THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 24, 2023

Senate called to order at 1:02 p.m.

President Anthony presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

O, Lord God, yes, we are still here and working hard. It is meetings after meetings, deadlines and long days filled with stress, but just this morning I read from the Book of Psalms 106:1:

Praise the Lord.
Give thanks to the Lord, for He is good;
His love endures forever.

Help us see beyond the difficulties and find joy from Your very presence as we endeavor to faithfully serve the people of Nevada.

I pray in the Name of the One who indeed brings joy to the world.

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 Commerce and Labor, to which were referred Assembly Bills Nos. 364, 437, 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 Growth and Infrastructure, to which was referred Assembly Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DALLAS HARRIS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 188, 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 were referred Assembly Bills Nos. 121, 371, 373, 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*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 23, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 5, 29, 39, 43, 59, 105, 129, 247, 298, 382.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 542 to Assembly Bill No. 56; Senate Amendment No. 544 to Assembly Bill No. 164; Senate Amendment No. 545 to Assembly Bill No. 185; Senate Amendment No. 575 to Assembly Bill No. 210; Senate Amendment No. 691 to Assembly Bill No. 214; Senate Amendment No. 577 to Assembly Bill No. 366.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 23, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 362.

SARAH COFFMAN
Fiscal Analysis Division

May 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 11.

SARAH COFFMAN
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that the following persons be accepted as accredited press representatives, and that they be allowed the use of appropriate media facilities: KTVN: Robert Deiters; LAS VEGAS SUN: Justin Hager.

Motion carried.

Senator Cannizzaro moved that Assembly Joint Resolutions Nos. 1 and 5; and Assembly Joint Resolution No. 1 of the 81st Legislative Session; and Assembly Concurrent Resolution No. 5 be taken from their positions on the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 11, 22, 32, 33, 34, 44, 52, 55, 70, 74, 86, 91, 97, 107, 120, 124, 143, 159, 172, 175, 177, 183, 191, 193, 213, 220, 231, 250, 262, 275, 284, 291, 305, 309, 334, 339, 342, 350, 356, 391, 398, 405, 423, 432 and 439 be taken from their positions on the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Cannizzaro moved that Senate Bills Nos. 501, 503 and 504 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Senate Concurrent Resolution No. 5.

Resolution read.

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

Amendment No. 614.

SUMMARY—Urges the expansion of comprehensive cardiovascular screening programs and directs the Joint Interim Standing Committee on Health and Human Services to conduct a study concerning such programs ~~[.]~~ and certain other matters relating to cardiovascular disease. (BDR R-1025)

SENATE CONCURRENT RESOLUTION—Urging the expansion of comprehensive cardiovascular screening programs and directing the Joint Interim Standing Committee on Health and Human Services to conduct a study concerning such programs ~~[.]~~ and certain other matters relating to cardiovascular disease.

WHEREAS, The Centers for Disease Control and Prevention of the United States Department of Health and Human Services has stated that cardiovascular disease is the leading cause of death in the United States; and

WHEREAS, According to the Centers for Disease Control and Prevention, approximately 20.1 million people have been diagnosed with atherosclerotic cardiovascular disease and are at risk of a cardiovascular event; and

WHEREAS, The Mayo Clinic has stated that atherosclerotic cardiovascular disease is linked to cholesterol accumulating in the arteries and the risk of associated cardiovascular events may be reduced by lowering low-density lipoprotein cholesterol; and

WHEREAS, According to a report from the American Heart Association, in 2016, nearly 68 million adults in the United States had a high level of low-density lipoprotein cholesterol; and

WHEREAS, The Centers for Disease Control and Prevention has reported that 47 million people in the United States are currently receiving medication to lower their level of low-density lipoprotein cholesterol and thereby manage their risk of a cardiovascular event; and

WHEREAS, Data from the National Health and Nutrition Examination Survey in 2011-2012 provides that only approximately 20 percent of people with atherosclerotic cardiovascular disease who are taking statins, a leading therapy to lower low-density lipoprotein cholesterol, are successfully reducing their level of low-density lipoprotein cholesterol to a healthy level; and

WHEREAS, According to the American Heart Association, the total direct and indirect cost of atherosclerotic cardiovascular disease in the United States was $555 billion in 2016 and is projected to reach $1.1 trillion by 2035; and

WHEREAS, The Centers for Disease Control and Prevention has stated that health care professionals in Nevada have diagnosed 8 percent of adults in this State with a symptom of atherosclerotic cardiovascular disease, including, without limitation, an angina, stroke, heart attack or coronary heart disease; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 82nd Session of the Nevada Legislature urge state agencies to expand comprehensive cardiovascular screening programs to allow for earlier identification of patients at risk of cardiovascular events; and be it further

RESOLVED, That the members of the 82nd Session of the Nevada Legislature urge state agencies to explore ways to collaborate with federal agencies and national organizations to establish or expand comprehensive cardiovascular screening programs; and be it further

RESOLVED, That the members of the 82nd Session of the Nevada Legislature urge state agencies to evaluate programs to improve cardiovascular health which are operating in this State for the purpose of accelerating improvements in the care rendered to patients at risk of cardiovascular events such that improvements in screening, treatment, monitoring and health outcomes are achieved; and be it further

RESOLVED, That the members of the 82nd Session of the Nevada Legislature urge the development of policies to reduce the number of Americans who die as a result of atherosclerotic cardiovascular disease; and be it further

RESOLVED, That the members of the 82nd Session of the Nevada Legislature direct the Joint Interim Standing Committee on Health and Human Services to conduct a study during the 2023-2024 interim concerning cardiovascular screening programs that are currently operating in this State, ~~[and]~~ ways for state agencies to collaborate with federal agencies and private organizations in the evaluation and expansion of such programs ~~[.]~~ and other matters relating to cardiovascular disease; and be it further

RESOLVED, That the study must include a review of the Get With The Guidelines program of the American Heart Association, the degree to which the program has been adopted by health facilities in this State and the success of the program where adopted by health facilities in this State; and be it further

RESOLVED, That the study must consider the provision of reimbursement under the Medicaid program for the remote monitoring of cardiovascular health; and be it further

RESOLVED, That the study must include a review of the implementation of Complete Streets Programs pursuant to NRS 403.575 and the identification of gaps in reforms to zoning laws in order to promote zoning that is more conducive to good cardiovascular health; and be it further

RESOLVED, That, pursuant to subsection 4 of NRS 218E.330, the Committee shall submit a report of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and United States Senate and other federal and state government officials and agencies as appropriate; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 614 to Senate Concurrent Resolution No. 5 clarifies the Joint Interim Standing Committee on Health and Human Services as part of the resolution and would require a review of the Get With The Guidelines program, considerations for reimbursement under Medicaid for remote patient monitoring dealing with cardiovascular health and a review of implementation of Complete Streets Programs to promote zoning that is more conducive to cardiovascular health and other provisions.

Amendment adopted.

Resolution read.

Remarks by Senators Lange and Stone.

SENATOR LANGE:

Senate Concurrent Resolution No. 5 urges state agencies to expand comprehensive cardiovascular screening programs to allow for earlier identification of patients at risk for cardiovascular events. Additionally, this resolution urges state agencies to collaborate with federal agencies and national organizations to expand cardiovascular screening programs and evaluate programs that improve cardiovascular health.

Finally, this resolution directs the Joint Interim Standing Committee on Health and Human Services to conduct the interim study mentioned previously. The Committee is required to report its findings and any recommendations for legislation to the 83rd Session.

SENATOR STONE:

I urge a "yes" on Senate Concurrent Resolution No. 5. Heart attacks, cardiovascular death, is the number one cause of death in the United States. Having these screening programs may help extend longevity that, right now, is at about 77 years for the average human being of the United States. Heart attacks alone killed 695,000 people in 2021, and there were over 163,000 stroke victims in 2021. There are a lot of things that can be detected by screenings such as high blood pressure, which is a silent killer for many people, especially those that have weight issues, obesity issues and those that have comorbidity such as diabetes mellitus. This is a good move in Nevada to help do the screenings to make sure we protect our citizens from the number one killer in the United States. Please support Senate Concurrent Resolution No. 5.

