 18 of this bill requires the Board to adopt regulations identifying each device that the Board determines to be appropriate for use in the performance of an esthetic medical procedure. Section 10 of this bill revises the definition of "esthetic medical device" to include only those devices that the Board has identified by regulation. Sections 8 and 11 of this bill revise the definitions of "cosmetologist" and "esthetics," respectively, for the purpose of: (1) prohibiting an esthetician or cosmetologist from using certain devices, including an esthetic medical device; and (2) authorizing an esthetician and a cosmetologist to perform certain procedures.

Existing law authorizes an advanced esthetician to perform a nonablative esthetic medical procedure under the supervision of a physician, a physician assistant or an advanced practice registered nurse. (NRS 644A.127) Section 18 requires the Board to adopt regulations identifying each nonablative esthetic medical procedure an advanced esthetician is authorized to perform. Section 13 of this bill revises the definition of "nonablative esthetic medical procedure" for the purpose of authorizing an advanced esthetician to perform only those nonablative medical procedures that the Board has identified by regulation. ~~[Section 1 of this bill authorizes a registered nurse to perform such nonablative esthetic medical procedures under the supervision of a physician, a physician assistant or an advanced practice registered nurse.]~~

Existing law prohibits a provider of health care from using space leased in a cosmetological establishment to provide health care services at the same time a cosmetologist uses that space to engage in the practice of cosmetology. (NRS 644A.615) Section 48 of this bill provides an exemption from that prohibition to authorize a physician, a physician assistant or an advanced practice registered nurse to use such a leased space to provide health care services associated with the supervision of an advanced esthetician.

Existing law sets forth certain powers and duties of the Board. (NRS 644A.230) Section 15 of this bill provides those powers and duties to the Executive Director of the Board. Existing law requires the Board to keep all records and files at the main office of the Board and, with certain exceptions, make the records and files open to public inspection. (NRS 644A.230) Section 15 removes the requirement to keep the records and files at the main office of the Board.

Existing law provides that certain documents and information of the Board relating to the imposition of disciplinary action against a person are confidential unless the person submits to the Board a request that such

documents and information be made public records. (NRS 644A.870) Section 56 of this bill removes provisions authorizing a person to submit such a request.

Sections 39, 42 and 47 of this bill require a licensee or registrant to have paid to the Board any outstanding fees, fines or other balance owed to the Board as a condition for the renewal of a license or certificate of registration. Section 35 of this bill provides that certain fees charged by the Board are nonrefundable.

Existing law requires a makeup artist to register with the Board and provides that such a registration expires on January 1 of each year. (NRS 644A.395) Section 12 of this bill revises the definition of "makeup artistry" to authorize a makeup artist to apply strip eyelashes. (NRS 644A.105) Section 31 of this bill: (1) revises the information that a person must submit to the Board to register as a makeup artist; and (2) provides that a certificate of registration as a makeup artist is valid for 1 year after the date of issuance.

Existing law requires a person who applies to be admitted to an examination for licensure as a cosmetologist, hair designer, esthetician, advanced esthetician or nail technologist to satisfy certain training or experience requirements. Existing law authorizes such requirements to be satisfied by having practiced the applicable occupation for a certain length of time outside of this State. (NRS 644A.300, 644A.315, 644A.328, 644A.330, 644A.345) Sections 20, 22 and 24-26 of this bill revise those training and experience requirements to, among other things, specify that practice outside of this State includes practice in any other state, territory or country. Sections 21 and 23 of this bill provide that an examination for a license as a cosmetologist or hair designer may include practical demonstrations of procedures involving the application of chemicals to the hair. Section 32 of this bill revises certain training requirements for a person to be admitted to examination for a license as an electrologist. Sections 29 and 30 of this bill revise requirements for a person to be admitted to examination for registration as a shampoo technologist and for the content of the examination. Sections 27, 28 and 64 of this bill repeal and revise requirements for a person to be admitted to examination for licensure as a hair braider and for the content of the examination. Sections 36, 54 and 59 of this bill make conforming changes to remove references to certain requirements concerning hair braiders repealed by section 64.

Existing law sets forth separate requirements for a person to be admitted for examination as an instructor depending on whether the person wishes to be licensed as an instructor of cosmetology, hair design, esthetics, advanced esthetics or nail technology. (NRS 644A.420-644A.430) Sections 34 and 64 of this bill: (1) establish, with certain exceptions, the same requirements for each type of instructor; and (2) authorize an instructor to provide instruction only on subject matter that is within the scope of his or her license in the applicable branch of cosmetology. Section 33 of this bill revises the materials that an

applicant for a provisional license as an instructor is required to submit to the Board.

Sections 37, 39 and 42 of this bill revise the amount of fees charged to an applicant for examination for licensure as a hair braider and for the issuance and renewal of such a license. Section 41 of this bill authorizes the Board to defer the expiration of certain licenses or certificates of registration for a person who submits a request and pays a fee.

Existing law requires a person who holds a license or certificate of registration to practice any branch of cosmetology to display the license or certificate or a duplicate of the license or certificate at the position where the holder of the license or certificate performs his or her work. (NRS 644A.530) Section 44 of this bill requires such a person to display the license or certificate or a duplicate of the license or certificate at ~~the~~ each workstation where he or she performs his or her work on the public.

Existing law establishes requirements for the licensure and operation of a cosmetological establishment or a school of cosmetology. (NRS 644A.600-644A.630, 644A.700-644A.755) Section 46 of this bill revises procedures for the issuance of a license for a cosmetological establishment. Sections 51 and 52 of this bill revise requirements for the: (1) supervision by a licensed instructor of a school of cosmetology; (2) attendance of a student for instruction in theory; and (3) advertisement of student work to the public. Section 57 of this bill revises the circumstances under which certain apprentices may engage in certain practices at a cosmetological establishment. Section 50 of this bill requires a cosmetological establishment to display a sign under certain circumstances indicating when no cosmetological services will be provided.

Existing law requires a person who engages in the practice of threading or the owner or operator of certain facilities in which a person engages in the practice of threading to register with the Board. (NRS 644A.550) Sections 17 and 45 of this bill: (1) require the Board to keep certain records relating to a person who engages in the practice of threading; (2) provide that a certificate of registration to engage in the practice of threading expires 1 year after issuance; and (3) authorize a licensed cosmetologist or esthetician to engage in the practice of threading without registering with the Board.

Existing law provides for the licensure and regulation of establishments for hair braiding, which existing law defines to mean, in general, any premises, mobile unit or building where hair braiding is practiced, other than a cosmetological establishment. (NRS 644A.060) Sections 16-19, 42, 53-55, 57, 60, 61 and 64 of this bill remove or repeal provisions which provide for the licensure and regulation of establishments for hair braiding, thereby requiring any establishment where hair braiding is practiced to be licensed as a cosmetological establishment. Section 63 of this bill deems any person who, on October 1, 2023, holds a license for an establishment for hair braiding to hold a license for a cosmetological establishment.

Existing law provides for the licensure and regulation by the Board of demonstrators of cosmetics, which existing law defines to mean, in general, a person who demonstrates cosmetics under certain circumstances. (NRS 644A.045) Sections 9, 17, 38-43, 48, 49, 54 and 64 of this bill repeal or remove all references to demonstrators of cosmetics in the provisions of existing law governing cosmetology for the purpose of no longer subjecting a demonstrator of cosmetics to licensure or regulation by the Board.

Existing law prohibits: (1) the use of an x-ray machine to treat the scalp or remove hair; and (2) the local application of corrosive substances for the purpose of peeling skin. (NRS 644A.925) Section 58 of this bill: (1) eliminates the prohibition on the use of an x-ray machine to treat the scalp or remove hair; and (2) revises the prohibition on the use of corrosive substances to peel skin to allow for the application of certain substances by a cosmetologist, esthetician or advanced esthetician for certain purposes.

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

Section 1. ~~Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A registered nurse, other than an advanced practice registered nurse, may perform a nonablative esthetic medical procedure only under the supervision of a health care professional. For the purposes of this subsection, a nonablative esthetic medical procedure is performed under the supervision of a health care professional if, at all times during the performance of the procedure, the health care professional:~~

~~(a) Is readily available for immediate consultation with the registered nurse by telephone or other communication technology which allows the health care professional and the registered nurse to communicate in real time; and~~

~~(b) Remains within 60 miles or 60 minutes of the location at which the procedure is being performed and is readily available to provide care in person if any problems arise during the procedure.~~

~~2. A registered nurse shall not perform any ablative esthetic medical procedure.~~

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

~~(a) "Ablative esthetic medical procedure" has the meaning ascribed to it in NRS 644A.011.~~

~~(b) "Health care professional" has the meaning ascribed to it in NRS 453C.030.~~

~~(c) "Nonablative esthetic medical procedure" has the meaning ascribed to it in NRS 644A.127. (Deleted by amendment.)~~

Sec. 2. Chapter 644A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. "Medium-depth chemical peel" means the removal of skin from the epidermis and papillary dermis layers using chemicals applied directly to the skin.

Sec. 4. 1. *If a person is issued a citation pursuant to NRS 644A.955, the person may request a hearing before the Board to contest the citation by filing a written request with the Board:*

*(a) Not later than 30 days after the date on which the citation is received by the person; or*

*(b) If the Board, for good cause shown, extends the time allowed to file a written request for a hearing to contest the citation, on or before the later date specified by the Board.*

2. *If the person files a written request for a hearing to contest the citation within the time allowed pursuant to this section, the Board shall provide notice of and conduct the hearing in the same manner as other disciplinary proceedings.*

3. *If the person does not file a written request for a hearing to contest the citation within the time allowed pursuant to this section, the citation shall be deemed a final order of the Board.*

4. *For the purposes of this section, a citation shall be deemed to have been received by a person:*

*(a) On the date on which the citation is personally delivered to the person;*

*(b) For a citation issued to a licensee or registrant which is sent by electronic mail, the date on which the citation is sent by electronic mail to the electronic mail address of the licensee or registrant on file with the Board; or*

*(c) If the citation is mailed, ~~13~~ 7 days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.*

Sec. 5. *The Board may cause appropriate legal action to be taken in any court of competent jurisdiction to recover a fine imposed by the Board pursuant to this chapter.*

Sec. 6. NRS 644A.010 is hereby amended to read as follows:

644A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644A.011 to 644A.140, inclusive, and section 3 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 644A.012 is hereby amended to read as follows:

644A.012 "Advanced esthetic procedure" means any of the following procedures performed for esthetic purposes and not for the treatment of a medical, physical or mental ailment:

1. ~~Exfoliation;~~
- 2. ~~Microdermabrasion and related services;~~
- 3. ~~Microneedling;~~
- {4. ~~Dermaplaning;~~
- 5. ~~Extraction;~~
- 6. ~~Hydrotherapy;~~
- 7. } 2. *Medium-depth chemical peel;*
3. *A nonablative esthetic medical procedure; or*
- {8. } 4. *Other similar esthetic preparations or procedures with the use of the hands or a mechanical or electronic apparatus.*

Sec. 8. NRS 644A.030 is hereby amended to read as follows:

644A.030 1. "Cosmetologist" means a person who engages in the practices of:

(a) Cleansing, stimulating or massaging the scalp or cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(b) Cutting, trimming or shaping the hair.

(c) Arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring or straightening the hair of any person with the hands, mechanical or electrical apparatus or appliances, or by other means, or similar work incident to or necessary for the proper carrying on of the practice or occupation provided by the terms of this chapter.

(d) Removing superfluous hair from the surface of the body of any person by the use of depilatories, waxing, tweezers or sugaring, except for the *removal of hair with lasers or the permanent removal of hair with needles.*

(e) Manicuring the nails of any person.

(f) Beautifying, massaging, stimulating or cleansing the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or any device ~~[, electrical or otherwise,]~~ for the care of the skin ~~[,]~~ *that is noninvasive and is not an esthetic medical device or otherwise prohibited by the Board.*

(g) Giving facials or skin care or applying cosmetics or eyelashes to any person.

(h) *Performing any of the following procedures for esthetic purposes and not for the treatment of a medical, physical or mental ailment:*

(1) *Extraction;*

(2) *Hydrotherapy; or*

(3) *Exfoliation which does not remove any skin below the stratum corneum, including, without limitation, by the use of manual exfoliation, microdermabrasion or dermaplaning.*

2. ~~[As used in this section, "depilatories" does not include the practice of threading.]~~ *The term does not include a person who engages in the practice of advanced esthetics.*

Sec. 9. NRS 644A.040 is hereby amended to read as follows:

644A.040 "Cosmetology" includes the occupations of a cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider ~~[, demonstrator of cosmetics]~~ and nail technologist. The term does not include the occupation of a makeup artist.

Sec. 10. NRS 644A.062 is hereby amended to read as follows:

644A.062 "Esthetic medical device" means a device, as defined in 21 U.S.C. § 321, ~~[used to perform]~~ *which the Board, by regulation, has determined to be appropriate for use in the performance of an esthetic medical procedure .* ~~[, including, without limitation, a laser, a radial shockwave device, a cryotherapy device and a device that emits radio frequencies, plasma, intense pulsed light, ultrasound, microwaves or other similar energies.]~~

Sec. 11. NRS 644A.075 is hereby amended to read as follows:

644A.075 ~~{1-}~~ "Esthetics" means the practices of:

~~{(a)}~~ 1. Beautifying, massaging, cleansing or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device ~~{, electrical or otherwise,}~~ for the care of the skin ~~{;~~  
~~{(b)}~~ *that is noninvasive and is not an esthetic medical device or otherwise prohibited by the Board;*

2. Applying cosmetics, eyelash extensions or eyelashes to any person, tinting eyelashes and eyebrows, eyelash perming and lightening hair on the body; ~~and~~

~~{(c)}~~ 3. Removing superfluous hair from the body of any person by the use of depilatories, waxing, tweezers or sugaring ~~{;}~~; and

4. *Performing any of the following procedures for esthetic purposes and not for the treatment of a medical, physical or mental ailment:*

(a) *Extraction;*

(b) *Hydrotherapy; or*

(c) *Exfoliation which does not remove any skin below the stratum corneum, including, without limitation, by the use of manual exfoliation, microdermabrasion or dermaplaning,*

↳ *but does not include the branches of cosmetology of a cosmetologist, advanced esthetician, hair designer, shampoo technologist, hair braider, electrologist or nail technologist.*

~~{2.—As used in this section, "depilatories" does not include the practice of threading.}~~

Sec. 12. NRS 644A.110 is hereby amended to read as follows:

644A.110 1. "Makeup artistry" means the practice of applying makeup, *strip eyelashes* or prosthetics for:

(a) Theatrical, television, film and other similar productions;

(b) All aspects of the modeling and fashion industry, including, without limitation, photography for magazines; and

(c) Weddings.

2. The term includes the practice of applying makeup, *strip eyelashes* or prosthetics at:

(a) Licensed cosmetological establishments; and

(b) Retail establishments, unless the practice is limited to the demonstration of cosmetics by a retailer in the manner described in paragraph (d) of subsection 1 of NRS 644A.150.

Sec. 13. NRS 644A.127 is hereby amended to read as follows:

644A.127 "Nonablative esthetic medical procedure" means an esthetic medical procedure that is not expected to excise, vaporize, disintegrate or remove living tissue ~~{;}~~, *and which the Board has, by regulation, authorized to be performed by an advanced esthetician.*

Sec. 14. NRS 644A.150 is hereby amended to read as follows:

644A.150 1. The following persons are exempt from the provisions of this chapter:

(a) Except for those provisions relating to advanced estheticians, all persons authorized by the laws of this State to practice *nursing*, medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the *Armed Forces of the United States* [~~Army, Navy, or Marine Hospital Service~~] when engaged in the actual performance of their official duties, and attendants attached to [~~those services~~] *a unit in a branch of the Armed Forces of the United States that provides medical services.*

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a service relating to the practice of cosmetology except cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his or her employee does not advertise cosmetological services or the practice of makeup artistry and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the Department of Corrections or the Caliente Youth Center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644A.740.

(b) Notwithstanding the provisions of NRS 644A.735, shall maintain a staff of at least one licensed instructor.

3. Any health care professional, as defined in NRS 453C.030, is exempt from the provisions of this chapter relating to advanced estheticians.

Sec. 15. NRS 644A.230 is hereby amended to read as follows:

644A.230 The *Executive Director of the Board*:

1. Shall prescribe the duties of [~~its~~] *the officers, examiners and employees* [~~of the Board~~], and fix the compensation of those employees.

2. May, with the approval of the Board, establish offices in as many [~~localities~~] *locations* in the State as [~~it~~] *the Executive Director* finds necessary to carry out the provisions of this chapter. [~~All records and files of the Board must be kept at the main office of the Board and, except as otherwise provided in NRS 644A.870, be open to public inspection at all reasonable hours.~~]

3. May adopt a seal.

4. May issue subpoenas to compel the attendance of witnesses and the production of books and papers.

Sec. 16. NRS 644A.250 is hereby amended to read as follows:

644A.250 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license or certificate of registration, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. Issue certificates of registration to such applicants as may be entitled thereto.

4. License ~~{establishments for hair braiding,}~~ cosmetological establishments and schools of cosmetology.

5. Report to the proper prosecuting officer or law enforcement agency each violation of this chapter coming within its knowledge.

6. Inspect schools of cosmetology, ~~{establishments for hair braiding,}~~ cosmetological establishments and any facility in this State in which threading is conducted to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 17. NRS 644A.260 is hereby amended to read as follows:

644A.260 1. The Board shall keep a record containing the name, known place or places of business, electronic mail address, personal mailing address, telephone number and the date and number of the license or certificate of registration, as applicable, of every nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, ~~{demonstrator of cosmetics,}~~ *person engaged in the practice of threading registered pursuant to NRS 644A.550*, makeup artist registered pursuant to NRS 644A.395 and cosmetologist, together with the names and addresses of all ~~{establishments for hair braiding,}~~ cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure or registration.

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee or registrant.

(b) A member of the general public, except information concerning the personal mailing address, work address, electronic mail address and telephone number of a licensee or registrant.

Sec. 18. NRS 644A.275 is hereby amended to read as follows:

644A.275 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses and certificates of registration.

3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body.

6. For governing the conduct of cosmetological establishments.

7. ~~[As the Board determines are necessary for governing the conduct of establishments for hair braiding.]~~ *Identifying each nonablative esthetic medical procedure that an advanced esthetician is authorized to perform pursuant to this chapter.*

8. *Identifying each device that the Board determines to be appropriate for use in the performance of an esthetic medical procedure. Such devices may include, without limitation, a laser, a radial shockwave device, a cryotherapy device and a device that emits radio frequencies, plasma, intense pulsed light, ultrasound, microwaves or other similar energies.*

Sec. 19. NRS 644A.280 is hereby amended to read as follows:

644A.280 1. The Board may adopt such regulations governing sanitary conditions as it deems necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases in the practice of hair braiding, ~~[in establishments for hair braiding,]~~ in the practice of a cosmetologist, in cosmetological establishments or schools of cosmetology, in the practice of threading and in any facility in this State in which threading is conducted.

2. No regulation governing sanitary conditions thus adopted has any effect until it has been approved by the State Board of Health.

3. A copy of all regulations governing sanitary conditions which are adopted must be furnished to each person to whom a license is issued for the conduct of a cosmetological establishment, ~~[establishment for hair braiding,]~~ school of cosmetology, practice of cosmetology or facility in this State in which threading is conducted.

Sec. 20. NRS 644A.300 is hereby amended to read as follows:

644A.300 The Board shall admit to examination for a license as a cosmetologist any person who has made application to the Board in proper

form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. Has successfully completed the 10th grade in school or its equivalent.

Testing for equivalency must be pursuant to applicable state or federal requirements.

4. Has had any one of the following:

(a) Training of at least 1,600 hours ~~[, extending over a school term of 10 months,]~~ in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of at least 4 years outside this State ~~[,]~~, *including, without limitation, in any other state, territory or country ~~+~~, which has been documented and which the Board or its designee deems acceptable.*

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 600 hours of specialized training approved by the Board.

(d) At least 3,200 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644A.310.

Sec. 21. NRS 644A.305 is hereby amended to read as follows:

644A.305 Examinations for licensure as a cosmetologist may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, nail technology, cosmetics, thermal curling, marcelling, facial massage, massage of the scalp with the hands, *procedures involving the application of chemicals to hair*, and cutting, trimming or shaping hair;

2. Written or oral tests on:

- (a) Antisepsis, sterilization and sanitation;
- (b) The use of mechanical apparatus and electricity as applicable to the practice of a cosmetologist; and
- (c) The laws of Nevada and the regulations of the Board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the Board may require.

Sec. 22. NRS 644A.315 is hereby amended to read as follows:

644A.315 The Board shall admit to examination for a license as a hair designer each person who has applied to the Board in proper form and paid the fee, and who:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. Has successfully completed the 10th grade in school or its equivalent.

Testing for equivalency must be pursuant to state or federal requirements.

4. Satisfies at least one of the following:

- (a) Is a barber registered pursuant to chapter 643 of NRS.

(b) Has had training of at least 1,000 hours ~~[, extending over a period of 7 consecutive months,]~~ in a school of cosmetology approved by the Board.

(c) Has had practice of the occupation of hair designing for at least 4 years outside this State ~~[,]~~, *including, without limitation, in any other state, territory or country ~~[,]~~, which has been documented and which the Board or its designee deems acceptable.*

(d) Has had at least 2,000 hours of service as a hair designer's apprentice in a licensed cosmetological establishment in which hair design is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a hair designer's apprentice issued to the person pursuant to NRS 644A.325.