Resolution adopted.

Resolution ordered, reprinted and transmitted to the Assembly.

Assembly Joint Resolution No. 8.

Resolution read.

Remarks by Senators Ohrenschall and Stone.

SENATOR OHRENSCHALL:

Assembly Joint Resolution No. 8 urges the United States Congress to support legislation to remove cannabis from schedule I of the Controlled Substance Use Act.

At the hearing in the Senate and Assembly, there was a lot of testimony in support from different organizations. I have been going over some of the letters in support. One of them that is poignant is from the Washoe County Health District. I would urge members to support this resolution.

SENATOR STONE:

This is an important resolution, Assembly Joint Resolution No. 8, that I urge a "yes" on. As you know, cannabis—marijuana—is a schedule I drug. The federal government contradicts itself because the Drug Enforcement Agency has it as a schedule I drug, which means it is abusable but has no efficacy. We know that marijuana has efficacy because even the Food and Drug Administration has approved a THC derivative called Marinol used for wasting or increasing the appetite of people that have either AIDS or cancer.

We have a lot of dispensaries not only in Nevada but also throughout the United States and because our banking system is based on federal regulations, it is impossible for marijuana

dispensaries to legitimately deposit their sales into bank accounts. One could opine that there is a lot of honest dispensaries out there that are depositing boatful's of cash. But I would imagine there is probably some cash which never makes it to the bank. This would allow the banks to begin accepting deposits from marijuana retailers and wholesalers. It makes sense to take it off schedule I and put it on another schedule so it can, in fact, be tracked.

It does have medical efficacy. It does not belong as a schedule I drug. For those reasons, we should take it off. I urge a "yes" vote on Assembly Joint Resolution No. 8.

Roll call on Assembly Joint Resolution No. 8:

YEAS—18.

NAYS—Hansen, Krasner, Seevers Gansert—3.

Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. President declared it adopted.

Resolution ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Assembly Bill No. 51.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 713.

SUMMARY—Makes various changes relating to public safety. (BDR 14-426)

AN ACT relating to public safety; revising the period for the mandatory arrest of a person suspected of committing certain crimes against certain persons; revising provisions relating to the privilege for communication between a victim of certain crimes and a victim's advocate; revising the penalties for the commission of certain crimes in violation of certain orders for protection; prohibiting a court from granting probation to or suspending the sentence of a person ~~[charged with committing]~~ convicted of a battery which constitutes domestic violence under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law requires a peace officer to arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery which constitutes domestic violence. (NRS 171.137) Existing law also requires a peace officer investigating an act of domestic violence to provide a person suspected of being the victim of an act of domestic violence with a written statement setting forth the circumstances under which the peace officer is required to arrest the person suspected of committing the act of domestic violence. (NRS 171.1225) Section 2 of this bill requires a peace officer to arrest a person suspected of committing a battery which constitutes domestic violence: (1) if the peace officer ~~[encountered]~~ had a face-to-face encounter with the person that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery,]~~ service, within 24 hours after the alleged battery; or (2) if the peace officer did not ~~[not]~~ have a face-to-face encounter

with the person that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery,]~~ service, within 7 days after the alleged battery. Section 1 of this bill makes a conforming change to the written statement a peace officer must provide to a suspected victim of domestic violence.

Existing law authorizes a peace officer, whether or not a warrant has been issued, to arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon a person with whom he or she is actually residing or upon a sibling or cousin, if the person is not the custodian or guardian of the sibling or cousin. (NRS 171.1375) Section 3 of this bill revises the period for such a discretionary arrest to be: (1) if the peace officer ~~[encountered]~~ had a face-to-face encounter with the person that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery,]~~ service, within 24 hours after the alleged battery; or (2) if the peace officer did not have a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery,]~~ service, within 7 days after the alleged battery.

Existing law establishes a privilege for confidential communication between a victim of certain crimes and a victim's advocate. (NRS 49.2541-49.2549) To be a "victim's advocate," as defined in existing law, a person must have certain work experience and have received at least 20 hours of relevant training. (NRS 49.2545) Section 13.3 of this bill requires that such training must include instruction in certain topics. Section 13.7 of this bill also provides that a person who works for a domestic violence, sexual assault or human trafficking services organization or a nonprofit organization which provides assistance to victims may be a victim's advocate for purposes of the privilege. Section 13.9 of this bill makes a conforming change that is necessary as a result of the change relating to the changes made in section 13.7. Section 13.5 of this bill makes a conforming change to indicate the proper placement of section 13.3 in the Nevada Revised Statutes.

Section 21 of this bill provides that, notwithstanding the amendatory provisions of sections 13.3-13.9 until January 1, 2024, the privilege established for confidential communication between a victim and a victim's advocate shall be deemed to apply to a communication between a victim and a victim's advocate, regardless of whether the victim's advocate has completed the required relevant training, as defined in section 13.3, before October 1, 2023, if the victim's advocate was serving as a victim's advocate before October 1, 2023.

Existing law provides that a person who commits a crime that is punishable as a felony in violation of certain orders for protection must, in addition to the term of imprisonment for the underlying crime, be punished by imprisonment

for a minimum term of not less than 1 year and a maximum term of not more than 20 years. However, if the underlying crime is punishable as a category A or B felony, the person must be additionally punished by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 5 years. (NRS 193.166) Section 14 of this bill provides instead that if the underlying crime is punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 20 years, but if the underlying crime is not punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 5 years.

Existing law provides that a court may not grant probation to or suspend the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a misdemeanor, except that: (1) a justice court or municipal court may suspend the sentence of such a person under certain circumstances; and (2) a court may suspend the sentence of such a person to assign the person to a program for the treatment of veterans and members of the military. Existing law does not expressly prohibit a court from granting probation to or suspending the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a gross misdemeanor or felony. (NRS 200.485) Section 16 of this bill prohibits a court from granting probation to or suspending the sentence of a person ~~[who is charged with committing]~~ convicted of a battery which constitutes domestic violence that is punishable as a felony.

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

Section 1. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer ..... (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, *and if I ~~[encountered]~~ had a face-to-face encounter with the person suspected of committing the battery that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to~~*

~~*the battery,]*~~ *service*, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) *If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 7 days by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, and if I did not have a face-to-face encounter with the person suspected of committing the battery that was of sufficient duration to determine whether probable cause existed while responding to the initial* ~~*[request]*~~ *incident or call for* ~~*[assistance relating to the battery,]*~~ *service, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.*

(4) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

~~[(4)]~~ *(5)* The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

~~[(5)]~~ *(6)* An order for protection may require the person who committed or threatened the act of domestic violence against you to:

(I) Stop threatening, harassing or injuring you or your children;

(II) Move out of your residence;

(III) Stay away from your place of employment;

(IV) Stay away from the school attended by your children;

(V) Stay away from any place you or your children regularly go;

(VI) Avoid or limit all communication with you or your children;

(VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and

(VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

~~[(6)]~~ *(7)* A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

(I) Pay the rent or mortgage due on the place in which you live;

(II) Pay the amount of money necessary for the support of your children;

(III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

~~[(7)]~~ *(8)* To get an order for protection, go to room number ..... (state the room number of the office at the court) at the court, which is located at ..... (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

~~[(8)]~~ *(9)* If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

(I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110,

➥ the person will not be admitted to bail sooner than 12 hours after arrest.

~~[(9)]~~ *(10)* You may obtain emergency assistance or shelter by contacting your local program against domestic violence at ..... (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at ..... (state toll-free telephone number of Statewide Program).