Sec. 23. NRS 644A.320 is hereby amended to read as follows:

644A.320 The examination for licensure as a hair designer may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, thermal curling, marcelling, massage of the scalp with the hands, *procedures involving the application of chemicals to hair*, and cutting, trimming or shaping the hair;

2. Written or oral tests, or both written and oral tests, on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity as applicable to the practice of a hair designer; and

(c) The laws of this State and the regulations of the Board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the Board may require.

Sec. 24. NRS 644A.328 is hereby amended to read as follows:

644A.328 The Board shall admit to examination for a license as an advanced esthetician any person who has made the application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;

2. Is of good moral character;

3. Has successfully completed the 10th grade in school or its equivalent; and

4. Satisfies at least one of the following:

(a) The person has completed at least 900 hours of training in a licensed school of cosmetology in a curriculum prescribed by the Board pursuant to NRS 644A.277;

(b) The person is a licensed esthetician and has additionally completed at least 300 hours of training in a licensed school of cosmetology in a curriculum prescribed by the Board pursuant to NRS 644A.277; or

(c) The person has ~~[practiced]~~ practice as [a full-time licensed] an advanced esthetician ~~esthetics~~ for at least ~~[1 year.]~~ 4 years outside this State, including, without limitation, in any other state, territory or country ~~[,]~~, which has been documented and which the Board or its designee deems acceptable.

Sec. 25. NRS 644A.330 is hereby amended to read as follows:

644A.330 The Board shall admit to examination for a license as an

esthetician any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;
  2. Is of good moral character;
  3. Has successfully completed the 10th grade in school or its equivalent;
- and

4. Has had any one of the following:

(a) A minimum of 600 hours of training, which includes theory ~~[, modeling]~~ and practice, in a licensed school of cosmetology.

(b) Practice as ~~[a full-time licensed]~~ an esthetician for at least ~~[1 year]~~ *4 years outside this State, including, without limitation, in another state, territory or country ~~[,]~~, which has been documented and which the Board or its designee deems acceptable.*

(c) At least 1,200 hours of service as an esthetician's apprentice in a licensed cosmetological establishment in which esthetics is practiced. The required hours must have been completed during the period of validity of the certificate of registration as an esthetician's apprentice issued to the person pursuant to NRS 644A.340.

Sec. 26. NRS 644A.345 is hereby amended to read as follows:

644A.345 The Board shall admit to examination for a license as a nail technologist any person who has made application to the Board in proper form, paid the fee and who, before or on the date of the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. Has successfully completed the 10th grade in school or its equivalent.
4. Has had any one of the following:

(a) Practical training of at least 600 hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.

(b) Practice as a ~~[full-time licensed]~~ nail technologist for ~~[1 year]~~ *at least 4 years outside ~~[the State of Nevada]~~ this State, including, without limitation, in another state, territory or country ~~[,]~~, which has been documented and which the Board or its designee deems acceptable.*

(c) At least 1,200 hours of service as a nail technologist's apprentice in a licensed cosmetological establishment in which nail technology is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a nail technologist's apprentice issued to the person pursuant to NRS 644A.355.

Sec. 27. NRS 644A.360 is hereby amended to read as follows:

644A.360 ~~[1. Except as otherwise provided in NRS 644A.365, the]~~ The Board shall admit to examination as a hair braider each person who has applied to the Board in proper form and paid the fee, and who:

- ~~[(a)]~~ 1. Is not less than 18 years of age.
- ~~[(b)]~~ 2. Is of good moral character.

~~[(e)]~~ 3. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

~~[(d) If the person has not practiced hair braiding previously:~~

~~— (1) Has completed a minimum of 250 hours of training and education as follows:~~

~~— (I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;~~

~~— (II) Seventy five hours concerning infection control and prevention and sanitation;~~

~~— (III) Seventy five hours regarding the health of the scalp and the skin of the human body; and~~

~~— (IV) Fifty hours of clinical practice; and~~

~~— (2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.~~

~~— (e) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:~~

~~— (1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and~~

~~— (2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.~~

~~— 2. The application submitted pursuant to subsection 1 must be accompanied by:~~

~~— (a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.~~

~~— (b) A copy of one of the following documents as proof of the age of the applicant:~~

~~— (1) A driver's license, identification card or permanent resident card issued to the applicant by this State or another state, the District of Columbia, the United States or any territory of the United States or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;~~

~~— (2) The birth certificate of the applicant; or~~

~~— (3) The current passport issued to the applicant.]~~

Sec. 28. NRS 644A.370 is hereby amended to read as follows:

644A.370 ~~[(1.)~~ The examination for licensure as a hair braider pursuant to ~~[paragraph (d) of subsection 1 of]~~ NRS ~~[644A.365 must]~~ 644A.360 may include:

~~[(a)]~~ 1. A written test on antiseptis, sterilization and sanitation;

~~[(b)]~~ 2. A written test on the laws of Nevada and the regulations of the Board relating to cosmetology; ~~[and~~

~~—(e)]~~ 3. A practical demonstration in hair braiding; and

4. Such other tests or examinations as the Board deems necessary.

~~{2. The examination for licensure as a hair braider pursuant to NRS 644A.360 or paragraph (c) of subsection 1 of NRS 644A.365 must include:~~

~~—(a) The written tests and such other tests or examinations described in subsection 1; and~~

~~—(b) A practical demonstration in hair braiding.}~~

Sec. 29. NRS 644A.375 is hereby amended to read as follows:

644A.375 1. The Board shall admit to examination for a certificate of registration as a shampoo technologist, any person who has applied to the Board in proper form and paid the fee, and who:

- (a) Is not less than 16 years of age.
- (b) Is of good moral character.
- (c) Has successfully completed the 10th grade in school or its equivalent.
- (d) Satisfies at least one of the following:

(1) Training of at least 50 hours in a licensed school of cosmetology as a student of the occupation of a cosmetologist or hair designer;

(2) Training of at least 50 hours in a licensed school of cosmetology in a curriculum prescribed by the Board by regulation; *or*

(3) Training of at least 50 hours which is administered online by the Board in a curriculum prescribed by the Board by regulation. ~~{*or*~~

~~—(4) Has had practice as a full-time licensed shampoo technologist for 1 year outside this State.}~~

2. The Board may charge a fee of not more than \$50 to administer the training described in subparagraph (3) of paragraph (d) of subsection 1.

~~{3. A certificate of registration as a shampoo technologist is valid for 2 years after the date on which it is issued and may be renewed by the Board upon good cause shown.}~~

Sec. 30. NRS 644A.380 is hereby amended to read as follows:

644A.380 The examination for a certificate of registration as a shampoo technologist must include:

1. ~~{Practical demonstrations in shampooing and rinsing the hair which are approved and conducted by the Board or a licensed school of cosmetology;~~

~~—2.}~~ A written test on the laws of Nevada and the regulations of the Board relating to cosmetology; and

~~{3.}~~ 2. Such ~~{other}~~ demonstrations and *other* tests as the Board requires.

Sec. 31. NRS 644A.395 is hereby amended to read as follows:

644A.395 1. Each makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment shall ~~{, on or before January 1 of each year,}~~ register with the Board on a form prescribed by the Board. The registration must:

(a) Include:

(1) The name, address, electronic mail address and telephone number of the makeup artist; and

(2) The name and license number of each cosmetological establishment in which the makeup artist will be practicing makeup artistry.

(b) Be accompanied by ~~+~~

~~(1) A] a~~ notarized statement indicating that the makeup artist:

~~[(I)]~~ (1) Is 18 years of age or older;

~~[(II)]~~ (2) Is of good moral character; and

~~[(III)]~~ (3) Has completed at least 2 years of high school . ~~+~~and

~~(2) Two current photographs of the makeup artist which are 2 by 2 inches.]~~

2. The Board shall charge a fee of not more than \$25 for registering a makeup artist pursuant to this section.

3. A makeup artist shall not practice makeup artistry in a licensed cosmetological establishment without first obtaining a certificate of registration.

4. A makeup artist, other than a makeup artist required to be registered pursuant to subsection 1, shall not engage in the practice of makeup artistry in this State unless he or she:

(a) Is 18 years of age or older;

(b) Is of good moral character; and

(c) Has completed at least 2 years of high school.

5. *A certificate of registration as a makeup artist is valid for 1 year after the date on which it is issued.*

Sec. 32. NRS 644A.400 is hereby amended to read as follows:

644A.400 The Board shall admit to examination for a license as an electrologist any person who has made application to the Board in the proper form and paid the fee, and who before or on the date set for the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Has successfully completed the 12th grade in school or its equivalent.

4. Has or has completed any one of the following:

(a) A minimum training of 500 hours under the immediate supervision of an approved electrologist in an approved school in which the practice is taught.

(b) Study of the practice for at least 1,000 hours extending over a period of ~~5] 8~~ consecutive months, under an electrologist licensed pursuant to this chapter, in an approved program for electrologist's apprentices.

(c) A valid electrologist's license issued by a state whose licensing requirements are equal to or greater than those of this State.

(d) Either training or practice, or a combination of training and practice, in electrology outside this State for a period specified by regulations of the Board.

Sec. 33. NRS 644A.415 is hereby amended to read as follows:

644A.415 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent;

(b) Has practiced as a full-time licensed cosmetologist, hair designer, ~~hair braider,]~~ esthetician, advanced esthetician or nail technologist for 1 year and submits written verification of his or her experience;

(c) Is licensed pursuant to this chapter;

- (d) Applies for a provisional license on a form supplied by the Board;
  - (e) Submits ~~two~~ a current ~~photographs~~ *photograph* of himself or herself;
- and
- (f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than \$40 and not more than \$75 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 34. NRS 644A.420 is hereby amended to read as follows:

644A.420 1. The Board shall admit to examination for a license as an instructor of cosmetology , *hair design, esthetics, advanced esthetics or nail technology* any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of 700 hours of training as a student instructor or 500 hours of training as an instructor or as a licensed provisional instructor in a licensed school of cosmetology; ~~and~~
- (e) Is licensed as a cosmetologist , *hair designer, esthetician, advanced esthetician or nail technologist* pursuant to this chapter ~~[-]~~ ; *and*
- (f) *If the applicant is licensed as a hair designer, esthetician, advanced esthetician or nail technologist, has practiced as a full-time licensed hair designer, esthetician, advanced esthetician or nail designer, as applicable, or as a licensed student instructor.*

2. Each instructor shall pay an initial fee for a license of not less than \$60 and not more than \$90.

3. An instructor of cosmetology , *hair design, esthetics, advanced esthetics or nail technology* shall complete at least the number of hours of continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained in courses approved by the Board during each 2-year period of his or her license.