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 2. NRS 171.137 is hereby amended to read as follows:

171.137 1. Except as otherwise provided in subsection 2, whether or not a warrant has been issued, a peace officer shall, unless mitigating circumstances exist, arrest a person when the peace officer has probable cause to believe that the person to be arrested has ~~[, within the preceding 24 hours,]~~ committed a battery upon his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons, his or her minor child or a person who is the custodian or guardian of his or her minor child ~~[.]~~ *:*

(a) If the peace officer ~~[encountered]~~ had a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery,]~~ service, within the preceding 24 hours.

(b) If the peace officer did not have a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery,]~~ service, within the preceding 7 days.

2. If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, the peace officer shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons who allegedly committed a battery was the primary physical aggressor involved in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:

(a) Prior domestic violence involving either person;

(b) The relative severity of the injuries inflicted upon the persons involved;

(c) The potential for future injury;

(d) Whether one of the alleged batteries was committed in self-defense; and

(e) Any other factor that may help the peace officer decide which person was the primary physical aggressor.

3. A peace officer shall not base a decision regarding whether to arrest a person pursuant to this section on the peace officer's perception of the willingness of a victim or a witness to the incident to testify or otherwise participate in related judicial proceedings.

4. Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.

5. The provisions of this section do not apply to:

(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or

(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

6. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 3. NRS 171.1375 is hereby amended to read as follows:

171.1375 1. Whether or not a warrant has been issued, a peace officer may arrest a person ~~[when the]~~ *if the* peace officer ~~[has]~~ *:*

(a) Has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon:

~~[(a)]~~ *(1)* A person with whom he or she is actually residing;

~~[(b)]~~ *(2)* A sibling, if the person is not the custodian or guardian of the sibling; or

~~[(c)]~~ *(3)* A cousin, if the person is not the custodian or guardian of the cousin ~~[.]~~ *; and*

(b) ~~*[Encountered]*~~ *Had a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed while responding to the initial* ~~*[request]*~~ *incident or call for* ~~*[assistance relating to the battery.]*~~ *service.*

2. *Whether or not a warrant has been issued, a peace officer may arrest a person if the peace officer:*

(a) Has probable cause to believe that the person to be arrested has, within the immediately preceding 7 days, committed a battery upon:

(1) A person with whom he or she is actually residing;

(2) A sibling, if the person is not the custodian or guardian of the sibling; or

(3) A cousin, if the person is not the custodian or guardian of the cousin; and

(b) Did not have a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery.]~~ service.

3. Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 13.3. Chapter 49 of NRS is hereby amended by adding thereto a new section to read as follows:

"Relevant training" means at least 20 cumulative hours of instruction in:

1. Ethics;

2. Civil and criminal laws relating to domestic violence, sexual assault or human trafficking;

3. Relevant laws relating to confidentiality of communication, as defined in NRS 49.2546, and privileges pursuant to this chapter;

4. Trauma-informed care; and

5. Any other relevant topics necessary to meet the needs of victims of domestic violence, sexual assault or human trafficking.

Sec. 13.5. NRS 49.2541 is hereby amended to read as follows:

49.2541 As used in NRS 49.2541 to 49.2549, inclusive, *and section 13.3 of this act,* the words and terms defined in NRS 49.2542 to 49.2545, inclusive, *and section 13.3 of this act* have the meanings ascribed to them in those sections.

Sec. 13.7. NRS 49.2545 is hereby amended to read as follows:

49.2545 "Victim's advocate" means a person *who has completed relevant training and* who ~~[works]~~ *, with or without compensation:*

1. Works for ~~[a nonprofit program, a]~~ *:*

(a) A program of a university, state college or community college within the Nevada System of Higher Education ~~[or a]~~ *which provides assistance to victims;*

(b) A program of a tribal organization which provides assistance to victims ~~[who]~~ *;*

(c) An organization which provides services to victims of domestic violence, sexual assault or human trafficking; or

(d) A nonprofit organization which provides *assistance to victims; or*

2. Provides services to a victim of an alleged incident of sexual misconduct pursuant to NRS 396.125 to 396.1595, inclusive*.* ~~[, with or without compensation and who has received at least 20 hours of relevant training.]~~

Sec. 13.9. NRS 49.2546 is hereby amended to read as follows:

49.2546 1. A communication shall be deemed to be confidential if the communication is between a victim and a victim's advocate and is not intended to be disclosed to third persons other than:

(a) A person who is present to further the interest of the victim;

(b) A person reasonably necessary for the transmission of the communication; or

(c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim's family.

2. As used in this section, "communication" includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:

(a) The victim's advocate; or

(b) ~~[The nonprofit]~~ *A* program ~~[, the program of a university, state college or community college within the Nevada System of Higher Education]~~ or ~~[the program of a tribal]~~ organization *described in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 49.2545* for whom the victim's advocate works.

Sec. 14. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) An emergency or extended order for protection against high-risk behavior issued pursuant to NRS 33.570 or 33.580;

(e) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;

(f) A temporary or extended order issued pursuant to NRS 200.378; or

(g) A temporary or extended order issued pursuant to NRS 200.591,

➥ shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than ~~[20]~~ *5* years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person

shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~[5]~~ *20* years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 15. (Deleted by amendment.)

Sec. 16. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsections 2 to 5, inclusive, or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be punished by:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Performing not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be punished by:

(1) Imprisonment in the city or county jail or detention facility for not less than 20 days, but not more than 6 months; and

(2) Performing not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(c) For the third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) A felony that constitutes domestic violence pursuant to NRS 33.018;

(b) A battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed with the use of a deadly weapon as described in NRS 200.481; or

(c) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a) or (b),

➥ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000, but not more than $5,000.

4. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:

(a) For the first offense, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 20 days and may be further punished by a fine of not less than $500, but not more than $1,000.

(b) For the second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.

6. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

7. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed or the judgment of conviction is set aside pursuant to NRS 176A.240, 176A.260 or 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a), (b) or (c) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

8. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for an alcohol or

other substance use disorder that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

9. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a misdemeanor and may prohibit the person from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360, the person is entitled to a trial by jury pursuant to subsection 1 of NRS 175.011, regardless of whether the person was previously prohibited from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360.

11. A court ~~[:~~

~~(a) Except as otherwise provided in paragraph (b),]~~ shall not grant probation to or suspend the sentence of a person ~~[described in subsection 10.~~

~~(b) May grant probation to or suspend the sentence of a person described in subsection 10:~~

~~(1) As set forth in NRS 4.373 and 5.055; or~~

~~(2) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.~~ ~~*who is charged with committing]*~~ *convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a felony.*

12. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

13. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a

provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

14. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. Notwithstanding the amendatory provisions of sections 13.3 to 13.9, inclusive, of this act, until January 1, 2024, the privilege established in NRS 49.2546, as that section existed before October 1, 2023, shall be deemed to apply to a communication between a victim and a victim's advocate, as provided in NRS 49.2541 to 49.2549, inclusive, regardless of whether or not the victim's advocate has completed the required relevant training, as defined in section 13.3 of this act, before October 1, 2023, if the victim's advocate was serving as a victim's advocate before October 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 713 to Assembly Bill No. 51 revises provisions of the bill to clarify the circumstances under which a peace officer is to arrest a person suspected of committing battery constituting domestic violence subsequent to the initial incident or call for service and expands and clarifies the definition of "victim's advocate" relating to the privilege of confidential communication between a victim of certain crimes and such an advocate.

Amendment adopted.

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

Assembly Bill No. 272.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 566.

SUMMARY—Establishes provisions relating to mail theft. (BDR 15-800)

AN ACT relating to mail theft; establishing provisions relating to mail theft; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law describes certain actions which constitute theft. (NRS 205.0832) Section 1 of this bill provides that a person commits the crime of mail theft if the person: (1) knowingly, willfully and with the intent to deprive, injure, damage or defraud another, takes, destroys, hides or embezzles

mail or obtains any mail by fraud or deception; (2) buys, receives, conceals or possesses mail and knows or reasonably should know that the mail was unlawfully taken or obtained; (3) ~~[buys, receives, conceals or possesses personal identifying information and knows or reasonably should know that the personal identifying information was unlawfully taken or obtained from mail; (4)]~~ buys, receives, conceals or possesses a United States Postal Service key that provides access to certain mail receptacles, or a counterfeit device or key designed to provide access to the lock mechanisms of such mail receptacles; or ~~[(5)]~~ (4) knowingly, willfully and with the intent to steal the mail inside, damages, ~~[breaks open,]~~ opens, tears down, takes or destroys any mail receptacle. Section 1 also provides that a person who commits the crime of mail theft is guilty of a category D felony, which is punishable by a term of imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years and a fine of not more than $5,000. Section 1 also requires the court to order a person who commits the offense of mail theft to pay restitution.

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

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person commits the crime of mail theft if the person:

(a) Knowingly, willfully and with the intent to deprive, injure, damage or defraud another:

(1) Takes, destroys, hides or embezzles mail; or

(2) Obtains any mail by fraud or deception;

(b) Buys, receives, conceals or possesses:

(1) Mail and knows or reasonably should know that the mail was unlawfully taken or obtained;

(2) ~~[Personal identifying information and knows or reasonably should know that the personal identifying information was unlawfully taken or obtained from mail in violation of this subsection;~~

~~(3)]~~ Any key suited to any lock adopted by the United States Postal Service that provides access to any mail receptacle in any neighborhood or apartment panel used for the purpose of centralized mail; or

~~[(4)]~~ (3) A counterfeit device or key designed to provide access to a lock described in subparagraph ~~[(3);]~~ (2); or

(c) Knowingly, willfully and with the intent to steal any mail inside, damages, ~~[breaks open,]~~ opens, tears down, takes or destroys any mail receptacle.

2. A person who violates any provision of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. As used in this section:

(a) "Mail" means any letter, postal card, parcel, package, bag or other material, along with its contents, that:

(1) Has postage affixed by the postal customer or postal service;

(2) Has been accepted for delivery by the postal service;

(3) The postal customer leaves for collection by the postal service; or

(4) The postal service delivers to the postal customer.

(b) "Mail receptacle" means a mailbox, post office box, rural box, letter box, lock drawer or any place or area intended or used by postal customers or a postal service for the collection, deposit or delivery of mail.

(c) ~~["Personal identifying information" has the meaning ascribed to it in NRS 205.4617.~~

~~(d)]~~ "Postal service" means the United States Postal Service or a private common mail carrier.

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 566 to Assembly Bill No. 272 removes references to personally identifying information and deletes the phrase "breaks open" regarding certain mailboxes.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 501.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 501 establishes the State's monthly contribution amounts for health insurance benefits provided to active employees and retiree participants in the Public Employees' Benefits Program (PEBP) for the 2023-2025 biennium.

For active participants, the State's contribution towards the total monthly cost is $730.00 per month in Fiscal Year (FY) 2024 and $759.00 per month in FY 2025.

For retiree participants not eligible for Medicare, the base state monthly contribution is $515.00 per month in FY 2024 and $545.00 per month in FY 2025. For Medicare-eligible retiree participants enrolled in the PEBP sponsored individual Medicare market exchange, the base state contribution is $13.00 per month for 15 years of state service, which equates to $195.00 per month.

Roll call on Senate Bill No. 501:

YEAS—21.

NAYS—None.

Senate Bill No. 501 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 503.

Bill read third time.

Remarks by Senators Neal, Seevers Gansert, Cannizzaro, Dondero Loop, Spearman, Harris and Titus.

SENATOR NEAL:

Senate Bill No. 503 provides funding for K-12 public education for the 2023-2025 biennium. The total public support for school districts, charter schools and university schools for profoundly gifted pupils is estimated to average $12,863 per pupil in Fiscal Year (FY) 2024 and $13,368 per pupil in FY 2025.

Section 3 appropriates $1.1 billion in FY 2024 and $1.5 billion in FY 2025 from the State General Fund to the Pupil Centered Funding Plan Account in the State Education Fund. Section 4 authorizes other revenue of $4.4 billion in FY 2024 and $4.3 billion in FY 2025 to be received and expended for state support of K-12 public education. These other revenues include, but are not limited to, local school support tax, public schools operating property tax, governmental services tax, an annual excise tax on slot machines, transfers from the Permanent School Fund and revenue from mineral leases on federal land, room tax revenue, recreational marijuana retail excise tax and transfers from the Cannabis Compliance Board.

Sections 5 and 6 require the Department of Education to transfer total funding of $194.8 million in both FY 2024 and FY 2025 to school districts for food services and transportation and total funding of $483.8 million in FY 2024 and $483.9 million in FY 2025 for local funding for pupils with disabilities.

The statewide base per pupil funding amount is $8,966 per pupil in FY 2024 and $9,414 per pupil in FY 2025. Enrollment is projected to slightly increase to 471,283 pupils in FY 2024 and to 471,754 pupils in FY 2025.

Sections 5 and 6 further provide additional weighted funding for each English learner, at-risk and gifted and talented pupil estimated to be enrolled in a public school, which is expressed as a multiplier or weight to the statewide base per pupil funding amount. The multiplier for English learner pupils is .45 for each year of the 2023-2025 biennium with total funding of $212.5 million in FY 2024 and $223.2 million in FY 2025. The multiplier for at-risk pupils is .35 for each year of the 2023-2025 biennium with total funding of $198.7 million in FY 2024 and $208.6 million in FY 2025. The multiplier for gifted and talented pupils is .12 for each year of the 2023-2025 biennium with total funding of $8 million in FY 2024 and $8.4 million in FY 2025.

Section 7 provides General Fund appropriations of $245.7 million in FY 2024 and $252.8 million in FY 2025 for the state support of pupils with disabilities. In addition, revenue of $2 million in each year of the 2023-2025 biennium are authorized for expenditure to provide additional support for extraordinary high-cost pupils with disabilities.

Section 8 provides General Fund appropriations totaling $44.3 million in each year of the 2023-2025 biennium to the Other State Education Programs budget for categorical grant programs including, but not limited to, the career and technical education, Jobs for Nevada's Graduates and the Incentivizing Pathways to Teaching grant programs.

Section 9 provides General Fund appropriations totaling $7.7 million in each year of the 2023-2025 biennium for the Professional Development Programs Account. Section 10 distributes $7.6 million of this funding in each year of the 2023-2025 biennium for the three Regional Professional Development training programs. Section 11 distributes $100,000 of this funding in each year of the 2023-2025 biennium for the Statewide Council for the Coordination of the Regional Training Programs to provide additional training opportunities for educational administrators in Nevada.

Section 12 provides General Fund appropriations of $560,886 in each year of the 2023-2025 biennium for the 1/5 Retirement Credit Purchase Program Account.

Section 13 provides General Fund appropriations of $2.4 million in each year of the 2023-2025 biennium and authorizes $3.8 million in FY 2024 and $4 million in FY 2025 to continue the Teach Nevada Scholarship program.

Section 14 appropriates $3.2 million in each year of the 2023-2025 biennium to the Interim Finance Committee that may be requested by the Department of Education to increase the funding for the Teach Nevada Scholarship program.

Section 15 authorizes $851.7 million in FY 2024 and $878.9 million in FY 2025 for the Education Stabilization Account, otherwise known as the K-12 Rainy Day Account.

Section 16 revises the definition of "at-risk" pupils in statute consistent with the revised identification of such pupils approved by the money committees.

Section 17 indicates July 1, 2023, that this bill will become effective.