4. *An instructor of cosmetology, hair design, esthetics, advanced esthetics or nail technology may only provide instruction on subject matter that is within the scope of his or her license as a cosmetologist, hair designer, esthetician, advanced esthetician or nail technologist.*

Sec. 35. NRS 644A.450 is hereby amended to read as follows:

644A.450 1. An application for admission to examination or for a license in any branch of cosmetology, or for a certificate of registration as a shampoo technologist, esthetician's apprentice, cosmetologist's apprentice, hair designer's apprentice or nail technologist's apprentice must be made in writing on forms furnished by the Board and must be submitted within the period designated by the Board. The Board shall charge a *nonrefundable* fee of \$15 for furnishing the forms.

2. An application must contain proof of the qualifications of the applicant for examination, licensure or registration. The applicant must certify that all the information contained in the application is truthful and accurate.

Sec. 36. NRS 644A.460 is hereby amended to read as follows:

644A.460 ~~[Except as otherwise provided in NRS 644A.365, upon]~~ Upon application to the Board, accompanied by a fee of \$200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. Is currently licensed in another state or territory or the District of Columbia.

Sec. 37. NRS 644A.470 is hereby amended to read as follows:

644A.470 1. In addition to the fee for an application, the fees for examination are:

- (a) For examination as a cosmetologist, not less than \$75 and not more than \$200.
- (b) For examination as an electrologist, not less than \$75 and not more than \$200.
- (c) For examination as a hair designer, not less than \$75 and not more than \$200.
- (d) For examination as a shampoo technologist, not less than \$50 and not more than \$100.
- (e) For examination as a hair braider, ~~[\$110.]~~ *not less than \$75 and not more than \$200.*
- (f) For examination as a nail technologist, not less than \$75 and not more than \$200.
- (g) For examination as an esthetician, not less than \$75 and not more than \$200.
- (h) For examination as an advanced esthetician, not less than \$75 and not more than \$200.
- (i) For examination as an instructor of estheticians, advanced estheticians, hair designers, cosmetology or nail technology, not less than \$75 and not more than \$200.

2. ~~{Except as otherwise provided in this subsection, the}~~ The fee for each reexamination is not less than \$75 and not more than \$200. ~~{The fee for reexamination as a hair braider is \$110.}~~

3. ~~{In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is \$75.}~~

~~—4.}~~ Each applicant referred to in ~~{subsections}~~ *subsection 1* ~~{and 3}~~ shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 38. NRS 644A.480 is hereby amended to read as follows:

644A.480 1. The Board:

(a) Shall provide examinations for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~{}~~ or nail technologist ~~{or demonstrator of cosmetics}~~ in English and, upon the request of an applicant for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~{}~~ or nail technologist, ~~{or demonstrator of cosmetics.}~~ in Spanish; and

(b) May provide examinations for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~{}~~ or nail technologist, ~~{or demonstrator of cosmetics.}~~ in any other language upon the request of an applicant, if the Board determines that providing the examination in that language is in the best interests of the public.

2. A request for an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~{}~~ or nail technologist ~~{or demonstrator of cosmetics}~~ to be translated into a language other than English or Spanish must be filed with the Board by the applicant making the request at least 90 days before the scheduled examination. The Board shall keep all such requests on file.

3. The Board shall impose a fee upon the applicants who file requests for an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~{}~~ or nail technologist ~~{or demonstrator of cosmetics}~~ to be translated into a language other than English or Spanish. The fee must be sufficient to ensure that the applicants bear the full cost for the development, preparation, administration, grading and evaluation of the translated examination. The fee is in addition to all other fees that must be paid by applicants for the examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~{}~~ or nail technologist. ~~{or demonstrator of cosmetics.}~~

4. In determining whether it is in the best interests of the public to translate an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~{}~~ or nail technologist ~~{or demonstrator of cosmetics}~~ into a language other than

English or Spanish, the Board shall consider the percentage of the population within this State whose native language is the language for which the translated examination is sought.

Sec. 39. NRS 644A.490 is hereby amended to read as follows:

644A.490 1. The Board shall issue a license or certificate of registration, as applicable, as a cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist ~~[-, demonstrator of cosmetics]~~ or instructor to each applicant who:

(a) Except as otherwise provided in NRS ~~[644A.380 and]~~ 644A.455, passes a satisfactory examination, conducted by the Board to determine his or her fitness to practice that occupation of cosmetology; ~~[and]~~

(b) Complies with such other requirements as are prescribed in this chapter for the issuance of the license or certificate of registration ~~[-]~~; *and*

(c) *Has paid any required fees, fines or outstanding balances as required by the Board.*

2. The fees for issuance of an initial license or certificate of registration, as applicable, are:

(a) For nail technologists, electrologists, estheticians, advanced estheticians, hair designers, *hair braiders*, shampoo technologists ~~[-, demonstrators of cosmetics]~~ and cosmetologists:

(1) For 2 years, not less than \$50 and not more than \$100.

(2) For 4 years, not less than \$100 and not more than \$200.

(b) ~~[-] For hair braiders:~~

~~—(1) For 2 years, \$70.~~

~~—(2) For 4 years, \$140.~~

~~—(e)] For instructors:~~

(1) For 2 years, not less than \$60 and not more than \$100.

(2) For 4 years, not less than \$120 and not more than \$200.

Sec. 40. NRS 644A.510 is hereby amended to read as follows:

644A.510 Every licensed or registered nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[-, demonstrator of cosmetics]~~ or cosmetologist shall, within 30 days after changing his or her place of business or personal mailing address, as designated in the records of the Board, notify the Board of the new place of business or personal mailing address. Upon receipt of the notification, the Board shall make the necessary change in the records.

Sec. 41. NRS 644A.515 is hereby amended to read as follows:

644A.515 1. The license or certificate of registration, as applicable, of every cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist ~~[-, demonstrator of cosmetics]~~ and instructor expires on either:

(a) The second anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license or certificate of registration, restored license or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license or

certificate of registration, from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal; or

(b) The fourth anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license or certificate of registration, restored license or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license or certificate of registration from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal.

2. The Board may, by regulation, defer the expiration of a license or certificate of registration, as applicable, of a person who is on active duty in *any branch of* the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Board may similarly defer the expiration of the license or certificate of registration, as applicable, of the spouse or dependent child of that person if the spouse or child is residing with the person.

3. *The Board may, by regulation, defer the expiration of a license or certificate of registration, as applicable, of a person who:*

(a) *Submits to the Board, on a form prescribed by the Board, a request for his or her license or certificate of registration to be placed on inactive or retirement status; and*

(b) *Pays a fee in an amount established by the Board by regulation.*

4. For the purposes of this section, any licensee or holder of a certificate of registration whose date of birth occurs on February 29 in a leap year shall be deemed to have a birthdate of February 28.

Sec. 42. NRS 644A.520 is hereby amended to read as follows:

644A.520 1. An application for renewal of any license or certificate of registration issued pursuant to this chapter must be:

- (a) Made on a form prescribed and furnished by the Board;
- (b) Made on or before the date for renewal specified by the Board;
- (c) Accompanied by the applicable fee for renewal; and
- (d) Accompanied by all information required to complete the renewal.

2. The fees for renewal of a license or a certificate of registration, as applicable, are:

(a) For nail technologists, electrologists, estheticians, advanced estheticians, hair designers, *hair braiders*, shampoo technologists ~~and demonstrators of cosmetics~~ and cosmetologists:

- (1) For 2 years, not less than \$50 and not more than \$100.
- (2) For 4 years, not less than \$100 and not more than \$200.

(b) ~~For hair braiders:~~

- ~~(1) For 2 years, \$70.~~
- ~~(2) For 4 years, \$140.~~

~~(c)~~ For instructors:

- (1) For 2 years, not less than \$60 and not more than \$100.
- (2) For 4 years, not less than \$120 and not more than \$200.

~~(d)~~ (c) For cosmetological establishments:

- (1) For 2 years, not less than \$100 and not more than \$200.

(2) For 4 years, not less than \$200 and not more than \$400.

~~[(c) For establishments for hair braiding:~~

~~(1) For 2 years, \$70.~~

~~(2) For 4 years, \$140.~~

~~[(f)] (d) For schools of cosmetology:~~

~~(1) For 2 years, not less than \$500 and not more than \$800.~~

~~(2) For 4 years, not less than \$1,000 and not more than \$1,600.~~

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license or a certificate of registration as a shampoo technologist is not renewed, there must be assessed and collected at the time of renewal a penalty of \$50 for a school of cosmetology and \$20 for ~~an establishment for hair braiding,~~ a cosmetological establishment, all persons licensed pursuant to this chapter and persons registered as a shampoo technologist.

4. An application for the renewal of a license or a certificate of registration, as applicable, as a cosmetologist, hair designer, shampoo technologist, hair braider, esthetician, advanced esthetician, electrologist, nail technologist ~~[-, demonstrator of cosmetics]~~ or instructor must be:

(a) Accompanied by ~~two~~ a current ~~photographs]~~ *photograph* of the applicant ; ~~which are 2 by 2 inches and have the name of the applicant written on the back of each photograph;~~ or

(b) If the application for the renewal of the license or certificate of registration, as applicable, is made online, accompanied by a current photograph of the applicant which is ~~2 by 2 inches and is]~~ electronically attached to the application for renewal.

5. Before a person applies for the renewal of a license or certificate of registration, as applicable, as a cosmetologist, hair designer, shampoo technologist, hair braider, esthetician, advanced esthetician, electrologist ~~[-]~~ or nail technologist , ~~[-, demonstrator of cosmetics,~~ the person must ~~complete]~~:

(a) *Complete* at least 4 hours of instruction relating to infection control and prevention in a professional course or seminar approved by the Board ~~[-]~~ ; and

(b) *Pay any outstanding fee, fine or other balance owed to the Board.*

Sec. 43. NRS 644A.525 is hereby amended to read as follows:

644A.525 1. A nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~[-, demonstrator of cosmetics]~~ or instructor whose license or certificate of registration, as applicable, has expired may have his or her license or certificate of registration renewed only upon payment of all applicable required fees and submission of all information required to complete the renewal.

2. Any nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~[-, demonstrator of cosmetics]~~ or instructor who retires from practice for more than 1 year may have his or her license or certificate of registration, as applicable, restored only upon payment of all required fees and submission of all information required to complete the restoration.

3. No nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~or demonstrator of cosmetics~~ or instructor who has retired from practice for more than 4 years may have his or her license or certificate of registration, as applicable, restored without examination and must comply with any additional requirements established in regulations adopted by the Board.

Sec. 44. NRS 644A.530 is hereby amended to read as follows:

644A.530 1. The holder of a license or certificate of registration issued by the Board to practice any branch of cosmetology must display his or her current license or certificate or a duplicate of the license or certificate in plain view of the public at the ~~position~~ *workstation* where the holder of the license or certificate performs his or her work ~~on the public~~.

2. If a person practices cosmetology in more than one place, the person shall display the license or certificate or a duplicate of the license or certificate wherever he or she is actually working ~~on the public~~.