SENATOR SEEVERS GANSERT:

I support K-12 education, but I am opposed to the way Senate Bill No. 503 is written. I am going to give you a couple of reasons and lay it out. We spent months going over the education bill, and we have done good work around career, technical education, special education and shifting some of the weights around to make sure we cover English language learners and at-risk students.

We all agree that we want to put a substantial amount of money into education. You just listened to the list, which was extensive. It adds up to about $6 billion a year. It is a big pot of funds for both years. The Executive Budget proposed that a portion of the money that is in this bill that is one-shot funding—when we finish a biennium, like this biennium, there is sometimes money left over which rolls to the next biennium—the way the Executive Budget was written, that portion, about $291 million, was supposed to go to early literacy programs and the teacher pipeline, so two types of programs. The reason it is important that the money goes there is for a couple reasons. It is one-shot money. It is money that we have now, but we do not know whether we are going to have it in the future, and we need to make sure the budget is structurally sound. That is why the Governor used the one-shot for one-shot, and over $2 billion was added to the budget for ongoing expenses.

What happens if you use one-shot and put that into ongoing funds is you can create a fiscal cliff. Right now, our revenues are strong. The economic forum came. They continue to be strong, but we do not know where we are going to be. When you look at education, we never want to cut it. We always want to make sure we prioritize and fully fund it. It becomes a maintenance of effort. Once you put the money in, you have to maintain it.

The difficulty in this bill is $291 million still needs to go to education. All the money needs to go to education. But we need to make sure that we cover early literacy programs and the teacher pipeline. I am confident that this body, all of us, prioritize those things, that we understand that our students need to be able to read and that early literacy programs are extremely important. I am confident we are going to find a way to get there with some money, but there was $145 million for that.

When you think about how our students are performing, during the 2021 session, our superintendent of schools gave me a statistic that is still lodged in my head. I think it was 114,000 of our students—we had about 480,000 students in total that year—were not reading at grade level. Early literacy is important. Reading by third grade is important. If you want to change the trajectory of our entire educational system, we have to make sure our children can read. In 2019, it was the first time on the nation's report card—also called the NAEPs test—our fourth graders merged with the national average. We dropped because of COVID. We need to make sure we get back to there. At the same time, we were starting to converge in mathematics, and that is based on reading and being able to read.

The issues with this bill are twofold. We are using money that should be one-time expenditures for ongoing expenses, inflating the budget. Again, all this money, no matter which way it is done, goes to education. The other thing is we want to make sure we focus on early literacy and the teacher pipeline. We know that we are short on teachers. We have long-term substitutes. We are looking at incentives and all types of things to try get more teachers in the classroom. We also know our teachers want raises. We want to make sure we have a strong teacher pipeline. For that reason, I oppose the bill, but I want to make it very clear, all the money would go to K-12 education.

We all strongly support education. I know we all support literacy. I know we all support teachers. It is just the way that this bill is written, and I appreciate the time, the Finance Chair, all the time we spent working on this legislation to make sure that we can get as much money to the children as possible and that we could do the best that we could.

SENATOR NEAL:

I deeply respect my colleague from Senate District 15. I was reading because I like to read a lot. I was reading the debates and the proceedings that even the delegates who were trying to decide what our Nevada Constitution would say around education stated in the [*Official Report of the Debates and Proceedings in the Constitutional Convention of the State of Nevada*], pages 565 through 577 that we should always debate with earnestness and zealousness in the cause for

education. They also cited and established in our Nevada Constitution that we have a paramount duty to make sure there are adequate provisions for education for all children within the State and to execute that duty by requiring a uniform, efficient, safe, secure and a high-quality system of free public schools. They continued to then say that in the Nevada Constitution under Article 11, that it is within the Legislature to have the discretion to fulfill that duty to provide intellectual literary, mining, scientific, mechanical and agricultural interests of the students in this State.

They further delineated that the Nevada Constitution, under Article 11, Sections 2 and 6, say there are only 3 requirements. One, fund public schools from the General Fund. We did that in abundance. As my colleague said, we have funded somewhere around $6 billion. Two, we are supposed to appropriate funds for public schools before any other appropriation. We have done that. Three, we are supposed to appropriate funds deemed to be sufficient for public schools. We have consistently had an argument over what is adequacy and what is fair and equitable. At this stage, we are making moves on adequate provisions for funding K-12 public education in the State of Nevada. Six billion dollars is the largest number we have ever been able to maintain in a session where we did not raise any revenue. I find it concerning when we use K-12 education as a political issue when this is the most funding that we have ever been able to put forward. It is not the last because as you know, in the Education Commission we have been seeking to figure out how to get beyond adequacy and be fully funded. We are on that road. We are on that trajectory. We could be even faster on that road if we had passed any type of revenue as dictated by the Education Commission that studied this.

I want to swing back to the constitutional provision because I think it matters when the founders of this State and the framers of our Nevada Constitution said it is a paramount duty to make adequate provisions for education. I do not know how $4.4 billion in 2024 is less than adequate. also do not understand how $194.8 million in 2024-2025 for food services and transportation is falling short of adequacy. I am also not clear on how the General Fund appropriations of $7.7 million each year for professional development—which says that we are not only trying to bake money into the teacher pipeline but also we are trying to make sure that they are trained as well—is inadequate. On top of that, we are still saying we are going to allow young teachers to come in with the Teach Nevada Scholarships with roughly $7.8 million over the 2023-2025 biennium. Then, on top of that, one of the largest conversations we had during the interim—this was totally bipartisan—was around how we take care of students with disabilities and make sure they are going to be adequately treated in the system. In section 7, we said, as a group, that we would fund $245.7 million in FY 2024 and $252.8 million in FY 2028 to support our pupils with disabilities.

I deeply respect all my colleagues in this chamber, but I think we have moved ourselves ahead of what the framers have set forth for us in the debates and what they set forth for us in the Nevada Constitution under Article 11, Sections 1, 2 and 6.

SENATOR CANNIZZARO:

I support Senate Bill No. 503, and I have a lot of reasons to do so. Twelve billion dollars in education is 12 billion reasons to stand up in support of this piece of legislation. More importantly, we have been in this chamber to make decisions about cutting education. I never want to be in that position again. I can appreciate the idea that we want to be fiscally responsible. I can appreciate that when we are funding education, we want to think about what this means for the future. I think that conversation must happen on two fronts.

First, we can be fiscally responsible. We can also do that while putting money into education and investing in students. Those two things do not have to be diametrically opposed. I do not believe that Senate Bill No. 503 puts us in a position where we are facing fiscal cliffs, where we are being fiscally irresponsible. What Senate Bill No. 503 represents is one of the largest investments in savings for the Education Stabilization Account that we have had in the history of the State. There are increases to raise the cap to 20 percent. With this budget, we are putting approximately $878 million into the Education Stabilization Account to ensure that if we are talking about having to cut education—which we all know things happen, no one here would have predicted a global pandemic forcing us to come in and make cuts to the budget, including cuts to education—we have some protection.

Being responsible about saving money and recognizing that we need to do more in education can be consistent; they do not have to be one or the other. It is not an A or B choice. It is a both choice. Senate Bill No. 503 represents that.

I want to share a little bit about why I am passionate about public education in this State. My parents were a bartender and a waitress. They did not graduate from high school, did not have an education. I watched them work hard every single day, day in and day out, to make sure my sisters and I had every opportunity that we could possibly have. Those opportunities largely came because we were in public school with teachers in our classrooms who cared about us.