Sec. 45. NRS 644A.550 is hereby amended to read as follows:

644A.550 1. Each natural person who engages in the practice of threading and each owner or operator of a kiosk or other stand-alone facility in which a natural person engages in the practice of threading shall ~~on or before January 1 of each year,~~ register with the Board on a form prescribed by the Board. The registration must be accompanied by a fee of not more than \$25 and must include:

(a) The name, address, electronic mail address and telephone number of the person, owner or operator; and

(b) Any other information relating to the practice of the person or the operation of the kiosk or other facility required by the Board.

2. The Board shall, during regular business hours, inspect each facility in this State in which threading is conducted ~~not later than 90 days after the date on which the registration is activated.~~

3. The fee required by subsection 1 must be established by regulation of the Board.

4. *A certificate of registration to engage in the practice of threading is valid for 1 year after the date on which it is issued.*

5. *A person who is registered with the Board pursuant to subsection 1 is not required to obtain any other license or certificate of registration pursuant to this chapter to engage in the practice of threading.*

6. *A licensed cosmetologist or esthetician is not required to register with the Board pursuant to subsection 1 to engage in the practice of threading.*

Sec. 46. NRS 644A.600 is hereby amended to read as follows:

644A.600 1. Any person wishing to operate a cosmetological establishment in which any one or a combination of the occupations of cosmetology are practiced must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed cosmetological establishment and proof of the particular requisites for a

license provided for in this chapter. The applicant must certify that all the information contained in the application is truthful and accurate.

2. The applicant must submit the application accompanied by the applicable required fees for inspection and licensing. ~~Upon receipt of the application, the~~ *Before issuing a license for a cosmetological establishment, the Board shall* ~~contact the applicant to arrange a date and time to~~ *conduct* ~~the on-site~~ *an opening inspection* ~~and~~ *of the proposed cosmetological establishment to ensure that the minimum requirements for operating a cosmetological establishment pursuant to this chapter are met. After the Board has conducted an inspection pursuant to this subsection and determined that such minimum requirements are met, the Board or its designee shall issue* ~~and activate~~ *the license.* ~~[A license issued pursuant to this subsection is not valid until it is activated.]~~

3. The fee for issuance of a license for a cosmetological establishment is:

- (a) For 2 years, \$200.
- (b) For 4 years, \$400.

4. The fee for the initial inspection is \$15. If an additional inspection is necessary, the fee is \$25.

Sec. 47. NRS 644A.610 is hereby amended to read as follows:

644A.610 1. The license of every cosmetological establishment:

- (a) Expires 2 years after the date of issuance or renewal of a license that was issued or renewed for a 2-year period.
- (b) Expires 4 years after the date of issuance or renewal of a license that was issued or renewed for a 4-year period.

2. If a cosmetological establishment fails to pay the applicable required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

3. *Before the license of a cosmetological establishment may be renewed, the holder of the license must pay any outstanding fee, fine or other balance owed to the Board.*

Sec. 48. NRS 644A.615 is hereby amended to read as follows:

644A.615 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display in plain view of members of the general public:

- (a) In the principal office or place of business of the holder, the license or a duplicate of the license; and
- (b) At each cosmetological establishment operated by the holder, a sign of sufficient size to be legible to members of the general public stating that the establishment is not a medical facility.

2. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only licensed or registered, as applicable, nail technologists, electrologists, estheticians, advanced estheticians, hair designers, shampoo technologists, hair braiders ~~and demonstrators of cosmetics~~ and cosmetologists at the establishment to

provide services relating to the practice of cosmetology. This subsection does not prohibit an operator of a cosmetological establishment from:

(a) Leasing space to or employing a barber. Such a barber remains under the jurisdiction of the State Barbers' Health and Sanitation Board and remains subject to the laws and regulations of this State applicable to his or her business or profession.

(b) Leasing space to any other professional, including, without limitation, a provider of health care pursuant to subsection 3. Each such professional remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.

3. The operator of a cosmetological establishment may lease space at the cosmetological establishment to a provider of health care for the purpose of providing health care within the scope of his or her practice. ~~{The}~~ *Except as otherwise provided in subsection 4, the provider of health care shall not use the leased space to provide such health care at the same time a cosmetologist uses that space to engage in the practice of cosmetology.* A provider of health care who leases space at a cosmetological establishment pursuant to this subsection remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.

4. *A provider of health care who is a health care professional may use leased space at a cosmetological establishment to provide health care associated with the supervision of an advanced esthetician pursuant to NRS 644A.545 at the same time as a cosmetologist uses that space to engage in the practice of cosmetology.*

5. As used in this section:

(a) *"Health care professional" has the meaning ascribed to it in NRS 453C.030.*

(b) *"Provider of health care" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.*

~~{(b)}~~ (c) *"Space" includes, without limitation, a separate room in the cosmetological establishment.*

Sec. 49. NRS 644A.620 is hereby amended to read as follows:

644A.620 Cosmetology and threading may be practiced in a cosmetological establishment by licensed or registered, as applicable, cosmetologists, estheticians, advanced estheticians, electrologists, hair designers, shampoo technologists, hair braiders, ~~{demonstrators of cosmetics,}~~ nail technologists and natural persons who engage in the practice of threading, as appropriate, who are:

1. Employees of the owner of the enterprise; or
2. Lessees of space from the owner of the enterprise.

Sec. 50. NRS 644A.625 is hereby amended to read as follows:

644A.625 1. A cosmetological establishment must, at all times, be under

the immediate supervision of a person who is licensed in the branch of cosmetology or a combination of branches of cosmetology of any service relating to the practice of cosmetology provided at the cosmetological establishment at the time the service is provided.

2. If the operator of a cosmetological establishment leases space to a licensed or registered, as applicable, nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider [~~—demonstrator of cosmetics—~~] or cosmetologist pursuant to NRS 644A.615, the lessee must provide supervision for that branch of cosmetology in the manner required by subsection 1.

3. *If a cosmetological establishment is open to the public at any time during which no licensed or registered, as applicable, nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider or cosmetologist is physically present in the establishment, the cosmetological establishment must display conspicuously a sign indicating that no cosmetological services are being offered at that time.*

Sec. 51. NRS 644A.740 is hereby amended to read as follows:

644A.740 1. A school of cosmetology must at all times be under the immediate supervision of a licensed instructor . [~~who has had practical experience in an established place of business for at least 1 year in the practice of a majority of the branches of cosmetology taught at the school of cosmetology.~~]

2. A school of cosmetology shall:

(a) Except as otherwise provided in subsection 6, maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in each branch of cosmetology taught at the school of cosmetology.

(b) Maintain apparatus and equipment sufficient to teach all the subjects of its curriculum.

(c) Keep a daily record of the attendance of each student, a record devoted to the different practices, establish grades and hold examinations before issuing diplomas. These records must be submitted to the Board pursuant to its regulations.

(d) Include in its curriculum a course of deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

(e) Arrange the courses devoted to each branch or practice of cosmetology as the Board may from time to time adopt as the course to be followed by the schools.

(f) Not allow any student to perform services on the public for more than 7 hours in any day.

(g) *Not allow any student to attend school for more than:*

(1) *Forty hours in each week; or*

(2) *Ten hours in any day.*

(h) Conduct at least 5 hours of instruction in theory in each 40-hour week, ~~for 6 hours of instruction in theory in each 48-hour week,~~ which must be ~~attended~~ completed by all registered students ~~[-~~ ~~(h)]~~ either through in-person instruction or, subject to paragraph (i), through an alternative form of instruction that has been approved by the Board, including, without limitation, instruction that is provided through distance education.

(i) Not allow any student to complete more than 10 percent of his or her required hours of instruction in theory in a manner other than through in-person instruction.

(j) Require that all work by students be done on the basis of rotation.

3. Except as otherwise provided in subsection 4, the Board may, upon request, authorize a school of cosmetology to offer, in addition to courses which are included in any curriculum required for licensure or registration in each branch of cosmetology taught at the school of cosmetology, any other course.

4. The Board shall, upon request, authorize a school of cosmetology to offer a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy, reflexology or structural integration if:

(a) The school of cosmetology has obtained all licenses, authorizations and approvals required by state and local law to offer such a course or program; and

(b) With regard to that portion of the premises where the school of cosmetology offers courses included in the cosmetological curriculum, the school of cosmetology continues to comply with the provisions of this chapter and any regulations adopted pursuant thereto.

5. Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy, reflexology or structural integration:

(a) The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and

(b) The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program.

6. A school of cosmetology is not required to maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in any branch of cosmetology if the school of cosmetology provides its students with a disclaimer, in at least 14-point bold type, indicating that completion of the instruction provided at the school of cosmetology does not:

(a) Qualify the student for a license or certificate of registration in any branch of cosmetology; or

(b) Prepare the student for an examination in any branch of cosmetology.

7. As used in this section, "distance education" means instruction

*delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated geographically.*

Sec. 52. NRS 644A.750 is hereby amended to read as follows:

644A.750 No school of cosmetology *or student of cosmetology* may advertise student work to the public for pay through any medium, including radio, unless the work advertised is ~~[expressly]~~ :

1. *Expressly* designated as student's work ~~[+]~~ ;
2. *Performed within the school of cosmetology; and*
3. *Performed under the supervision of a licensed instructor of the school of cosmetology.*

Sec. 53. NRS 644A.800 is hereby amended to read as follows:

644A.800 1. Except as otherwise provided in subsection 2, an advertisement for services relating to the practice of cosmetology must list:

(a) The name, as it appears on the license, and license number of the cosmetological establishment ~~[or establishment for hair braiding]~~ where the services will be provided; and

(b) The name and number of the license or certificate of registration of any licensee or registrant mentioned in the advertisement.

2. An advertisement for services relating to the practice of cosmetology to be provided at a school of cosmetology must list the name, as it appears on the license, and license number of the school of cosmetology where the services will be provided.

Sec. 54. NRS 644A.850 is hereby amended to read as follows:

644A.850 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of ~~[an establishment for hair braiding,]~~ a cosmetological establishment, a licensed or registered, as applicable, esthetician, advanced esthetician, cosmetologist, hair designer, shampoo technologist, hair braider, electrologist, instructor, nail technologist, ~~[demonstrator of cosmetics,]~~ makeup artist or school of cosmetology to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Failure of a cosmetologist's apprentice, electrologist's apprentice, esthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(c) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(g) Advertising in violation of any of the provisions of NRS 644A.800 or 644A.935.

(h) Permitting a license or certificate of registration to be used where the holder thereof is not personally, actively and continuously engaged in business.

(i) Failure to display the license or certificate of registration or a duplicate of the license or certificate of registration as provided in NRS 644A.530, 644A.535, 644A.615 ~~[, 644A.665]~~ and 644A.710.

(j) Failure to display the sign as provided in paragraph (b) of subsection 1 of NRS 644A.615.

(k) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(l) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(m) Engaging in prostitution or solicitation for prostitution in violation of NRS 201.353 or 201.354 by the owner of a cosmetological establishment ~~[, an establishment for hair braiding]~~ or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.

(n) Failure to comply with the provisions of NRS 454.217 or 629.086.

(o) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

- (a) Refuse to issue or renew a license or certificate of registration;
- (b) Revoke or suspend a license or certificate of registration;
- (c) Place the licensee or holder of a certificate of registration on probation for a specified period;
- (d) Impose a fine not to exceed \$2,000; or
- (e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

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

Sec. 55. NRS 644A.855 is hereby amended to read as follows:

644A.855 1. If the holder of a license or certificate of registration to operate a cosmetological establishment ~~[, an establishment for hair braiding]~~ or a facility in which threading is conducted or any other licensee or a holder of a certificate of registration issued pursuant to this chapter is charged with or cited for prostitution in violation of NRS 201.353 or 201.354 or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director of the Board. Upon receiving such a report, the Executive Director shall immediately forward the report to the Board or the Chair of the Board. The Board must meet as soon as practicable

to consider the report. If the Board finds that the health, safety or welfare of the public imperatively require emergency action and issues a cease and desist order, the Executive Director shall immediately send the cease and desist order by certified mail to the licensee or holder of the certificate of registration. The temporary suspension of the license or certificate of registration is effective immediately after the licensee or holder of the certificate of registration receives notice of the cease and desist order and must not exceed 15 business days. The licensee or holder of the certificate of registration may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the Executive Director mails the cease and desist order. If the licensee or holder of the certificate of registration:

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the licensee or holder of the certificate of registration immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Executive Director mails the cease and desist order. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. For purposes of this section, a person is deemed to have notice of a temporary suspension of his or her license or certificate of registration:

- (a) On the date on which the notice is personally delivered to the person; or
- (b) If the notice is mailed, 3 days after the date on which the notice is mailed by certified mail to the last known business or residential address of the person.

Sec. 56. NRS 644A.870 is hereby amended to read as follows:

644A.870 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential. ~~[- unless the person submits a written statement to the Board requesting that such documents and information be made public records.]~~

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 57. NRS 644A.900 is hereby amended to read as follows:

644A.900 1. It is unlawful for any person to conduct or operate a cosmetological establishment, ~~an establishment for hair braiding,~~ a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in subsections 4 and 5, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the person is licensed or registered in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644A.415 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of services relating to the practice of cosmetology by a person who is licensed or registered in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist ~~+~~ *who is approved to supervise the apprentice.*

(f) A registered shampoo technologist from engaging in the practice of shampoo technology under the immediate supervision of a licensed cosmetologist or hair designer.

(g) A registered esthetician's apprentice from engaging in the practice of esthetics under the immediate supervision of a licensed esthetician or licensed cosmetologist ~~+~~ *who is approved to supervise the apprentice.*

(h) A registered hair designer's apprentice from engaging in the practice of hair design under the immediate supervision of a licensed hair designer or licensed cosmetologist ~~+~~ *who is approved to supervise the apprentice.*

(i) A registered nail technologist's apprentice from engaging in the practice of nail technology under the immediate supervision of a licensed nail technologist or licensed cosmetologist ~~+~~ *who is approved to supervise the apprentice.*

(j) A makeup artist registered pursuant to NRS 644A.395 from engaging in the practice of makeup artistry for compensation or otherwise in a licensed cosmetological establishment.

4. A person employed to render services relating to the practice of cosmetology in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing or registration requirements of this chapter if he or she renders those services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 58. NRS 644A.925 is hereby amended to read as follows:

644A.925 Nothing in this chapter ~~+~~ *permits:*

1. ~~{Authorizes the use of any X-ray machine in the treatment of the scalp or in the removal of superfluous hair; or~~

~~— 2. Permits the} The local application of {carbolic acid or corrosive sublimes or their derivatives or compounds, salicylic acid, resoreinol, or} any {other corrosive} substance for the purpose of peeling skin ~~{- Any}~~ *that is not intended for use by:*~~

(a) *A cosmetologist or esthetician for the purposes of peeling skin at or above the ~~{stratum}~~ stratum corneum; or*

(b) *An advanced esthetician for the purposes of performing a medium depth chemical peel; or*

2. *The implantation of permanent pigment into the skin . ~~{is prohibited.}~~*

↪ A violation of the provisions of this section constitutes a misdemeanor.

Sec. 59. NRS 644A.930 is hereby amended to read as follows:

644A.930 1. It is unlawful for a person to alter a license or certificate of registration issued pursuant to this chapter.

2. It is unlawful for a person to reproduce mechanically or otherwise duplicate a license or certificate of registration issued pursuant to this chapter for purposes of fraud, deception, misrepresentation or other illegal purposes. A person may duplicate a license or certificate of registration issued pursuant to this chapter for a lawful purpose, including, without limitation, for purposes of displaying a duplicate license or certificate of registration pursuant to NRS 644A.530, 644A.535, 644A.615 ~~{- 644A.665}~~ or 644A.710.

Sec. 60. NRS 644A.935 is hereby amended to read as follows:

644A.935 With regard to advertising relating to the education, licensing, registration or practice of cosmetology or threading:

1. It is unlawful to advertise in any manner that is misleading or inaccurate with respect to any services relating to the practice of cosmetology offered by a licensee, registrant or other natural person.

2. An advertisement must not state or imply favorable consideration by the Board except that an advertisement may state that a cosmetological establishment, ~~establishment for hair braiding,~~ school of cosmetology, licensee or registrant is licensed or registered by the Board.

Sec. 61. NRS 644A.940 is hereby amended to read as follows:

644A.940 1. Except as otherwise provided in subsection 2, it is unlawful for any animal to be on the premises of a licensed ~~establishment for hair braiding or~~ cosmetological establishment.

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

(a) An aquarium maintained on the premises of a licensed ~~establishment for hair braiding or~~ cosmetological establishment; or

(b) A service animal or service animal in training.

3. As used in this section:

(a) "Service animal" includes only a dog that has been trained and meets the qualifications set forth in 28 C.F.R. § 36.104, and a miniature horse that has been trained and meets the qualifications set forth in 28 C.F.R. § 36.302.

(b) "Service animal in training" includes only a dog or miniature horse that is being trained for the purposes of 28 C.F.R. § 36.104 or 36.302, as applicable.

Sec. 62. NRS 644A.955 is hereby amended to read as follows:

644A.955 1. In addition to any other penalty ~~for~~ ~~(a) The~~, the Board may issue a citation to ~~a~~:

(a) A person who violates the provisions of NRS 644A.900.

(b) A licensee or registrant who violates the provisions of NRS 644A.850.

2. A citation issued pursuant to ~~this paragraph~~ *subsection 1* must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of ~~subsection 2,~~ *section 4 of this act*. A separate citation must be issued for each violation. ~~If appropriate, the~~ The citation may ~~contain an~~ include, without limitation:

(a) An order to cease and desist ~~it~~, if appropriate; and

(b) ~~Upon finding that a person has violated~~ An order to pay an administrative fine for each violation.

3. If the citation is issued to a licensee or registrant and includes an order to pay an administrative fine for one or more violations of the provisions of NRS 644A.850, the amount of the administrative fine must not exceed the maximum amount authorized by NRS 644A.850.

4. If the citation is issued to a person and includes an order to pay an administrative fine for one or more violations of the provisions of NRS 644A.900, the ~~Board shall assess an administrative fine of:~~ amount of the administrative fine must be:

(1) For ~~the~~ a first violation, \$1,000.

(2) For ~~the~~ a second violation, \$1,500.

(3) For ~~the~~ a third or subsequent violation, \$2,000.

~~[2. To appeal a finding of a violation of NRS 644A.900, the person must request a hearing by written notice of appeal to]~~

~~5. The provisions of this section and section 4 of this act do not apply to the issuance of a citation by any inspector of the Board [within 30 days after the date on which the] pursuant to subsection 3 of NRS 644A.865 and do not limit the authority of an inspector of the Board to issue such a citation . [is issued.]~~

Sec. 63. A person who, on October 1, 2023, is the holder of a valid license to operate an establishment for hair braiding issued pursuant to NRS 644A.650 and who is otherwise qualified to hold such a license on that date shall be deemed to hold a license to operate a cosmetological establishment issued pursuant to NRS 644A.600, as amended by section 46 of this act.

Sec. 64. NRS 644A.045, 644A.060, 644A.365, 644A.385, 644A.390, 644A.423, 644A.425, 644A.430, 644A.650, 644A.655, 644A.660, 644A.665, 644A.670, 644A.675, 644A.680 and 644A.720 are hereby repealed.

Sec. 65. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 64, 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 October 1, 2023, for all other purposes.

#### LEADLINES OF REPEALED SECTIONS

644A.045 "Demonstrator of cosmetics" defined.

644A.060 "Establishment for hair braiding" defined.

644A.365 Qualifications for examination for person who has practiced hair braiding in another state.

644A.385 Qualifications for examination.

644A.390 Scope of examination.

644A.423 Instructors of advanced estheticians: Qualifications for examination for license; continuing education.

644A.425 Instructors of estheticians: Qualifications for examination for license; continuing education.

644A.430 Instructors in nail technology: Qualifications for examination for license; continuing education.

644A.650 Application for license; verbal review; issuance and activation of license; on-site inspection; fees.

644A.655 Notice of change of ownership, name, services offered or location; new license required for operation after change; approval of changes in physical structure of establishment by Board.

644A.660 Expiration of license; effect of failure to timely pay renewal fee.

644A.665 Display of license.

644A.670 Practice of hair braiding by certain licensees.

644A.675 Supervision by licensed person.

644A.680 Food and beverage sales.

644A.720 Surety bonds; payment plans; regulations.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 103 to Senate Bill No. 249 deletes section 1, which would have allowed registered nurses to perform nonablative esthetic medical procedures under supervision; increases the timeframe for citation receipt by mail from three to seven days; requires the Executive Director of the State Board of Cosmetology to obtain Board approval for establishing additional office locations; mandates four years of documented practice in a location that the Board or its designee deems acceptable for various licenses; and requires displaying licenses or certificates wherever a cosmetologist is practicing on the public.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 270.

Bill read second time.

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

Amendment No. 102.

SUMMARY—Revises provisions governing massage therapists. (BDR 54-814)

AN ACT relating to massage therapy; 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; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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 1 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 ~~[duty]~~ military ~~[personnel]~~ 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 2 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. 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 ~~(Duty)~~ Military ~~(or)~~ Member" - any ~~individual in~~ person with full-time duty status in the ~~(active uniformed service)~~ 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 MASSAGE 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.*

I. *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 ~~(DUTY)~~ MILITARY MEMBERS AND THEIR SPOUSES

*Active ~~(Duty)~~ Military ~~(personnel)~~ 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. 2. 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. 3. 1. This section becomes effective upon passage and approval.