When I was seven or eight, I decided, for probably reasons that pertain nothing to my current career, that I wanted to be a lawyer. My mom worked downtown. She was a waitress at a local café, called the Gourmet Café where a lot of lawyers used to go on and eat lunch. There would be times where my parents worked separate shifts. My dad worked the swing shift. My mom worked the day shift. There was always someone with the kids and always somebody working. I did not get to have them together a lot. There were times once I started going to school where my dad had to pick me up from school and leave me with my mom at the café so she could take me home, so there was a way for me to get home, dad to get to work on time, mom to leave work and come get my sisters from some of the neighbor ladies who would watch them. I got an opportunity to see all these fancy lawyers coming in in suits with their legal notepads. They were having lunch, and they seemed important. I did not know anybody who wore a suit to work. I knew people who wore uniforms to work, but I did not know anybody who wore a suit to work. Anybody who I saw in a suit was going to a funeral or a wedding. For me as a young kid, I thought, "These people seem really cool. I just want to be a lawyer when I grow up. That is what I want to do with my life." And so began a long journey to receiving a law degree and being able to practice in the courthouse that was right across the street from a little café where a little girl watched her mom wait tables for lawyers and where I got to walk into that building and into that café as a lawyer myself.

That kind of opportunity does not exist without the tenacity and the dedication of the people in this building. I did not know anything about how to apply for college. I got accepted to college because I happened to be in the office one day when a recruiter from the University of Nevada, Reno (UNR), was there recruiting students. I had not applied to college yet. I was a senior with a good GPA, on the swim team, speech and debate team and involved in extracurricular activities. And I did not know how I was going to get to college because we did not know how to do that. No one was there to advocate for me to figure out you had to fill out the Free Application for Federal Student Aid, you had to fill out applications, and how to do that and how to put together a transcript. No one was there to help me do that because my parents did not know how to. My parents did not know how to help me with my homework when I needed help, not because they were not great parents—I have some of the best parents in the world—but because they did not have that education. For me, that meant that there had to be someone in the school, a teacher who cared about me to say, "You can do better in this. You can work harder. You can get a good grade. Let me help you figure out how to do algebra." There had to be someone there for a kid like me to help advocate for me because there was not a parent saying you can go to this school, or you can achieve this. They said, "We'll support you in whatever you want. We don't know how to help you, but we are right here behind you."

I got accepted to college because that recruiter and I started chitchatting while I was waiting to fax over a sheet to another high school for participants in a debate tournament. She said, "Where are you going to college?" I said, "I have no idea." She asked, "What is your GPA like? What are you doing in school? Are you taking Advanced Placement classes?" I told her a little bit, and she said, "Look, we will take you right now. We will admit you on site." That is how I got into college.

I got a fantastic education both in the public schools in Las Vegas and at UNR. That is why when I stand up here and say, "Go Pack," it is not just to nudge my colleague from Senate District 8. It is because I feel lucky that there were investments in higher education for kids like me. I attended school on a Millennium Scholarship. Then, I got the opportunity to go down to the University of Nevada, Las Vegas, earn a law degree and become the lawyer I wanted to become since age seven. That does not happen unless the people in this body are willing to invest in kids like me.

Senate Bill No. 503 is a bill we should support, not because there is a particular thing we wish the funding was a bit different on but because it represents a historic investment in our kids, kids

who need teachers in classrooms to advocate for them and who need that system to give them those opportunities because they do not have them unless we invest in public education and higher education. That, to me, is one of the most important things. It is one of the reasons why I ran for office. It is one of the reasons why I stand on this floor, and I am excited to vote for this bill.

When we talk about fiscal cliffs, I want to address one important thing because there was mention of $291 million that ended up in the Pupil Centered Funding Plan. When we talk about the Pupil Centered Funding Plan, we are talking about a per-pupil investment that in this bill gives an almost 30 percent increase in per-pupil funding. That does not get Nevada to the place where we are number one in the nation, but what it does is give us a huge stride forward. I cannot ignore that. It is a $3,159 per-pupil increase for FY 2024 and a $3,075 increase for FY 2025. That is an investment. That is every one of those dollars patting that kid on the back and saying, "You can do this. If what you want to be is 'fill in the blank,' you can do this." We talk about that $291 million of extra money in the Pupil Centered Funding Plan that, by the way, in the Governor's recommended budget was slated to go into the Education Stabilization Account, which helps to protect against instances where we may need to help support education in a downturn. That is additional money going into that account over and above the $878 million we are talking about. That money was then, with interest earnings, set—if there are other policy bills passed—to support some early literacy and teacher pipeline items. We do not have to do one or the other. Senate Bill No. 503 does not take that money and turn it from a one-shot money appropriation into some sort of ongoing expense that we are unable to overcome.

For me, $291 million into our students, into that per-pupil spend to make sure we are supporting kids as much as we can in their educational opportunities is worth it. It is not a fiscal cliff. Two hundred and ninety-one million dollars is not a fiscal cliff that we are going to fall off of. For what it is worth, interest earnings to fund ongoing programs for early childhood literacy and the teacher pipeline, which we want to build and continue over time, it is a very unstable way to fund those with interest earnings—unpredictable, unreliable, unstable. In the Finance Committee, that was not the decision to be made. A better decision was to invest that in students on a per-pupil basis. That is what this budget is.

Also mentioned in this bill is funding for Teach Nevada Scholarships to help improve our teacher pipeline. We know those are scholarships going to Nevadans who are staying here and teaching here. It is $11.2 million into those pieces and, in total, $15 million for educational professional development. There are so many good things in this budget: funding for higher education, funding for teachers to support them and to bring them in, so every student has a teacher in the classroom saying, "You can do this. You can do better. You can achieve. Let me show you how to get from where you are to where you want to go." Many students rely on public education, for that to be their pathway, their support team and the answer for how that they get to achieve their dreams.

For me, the only vote you can take on Senate Bill No. 503 for a historic investment in public education to support students is "yes." To find a tiny thing to hang your hat on, I do not think I could tell seven-year-old me that because there was a little bit of extra money in education—$291 million, which for that student amounts to a small amount of that additional money per pupil—I did not want to vote for education funding for you to get access to that because we could have put it into a savings account and had interest earnings. I think there are ways to do both. I do not think I could say to seven-year-old me or any seven-year-old in our public school system or any student in our education system that I could not get there. I urge a "yes" vote on Senate Bill No. 503.

SENATOR DONDERO LOOP:

It is time for my annual history lesson. I show up every session with this same article from the Reno Evening Gazette from January 16, 1947, which is 76 years and some months ago. The first paragraph of this says, "Cost of operation of the Nevada public schools and the need for additional funds to support the school system will be one of the foremost issues before the coming session of the Legislature." We have—with this article my dear father saved that is 76 years old—been talking about it for that long. Within this article, one of the things they say is the cost per pupil, average daily attendance, has risen from $124 in 1936 to $150 in 1945 or a total increase of $26 per pupil.

One of the things that we are talking about doing is adding $900 per pupil. This is 76 years later. While I understand there is some concern about not knowing if we will have dollars in the future, they did not know if they had dollars in the future either.

While I understand that we want to commit to the future, I think we have a really good reason to commit to the future right here on this floor today. We have Cole Nathan. Do you know how long we have to commit to him? Five years. Our terms are only four. We have five years before that baby goes to school. Put that in perspective, because I think most of us on this floor, excepting a few of us, may have children who have already gone through school. For me, it is not my kid, it is my grandkids. As I always say and I have said it to my colleague behind me here, until it's your kid, until it's your kid, until it is your kid that has to go to school, how do you feel about that?

Teachers? Sure, we need teachers, but we cannot have teachers if we do not vote for a budget. You cannot say I support and then vote "no" because there is no button like that. I have been in this business for a long time, and I had the opposite experience as my colleague from Senate District 6. I had a father who was dirt poor, went to UNR, became a teacher and came to Las Vegas in 1931 to be a teacher under Maude Frazier. Think about that. Then he went to war, and when he came back, he lived here in Carson City. That is, I am sure, why he saved this article. Then he went back to Las Vegas. And when I was born, I went to the office, and guess what I loved? I wanted to be a teacher because—even though they were much thicker and bigger things—I used to play with these as a kid. I thought that was the best thing ever because I played school. I always wanted to be a teacher. There was never anything I wanted to do but be a teacher.