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

(a) Upon passage and approval for the purposes 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.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 102 to Senate Bill No. 270 corrects language referencing "active military member" to keep provisions within the Interstate Massage Compact identical.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 283.

Bill read second time.

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

Amendment No. 100.

SUMMARY—Revises certain provisions relating to health care records. (BDR 54-555)

AN ACT relating to health care; requiring certain persons and entities to furnish health care records electronically under certain circumstances; prohibiting such persons and entities from charging a fee that exceeds a certain amount to furnish health care records electronically if the health care records are maintained electronically; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each custodian of health care records ~~and each person who owns or operates an ambulance in this State~~ 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 ~~for person who owns or operates an ambulance in this State~~ 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 ~~and a person who owns or operates an ambulance in this State~~ to charge certain fees for furnishing a copy of health care records. (NRS 629.061) Section 1 prohibits a custodian of health care records ~~and a person who owns or operates an ambulance in this State~~ from charging a fee that exceeds \$15 or other amounts prescribed by existing law for furnishing a copy of health care records electronically if the custodian of health care records ~~for person who owns or operates an ambulance in this State~~ maintains such health care records electronically. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law provides for the payment of compensation to employees who are injured or disabled as a result of an occupational injury or disease. (Chapters 616A-616D and 617 of NRS) Existing law entitles any injured employee or a person who has been authorized by the injured employee to information from the records of an insurer or employer to the extent necessary for the proper presentation of such a claim. (NRS 616B.012) Existing regulations: (1) prescribe a process for an injured employee or person who has been authorized by the injured employee to request such information from the records of an insurer or employer; and (2) prohibit an insurer or employer from charging a fee that is more than 30 cents per page when providing the requested information. (NAC 616B.008)

Upon receiving such a request for health care records that asks for the records to be furnished electronically, section 3 of this bill requires an insurer, third-party administrator or employer to electronically transmit any health care records using a method of secure electronic transmission. Section 3 prohibits an insurer, third-party administrator or employer from charging a fee that exceeds \$15 for furnishing a copy of the health care records electronically if the insurer, third-party administrator or employer maintains such health care records electronically. Section 4 of this bill makes a conforming change to clarify that section 3 provides an exception to the general requirement that information obtained from an insurer or employer remain confidential.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. If a person who is authorized to request a copy of health care records of a patient pursuant to NRS 629.061 requests that a copy of such records be furnished electronically, the custodian of health care records ~~for a person who owns or operates an ambulance in this State~~ must electronically transmit a copy of the requested records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity. Such records must be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.*

2. ~~If a custodian of health care records for a person who owns or operates an ambulance in this State, the custodian or person shall not charge a~~ any fee to furnish those records electronically pursuant to subsection 1 ~~+~~ must not exceed \$15 or the amount per page prescribed by NRS 629.061, whichever is less.

3. As used in this section, "secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

- (a) No person other than the intended recipient receives the information;
- (b) The identity and signature of the sender of the information can be authenticated; and
- (c) The information which is received by the intended recipient is identical to the information that was sent.

Sec. 2. NRS 641.2291 is hereby amended to read as follows:

641.2291 1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a psychologist to a patient that meets the requirements of subsection 2 if:

- (a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;
- (b) The patient has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;
- (c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and
- (d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a psychologist to a patient used for the purpose described in paragraph (a) of subsection 1:

- (a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, that are designed to prevent the reproduction, copying or theft of the recording; and
- (b) Must not contain any personally identifiable information relating to the patient unless the patient has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

- (1) The form on which such informed written consent must be provided; and
- (2) The length of time that a psychologist who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a psychologist to a patient for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining "training activity" for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a psychologist to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to patients in accordance with NRS 629.051 to 629.069, inclusive ~~+~~ , and section 1 of this act.

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a psychologist to a patient that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, "mental health professional" means a psychologist, a marriage and family therapist, a clinical professional counselor, a social worker, a master social worker, an independent social worker, a clinical social worker, a clinical alcohol and drug counselor, an alcohol and drug counselor or problem gambling counselor.

Sec. 3. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If an injured employee or his or her legal representative requests health care records electronically from an insurer, third-party administrator or employer pursuant to subsection 1 of NRS 616B.012, any other provision of chapters 616A to 616D, inclusive, or chapter 617 of NRS or any regulation adopted pursuant thereto, the insurer, third-party administrator or employer shall electronically transmit a copy of the requested records to the injured employee or legal representative. Such records must be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.*

2. *If an insurer, third-party administrator or employer maintains health care records electronically, ~~the insurer or employer shall not charge a~~ any fee to furnish those records electronically pursuant to subsection 1 ~~+~~ must not exceed \$15.*

3. *As used in this section:*

(a) *"Health care records" has the meaning ascribed to it in NRS 629.021.*

(b) *"Secure electronic transmission" has the meaning ascribed to it in section 1 of this act.*

Sec. 4. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and

NRS 239.0115, 607.217, 616B.015, 616B.021 and 616C.205, *and section 3 of this act*, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

↪ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall

furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

↳ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B, 363C and 363D of NRS. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from:

(a) Disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance; or

(b) Notifying an injured employee or the surviving spouse or dependent of an injured employee of benefits to which such persons may be entitled in addition to those provided pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS but only if:

(1) The notification is solely for the purpose of informing the recipient of benefits that are available to the recipient; and

(2) The content of the notification is limited to information concerning services which are offered by nonprofit entities.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 100 to Senate Bill No. 283 deletes references and applicability to a person who owns or operates an ambulance; includes third-party administrators; requires electronic transmission of occupational injury and or disease records; and allows up to a \$15 fee for providing electronic health records.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 380.

Bill read second time.

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

Amendment No. 134.

SUMMARY—Revises provisions relating to the Extended Young Adult Support Services Program. (BDR S-991)

AN ACT relating to child welfare; revising the date on which an agency which provides child welfare services is required to participate in the Extended Young Adult Support Services Program; authorizing an agency which provides child welfare services to request to participate in the Program before that date; requiring reporting concerning efforts to allow certain young adults to remain in foster care; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law authorizes a child whom a court places with a person or entity other than a parent and who reaches 18 years of age to request the court to retain jurisdiction over the child until the child reaches 21 years of age. If a court retains jurisdiction over a child in such circumstances, the child is required to enter into an agreement with the agency which provides child welfare services. Such an agreement is required to provide that the child is entitled to: (1) continue receiving services from the agency which provides child welfare services; and (2) receive monetary payments directly or to have such payments provided to another entity in an amount not to exceed the rate of payment for foster care. (NRS 432B.594) Existing law additionally requires the agency which provides child welfare services to develop a written plan to assist the child in transitioning into independent living. (NRS 432B.595)

Senate Bill No. 397 of the 2021 Legislative Session revises those provisions, effective on January 1, 2024, to require the Division of Child and Family Services of the Department of Health and Human Services to establish the Extended Young Adult Support Services Program to provide extended youth support services to young adults who would have been eligible previously to receive services upon electing to remain under the jurisdiction of the court. (Section 25 of chapter 419, Statutes of Nevada 2021, at page 2728) Senate Bill No. 397 authorizes a young adult to decide to participate in the Program any time before his or her 21st birthday, notwithstanding any previous decision not to participate or to terminate participation. (Section 32 of chapter 419, Statutes of Nevada 2021, at page 2731) Senate Bill No. 397 requires a participant in the Program to: (1) enter into a written agreement with the agency which provides child welfare services; and (2) be employed or enrolled in certain educational programs or programs to promote employment if the participant is capable of doing so. (Section 33 of chapter 419, Statutes of Nevada 2021, at page 2731) Senate Bill No. 397 requires: (1) the agency which provides child welfare services to develop a written extended youth support services plan to assist a participant in the Program in transitioning to self-sufficiency; and (2) the participant to make a good faith effort to achieve the goals set forth in the

plan. (Sections 33 and 34 of chapter 419, Statutes of Nevada 2021, at pages 2731 and 2734) Senate Bill No. 397 requires a court that has jurisdiction over a participant to hold an annual hearing to: (1) review the plan developed for the participant; and (2) determine whether the agency which provides child welfare services has made reasonable efforts to assist the participant in meeting the goals prescribed by the plan. (Section 26 of chapter 419, Statutes of Nevada 2021, at page 2729) Senate Bill No. 397 additionally provides that a participant in the Program is entitled to continue to: (1) receive services from the agency which provides child welfare services; and (2) receive monetary payments from that agency or have those payments provided to another entity. (Sections 33 and 34 of chapter 419, Statutes of Nevada 2021, at pages 2731 and 2734)

Section 1 of this bill revises the date on which an agency which provides child welfare services is required to participate in the Program from January 1, 2024, to July 1, 2025. However, section 2 of this bill authorizes an agency which provides child welfare services ~~[in a county whose population is 100,000 or more (currently Clark and Washoe Counties)]~~ to submit a request to the Division to begin participating in the Program before that date. If sufficient money is available and the Division approves that request, section 2 requires the Division to notify the Governor and the Director of the Legislative Counsel Bureau. Section 2 ~~[prohibits an agency which provides child welfare services in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe counties) from participating in the Program until July 1, 2025.]~~ requires the Division to begin reporting on December 31, 2023, and every 6 months thereafter until July 1, 2025, to the Interim Finance Committee and the Legislature on: (1) the status of the implementation of the Program and any requests to participate in the Program before July 1, 2025; (2) the progress of efforts to allow young adults to remain in foster care; (3) recommendations for additional programs to allow young adults to remain in foster care; and (4) the progress of efforts to secure federal funding for the Program.

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

Section 1. Section 37 of chapter 419, Statutes of Nevada 2021, at page 2736, is hereby amended to read as follows:

Sec. 37. 1. This section and sections 34.5 and 36 of this act become effective upon passage and approval.

2. Sections 1 to 34, inclusive, and 35 of this act become effective on ~~[January 1, 2024.]~~ *the earlier of July 1, 2025, or the date on which the Division of Child and Family Services of the Department of Health and Human Services notifies the Governor and the Director of the Legislative Counsel Bureau that there is sufficient money available to carry out the provisions of those sections and an agency which provides child welfare services, as defined in NRS 422B.030, [in at least one county whose population is 100,000 or more] is*

*prepared to participate in the Extended Young Adult Support Services Program established pursuant to section 25 of this act (codified as NRS 432B.5919).*

Sec. 2. 1. An agency which provides child welfare services ~~in a county whose population is 100,000 or more~~ may submit a request to the Division to begin participating in the Program before July 1, 2025.

2. If the Division determines that an agency which provides child welfare services that submits a request pursuant to subsection 1 is prepared to begin participating in the Program before July 1, 2025, and there is sufficient money available to carry out such a request, the Division shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact.