Teaching is a hard profession. If everybody around you does not rally, support and fund, yes, we are not going to have enough teachers. I am not going to go back through the bill. Everybody has done that. I am just going to say that raising per-pupil expenditures by 29 percent is one of the things we can do today, and we should not be bargaining over kids. We should not be bargaining over Cole. We should not be bargaining over Case. And we should not be bargaining over the next generation of students who need us today and now.

SENATOR SPEARMAN:

A few years ago, I asked the Director of the Department of Health and Human Services to tell me what the Supplemental Nutrition Assistance Program (SNAP) rolls look like. I was shocked and embarrassed to find out that at that time teachers were the second-highest number receiving public benefits, receiving SNAP. I thought to myself, "How did we do that?" The teacher is the one who taught us, that got us here. How did we do that?

During the pandemic, I had several teachers call me, many of them from schools in my district, asking for help because they could not afford their rent. I came in this session determined to try to do what I could to help. One of the things this budget does is a historic investment in public education, nearly $12 billion for the 2023-2025 biennium, a 26 percent increase over the current biennium and educational programs to attract teachers to Nevada schools. I do not know that we attract teachers to Nevada by saying, "Come on over here, move to Nevada. We will help you get your SNAP card." Really? I do not understand that.

I always say that 10 percent of something is better than 100 percent of nothing. As a former teacher and as a former president of a school board, I know a little bit about how teachers struggle to make it. This may not be perfect, but I am voting "yes" because I cannot allow perfect to be the enemy of good. I urge your "yes" vote.

SENATOR HARRIS:

I support Senate Bill No. 503 because I support public education in the State of Nevada. I was born and raised here. Every school I have been to in the State of Nevada was a public school. I remember a special session where I sat in the back there and had to take votes that made me question why we were here. Those were some of the saddest votes I have had to take. I am elated to be able to now pump $2 billion extra dollars into education, where it belongs.

I do not think it makes any sense for us to not fund our education system in exchange for directing where $291 million goes. What happened to local control? We are going to fund the Department of Education. We are going to fund our children.

Some of the members in this body will vote "yes" and do the job. Others will have the luxury of voting "no" simply because they do not like everything that is in the bill. What happened to compromise? One of the things I have always loved about the State Legislature is that we often

compromise, have discussions and do what is best for our constituents, better than the federal government does at times. Congress can be a mess, but in this Legislature, we always come together. This is a perfect time to show our constituents what that looks like. I urge you all to vote "yes."

SENATOR TITUS:

I oppose Senate Bill No. 503. I appreciate every person's comments in this building this afternoon. I will say that there is not a single person here that is not committed to education. I, too, am a product of the Nevada public education system, in a small schoolhouse where I had 12 kids in my class. My daughter had about 20 in her class. My mom had 12 in her class, and my grandmother had 3. All of us were in the same Nevada public schools.

The issue for me is not that we do not support public education. My issue is that this is my fifth session in this building, and every session we have put more money into education. This session, we are putting $2 billion more in education. You are right, that little guy is who we are putting this money in for and my grandkids in this State.

We want to fund education, but we also want accountability, we want better outcomes, and we want to know that we can continue to fund it in the future. This bill leaves us no real hope in doing that. We continue to hear the rhetoric that, "Oh, you guys won't fund this because you won't increase the taxes." The reality is we do have some money that we can move forward with. We can be wise about this, and we can fund education without raising taxes. What this bill does is use money, in my personal belief, in inappropriate places, where we should be using other funds to get the job done. I will be a "no" on this, and I do support public education.

Roll call on Senate Bill No. 503:

YEAS—13.

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

Senate Bill No. 503 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 504.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 504 provides funding and authorizes the expenditure of funding other than State General Fund appropriations or State Highway Fund appropriations. The funding sources include federal funds, self-funded budgets receiving money through fees or other means and revenue sources such as licensing fees, gifts, grants, interagency transfers and other funds, which total $31.71 billion over the 2023-2025 biennium.

Additionally, due to the specific statutory language for these agencies, Senate Bill No. 504 includes authority for the Nevada Gaming Control Board and the Nevada Gaming Commission to expend $69.5 million from the General Fund over the 2023-2025 biennium. Similarly, the bill includes authority for the Department of Transportation to expend $840.5 million from the Highway Fund over the 2023-25 biennium.

With respect to the Office of the State Treasurer, the money committees approved total funding of $1.4 million over the 2023-2025 biennium for the personnel and operating costs to add 8 new positions for support of the implementation of the Nevada Statewide Council on Financial Independence and Individual Development Account Program and for the Office's Investment Division, Cash Management Division, College Savings Division, Unclaimed Property Division and the ABLE Nevada savings program.

With respect to the Cannabis Compliance Board, the money committees approved reserve reductions totaling $1.5 million over the 2023-2025 biennium for 8 new full-time positions for additional supervisory and information technology support. The money committees further approved reserve reductions of $358,704 over the 2023-2025 biennium to relocate the Cannabis Compliance Board's Carson City office.

With respect to the Nevada System of Higher Education (NSHE), in closing the budgets of NSHE, the money committees approved revenue from all sources totaling $2.23 billion for the 2023-2025 biennium. Of the total revenues, non-General Fund revenues total $761 million or 34.1 percent of total funding and include student registration fees, nonresident tuition, student application fees, federal and county revenues and a transfer from a non-state supported budget.

With respect to the Governor's Office of Economic Development, the money committees authorized non-General Fund revenues of $77.2 million over the 2023-2025 biennium, which includes $62.9 million in federal State Small Business Credit Initiative funds.

The money committees approved the Governor's recommendation to reorganize the Department of Tourism and Cultural Affairs and authorized room tax revenues of $30.1 million in Fiscal Year (FY) 2024 and $32.7 million in FY 2025 in the new Tourism Cultural Affairs Administration budget.

With respect to the Department of Health and Human Services Director's Office, for the Fund for a Resilient Nevada, the money committees approved opioid settlement fund reserve reductions of $12.2 million over the 2023-2025 biennium to support allocations to various public and private entities to address the impact of opioid and other substance use disorders in the State in accordance with the needs assessment and statewide plan developed to address these issues.

In closing the Aging and Disability Services Division budgets, the money committees authorized cost allocation revenues of $1 million over the 2023-2025 biennium to support 10 new positions and associated costs, including 5 positions to support information technology needs, 4 positions to provide human resources support and 1 administrative services officer to support central fiscal services, as recommended by the Governor.

In closing the budgets of the Division of Health Care Financing and Policy, the money committees approved a new private hospital provider tax and budget including authorized private hospital provider tax revenues of $572.3 million, transfers to the Medicaid budget totaling $405.4 million to fund the nonfederal share of supplemental and directed payments totaling $1.06 billion and transfers to the Nevada Medicaid Administrative budget to fund administrative activities, including 5 positions and associated expenditures, totaling $886,272 over the 2023-2025 biennium.

In closing the budgets of the Division of Public and Behavioral Health, the money committees approved $30 million in telecom fees over the 2023-2025 biennium to support the crisis response programs, including the 988 Crisis Call Center and Crisis Stabilization Centers as well as 1 existing position and 10 new full-time positions and associated expenditures. The money committees also approved 5 new full-time facility surveyor positions and associated expenditures totaling $813,913 in Child Care and Development Block Grant funds over the 2023-2025 biennium. Finally, the money committees approved the Governor's recommendation to transfer the Child Care Licensing program to the Division of Welfare and Supportive Services to consolidate related childcare facility programs under one division and provide for efficiency.

For the Child Assistance and Development budget, the money committees approved a combination of childcare and development fund discretionary and mandatory/matching block grant revenues totaling $3.3 million over the 2023-2025 biennium for 14 new positions, including 7 positions to support the childcare service centers and 7 positions to provide improved strategic planning and oversight. The money committees also approved additional Temporary Assistance for Needy Families Block Grant funding totaling $20 million over the 2023-2025 biennium to increase childcare subsidies for the New Employees of Nevada program.