3. ~~Notwithstanding the amendatory provisions of section 1 of this act:~~

~~(a) An agency which provides child welfare services in a county whose population is 100,000 or more may not participate in the Program until July 1, 2025, unless the Division approves a request from the agency to participate in the Program before that date pursuant to subsection 2.~~

~~(b) An agency which provides child welfare services in a county whose population is less than 100,000 may not participate in the Program until July 1, 2025.~~ On or before December 31, 2023, and every 6 months thereafter until July 1, 2025, the Division shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. The report must include, without limitation:

(a) The status of the implementation of the Program and any request made pursuant to subsection 1;

(b) The progress of efforts to allow young adults to remain in foster care;

(c) Recommendations concerning additional programs to allow young adults to remain in foster care, which may include, without limitation, authorizing assistance for young adults under the Kinship Guardianship Assistance Program or providing subsidies for the adoption of young adults;

(d) Any other recommendations to allow young adults to remain in foster care; and

(e) The progress of efforts to secure federal funding for the Program, including, without limitation, the status of any federal approval necessary to receive such funding.

4. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

(c) "Kinship Guardianship Assistance Program" means the Kinship Guardianship Assistance Program established and administered by the Department of Health and Human Services pursuant to NRS 432B.622.

(d) "Program" means the Extended Young Adult Support Services Program established pursuant to section 25 of chapter 419, Statutes of Nevada 2021, at page 2728 (codified as NRS 432B.5919).

(e) "Young adult" means a person who is at least 18 years of age but less than 21 years of age and whose plan for permanent placement adopted pursuant to NRS 432B.553 was, on his or her 18th birthday, a permanent living arrangement other than reunification with his or her parents.

Sec. 3. This act becomes effective upon passage and approval.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 134 to Senate Bill No. 380 adds the definition of the terms "young adult" and "Kinship Guardianship Assistance Program" and updates the reporting requirements from the Division of Child and Family Services of the Department of Health and Human Services.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 381.

Bill read second time.

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

Amendment No. 238.

SUMMARY—Prohibits a landlord from requiring a tenant to pay certain charges. (BDR 10-650)

AN ACT relating to property; prohibiting a landlord , with certain exceptions, from requiring a tenant to pay any fee or other charge for the performance of certain repairs, maintenance tasks or other work for which the landlord has a duty to perform to maintain the habitability of a dwelling unit; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a landlord to maintain a dwelling unit in a habitable condition at all times during the tenancy of that dwelling unit. (NRS 118A.290) This bill prohibits a landlord from requiring a tenant to pay any fee or other charge for the performance of any repairs, maintenance tasks or other work for which the landlord has a duty to perform to maintain the habitability of the dwelling unit. This bill provides an exception from that prohibition for any fee or other charge for the performance of any repairs, maintenance tasks or other work necessary for a condition caused by a deliberate or negligent act or omission by the tenant, a member of the tenant's household or a person who has the consent of the tenant to be on the premises.

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

Section 1. NRS 118A.290 is hereby amended to read as follows:

118A.290 1. The landlord shall at all times during the tenancy maintain the dwelling unit in a habitable condition. A dwelling unit is not habitable if it violates provisions of housing or health codes concerning the health, safety, sanitation or fitness for habitation of the dwelling unit or if it substantially lacks:

(a) Effective waterproofing and weather protection of the roof and exterior walls, including windows and doors.

(b) Plumbing facilities which conformed to applicable law when installed and which are maintained in good working order.

(c) A water supply approved under applicable law, which is:

(1) Under the control of the tenant or landlord and is capable of producing hot and cold running water;

(2) Furnished to appropriate fixtures; and

(3) Connected to a sewage disposal system approved under applicable law and maintained in good working order to the extent that the system can be controlled by the landlord.

(d) Adequate heating facilities which conformed to applicable law when installed and are maintained in good working order.

(e) Electrical lighting, outlets, wiring and electrical equipment which conformed to applicable law when installed and are maintained in good working order.

(f) An adequate number of appropriate receptacles for garbage and rubbish in clean condition and good repair at the commencement of the tenancy. The landlord shall arrange for the removal of garbage and rubbish from the premises unless the parties by written agreement provide otherwise.

(g) Building, grounds, appurtenances and all other areas under the landlord's control at the time of the commencement of the tenancy in every part clean, sanitary and reasonably free from all accumulations of debris, filth, rubbish, garbage, rodents, insects and vermin.

(h) Floors, walls, ceilings, stairways and railings maintained in good repair.

(i) Ventilating, air-conditioning and other facilities and appliances, including elevators, maintained in good repair if supplied or required to be supplied by the landlord.

2. The landlord and tenant may agree that the tenant is to perform specified repairs, maintenance tasks and minor remodeling only if:

(a) The agreement of the parties is entered into in good faith; and

(b) The agreement does not diminish the obligations of the landlord to other tenants in the premises.

3. An agreement pursuant to subsection 2 is not entered into in good faith if the landlord has a duty under subsection 1 to perform the specified repairs, maintenance tasks or minor remodeling and the tenant enters into the agreement because the landlord or his or her agent has refused to perform them.

4. ~~The~~ Except as otherwise provided in subsection 5, the landlord shall not require a tenant to pay any fee or other charge for the performance of any repairs, maintenance tasks or other work for which the landlord has a duty under subsection 1 to perform, including, without limitation, any fee or other charge to cover the costs of any deductible or copayment under a policy of insurance for home protection or service contract for the performance of any such repairs, maintenance tasks or other work.

5. The landlord may require a tenant to pay any fee or other charge for the performance of any repairs, maintenance tasks or other work necessary for a condition caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent.

6. As used in this section:

(a) "Insurance for home protection" has the meaning ascribed to it in NRS 690B.100.

(b) "Service contract" has the meaning ascribed to it in NRS 690C.080.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 238 to Senate Bill No. 381 authorizes landlords to charge tenants for repairs or maintenance resulting from tenant's negligence, deliberate acts or those of others on the premises with tenant's consent.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 41, 145, 166, 167, 237 and 380 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Concurrent Resolution No. 2.

#### REMARKS FROM THE FLOOR

Senator Hansen requested that his remarks be entered in the Journal.

My colleague from District 11 has pointed out two horrible shootings that occurred in the last couple of weeks in Nashville and Louisville. In that shooting, more than 20 people were shot. The reason I bring it up is this weekend there were 20 people shot in an incident that has not gotten any press whatsoever. There were 20 people shot, 4 of them fatally. One was 16 years old. This all occurred this weekend in Chicago, Illinois. Why did it not make national news? It is very simple. Chicago, Illinois, is the murder capital of America as well. So far this year, they have had 126 fatalities and 496 shootings. Chicago, if you do not know, is the gun control capital of America as well. It is almost impossible to get handguns in that city.

The reason I bring that up is because, obviously, if gun control legislation stops shootings and stops murders, then Chicago should be a model city for that. I have heard people claim that it is because Indiana has very lax laws, right next door, so people are going across the border to Indiana to get their weapons. If that is true, think about that. That means Indiana should be the murder capital of the country, not Chicago.

It is important as we go forward, because there are several people in this room who have served as district attorneys and as prosecutors and in any courtroom, which is what we are—we are a jury, not an impartial one, but we are certainly a jury—I think it is important to realize that if you only hear one side of the prosecution, or one side of any sort of a case, you will come away with a biased view. We had one 145 minutes on those gun control bills that we heard, and we had exactly 1 minute given to the defense.

I will continue to bring these issues up because I think it is important when we talk about the Second Amendment and the need to take care of these situations that we see the big picture. Chicago had as many killings in a single weekend as what happened in Louisville and Nashville, which were events that occurred that we all heard about nationally, but we did not hear a word about Chicago. Did anybody hear anything about Chicago and 20 people getting shot, 4 fatally? Not a word.

One of the things we need to recognize about Louisville and Nashville is that they are both gun-free zones. The killer in Nashville posted online that she had several potential targets, and she deliberately selected the church because she knew there was no security present. If you look at the bank shooting in Louisville, you will find that he, as an employee, signed a waiver promising he would not bring any weapons into that building, no firearms even if you have a CCW. He knew when he went in there to shoot his fellow employees that he was in a gun-free zone. Consequently, in almost every one of these mass shootings that we see national press about, you will notice they never mention the fact they almost always occur in gun-free zones.

Once you introduce CCW concepts and if a shooter, potential mass murderer, has that doubt placed in his or her mind, you will see shootings decline. These mass shootings consistently occur in places that are gun free. I think it is important to recognize that when we go forward discussing these gun control debates.

Here in Nevada, we have a good and thorough CCW program in place. Since then, we have seen an escalation of people carrying firearms. At the same time, we have seen a decline in the number of crimes committed with firearms in Nevada. There is an absolute correlation between the two.

While I am sorry to bring forward these kinds of unpleasantries, I think as we go into a debate on these gun control issues, you need to understand why people like me—believe me, if I could eliminate all sorts of killings, period, that happen with firearms, I would gladly do so. But what we do not recognize is how many killings and shootings do not occur because of the presence of firearms. By the way, if we were really sincere about this, all our policemen are armed in this building, and we have dozens of them in this building, are all carrying semiautomatic weapons that are military grade. If anybody knows about guns, they are all based on the Colt 1911 .45, which is a semiautomatic handgun. And every one of our cops is carrying at least 60 rounds of ammunition in a semiautomatic firearm. If they were carrying long rifles, an AR-15 for example, people would be complaining about it, yet the mechanism—the type of operation—is the same. Our own police have semiautomatic military grade firearms in our presence all the time, and we are safe because of it. When we talk about firearms, as we go forward, if we are serious about setting an example for everybody and making this some sort of gun-free zone, let us start with our own cops. Do we really believe that if we disarmed our own police force, this building would be safer? Also, there several of us in this room that are CCW holders. Why do we not eliminate that, too? Would that really make anybody safer in this building? I think not. Just as we recognize our own need for self-defense, we need to make sure that everybody in the United States has the same opportunity, especially the people that live in high-risk neighborhoods where they absolutely need their Second Amendment protections. Frankly, the cops cannot be everywhere all the time or even, in some cases, respond in a reasonably quick fashion. I am sorry to bring these unpleasantries up, but I think it is important that we as a body recognize this because we will be voting on Second Amendment bills shortly.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Seevers Gansert, the privilege of the floor of the Senate Chamber for this day was extended to the National Federation of Republican Women.

On request of Senator Spearman, the privilege of the floor of the Senate Chamber for this day was extended to the Clark County Black Caucus Ward and The Black Student University.

On request of Senator Stone, the privilege of the floor of the Senate Chamber for this day was extended to Connor Coutts, Jamie Coutts, Jacob Murdock and The Nevada Chapter of the National Hemophilia Foundation.

Senator Cannizzaro moved that the Senate adjourn until Tuesday, April 18, 2023, at 3:30 p.m.

Motion carried.

Senate adjourned at 5:27 p.m.

Approved:

STAVROS ANTHONY  
*President of the Senate*

Attest: BRENDAN BUCY

*Secretary of the Senate*