For the Department of Transportation, the money committees approved 50 new positions for the Department to administer essential programs and comply with federal and state laws. The money committees also approved the Governor's recommendation for the sale of highway revenue bonds and associated interest earnings of $151.5 million in FY 2024 for construction projects.

Roll call on Senate Bill No. 504:

YEAS—21.

NAYS—None.

Senate Bill No. 504 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Lange moved that Senate Bill No. 367 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Mr. President announced that Senate Bills Nos. 501, 503 and 504 would be immediately transmitted to the Assembly.

GENERAL FILE AND THIRD READING

Assembly Bill No. 13.

Bill read third time.

Remarks by Senator Krasner.

Assembly Bill No. 13 imposes a time limit of 60 working days after the date on which an alleged violation of certain whistleblower laws occurred, or the date of a related reprisal or retaliatory action, for a state officer or employee to file a written appeal. The measure eliminates the authority of a hearing officer to order the termination of employment of the proper person determined to have violated certain whistleblower protections.

Roll call on Assembly Bill No. 13:

YEAS—21.

NAYS—None.

Assembly Bill No. 13 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 20.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 20 revises the acceptable uses of money received and entities eligible to receive money from the account to finance the construction of treatment works and the implementation of pollution control projects in accordance with federal law. The bill also revises how funding received from the account for the revolving fund and the account for set-aside programs may be used in accordance with federal law.

Finally, the bill expands the list of eligible recipients receiving certain grants from the board for financing water projects and removes the requirement that not more than three members of the board may be of the same political party.

Roll call on Assembly Bill No. 20:

YEAS—20.

NAYS—Titus.

Assembly Bill No. 20 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 23.

Bill read third time.

Remarks by Senators Pazina and Hansen.

SENATOR PAZINA:

Assembly Bill No. 23 creates an additional, informal process for the resolution of an administrative citation issued by the State Contractors Board. A person who is issued such a citation may submit a written request to the Executive Officer of the Board for an informal citation conference within 15 business days after the citation was served. The Executive Officer is required to conduct an informal citation conference within 60 business days after receiving such a request and must affirm, modify, or dismiss the citation. The bill sets forth certain actions and procedures that may be taken during the informal citation conference, including, but not limited to, prohibiting that offers of settlements or other statements discussed during the conference be used as admissions in a subsequent hearing.

A person may contest the Executive Officer's decision within 15 business days after the informal citation conference. If a person submits written notice of his or her intent to contest the citation within that period, or if that period is extended by the Board, the Board is required to hold a hearing on the matter. An affirmed or modified citation is a final order of the Board and is not subject to review by a court or agency. The failure of a person to comply with a final order constitutes cause for disciplinary action by the Board.

SENATOR HANSEN:

I support Assembly Bill No. 23. As a licensed contractor, one of the big problems we have had in Nevada are illegal, unlicensed contractors. The Contractors Board has been very aggressive over the years trying to help get that problem under control. This will simply be an additional tool needed in that effort. On behalf of all the other licensed contractors in Nevada, we want to encourage the Contractors Board to continue their efforts, and we are delighted to see this bill pass.

Roll call on Assembly Bill No. 23:

YEAS—21.

NAYS—None.

Assembly Bill No. 23 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 35.

Bill read third time.

Remarks by Senators Scheible and Stone.

SENATOR SCHEIBLE:

Assembly Bill No. 35 removes statutory provisions authorizing offenders to have access to a telecommunications device and instead requires the Director of the Department of Corrections to adopt regulations authorizing an offender to possess, have in his or her custody or control, and use a telecommunications device for certain purposes, including communicating with his or her child or attorney, appearing in court, receiving medical care, applying for a governmental program, performing legal research, obtaining educational training, job training or applying for jobs for when they leave the Department of Corrections. This would make us the 49th state to enact a similar policy allowing people who are in custody to have access to a broader range of educational and job-training opportunities.

SENATOR STONE:

I support Assembly Bill No. 35. These devices are being provided to our inmates at no charge to the taxpayers. It is also going to make our prison guards safer because they are going to be able to do calls right from their cells. More importantly, it is going to contribute to a lower recidivism rate because it will allow these convicts, inmates, to further their education while they are serving their time, getting a community college degree, getting a baccalaureate degree, or learning a trade.

To dispel some rumors, it is not taxpayer funded. It does not allow the inmates to have any unfettered access to the internet. There is an intermediary to make sure they do not have access to

the internet. This, again, is going to reduce recidivism, and that is why I support this bill. I urge a "yes" vote.

Roll call on Assembly Bill No. 35:
YEAS—19.
NAYS—Krasner, Titus—2.

Assembly Bill No. 35 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 53.

Bill read third time.

Remarks by Senators Spearman, Hansen, Seevers Gansert and Stone.

SENATOR SPEARMAN:

Assembly Bill No. 53 in its first reprint revises existing penalties for sales of tobacco products to persons under the age of 21. The bill specifies that for violations which occur within a 24-month period at the same premises, a licensee is liable for a civil penalty of $2,500 for a first violation, $5,000 for a second violation, $7,500 for a third violation and $10,000 for a fourth and any subsequent violation.

SENATOR HANSEN:

I oppose Assembly Bill No. 53. The penalties in this bill are excessive. We already have penalties that penalize the clerks. As anybody who has been in a convenience store cannot help but note, most of the people who work in there are obviously making low wages. They are disproportionally immigrants. We already are trying to punish them. Now, we are going to add an additional punishment onto the people who own these businesses and are trying to keep these businesses afloat. You also cannot help but note, in every single business I have been to in Nevada there is a help wanted sign. All these small businesses are struggling just to get people to work in the first place. They are required, currently under law, to ask anybody under the age of 40 before they are allowed to buy rolling papers and any tobacco products. Now, we are going to not only punish the poor clerks—which I think is already in existing law—but also, we are going to add an additional penalty for the owners of these small businesses penalizing them up to $10,000. That, by the way, is a two-year window. So, you have one violation, two violations, all handled in many cases by these poor clerks and people behind the counters of these little businesses. This is excessive.

We are going after the wrong people. Frankly, it reminds me of the war on drugs. It has been remarkably ineffective. All these sting operations they conduct occasionally, I have not seen a bit of evidence to show that this has stopped anybody under the age of 21 from getting tobacco products and using them. All this has done is allow law enforcement to go into these convenience stores, set up sting operations and harass clerks.

In addition to punishing the clerks, we are now going to go after the business owners themselves for the behavior of some of these clerks. In many cases, too, these clerks, at best, speak broken English, and you are trying to force them to comply with state laws and ask everybody who wants to buy anything who is under the age of 40. It is overkill. We should all support our small business community. While it is laudable to try to encourage people not to smoke, to punish businesses up to $10,000 for a relatively minor violation by a clerk over time is unreasonable. I urge my colleagues to vote "no" on Assembly Bill No. 53.

SENATOR SEEVERS GANSERT:

I oppose Assembly Bill No. 53. We struggled with this in committee because the disincentive should be targeted at the clerk and the owner. It should be both of them, but what has happened is there is little to no incentive for a clerk to sell to someone who is not eligible to purchase tobacco. Those people are typically paid low wages, minimum wage, but what happens is the owner—as was mentioned—can be fined $2,500, $5,000, $7,500 or $10,000. It is hard to control your

employees every minute of the day. Because it is a 40 and under threshold, it makes it difficult to make sure you track people.

I think the disincentive should be higher on the clerk because what may happen is you have an individual—it talks about employees or agent, but we could never figure out what an agent was—who makes a mistake. Maybe they make a mistake twice in a two-year period, and then the owner has to pay $5,000. It is a huge fine for someone when it is difficult to control your employees every minute. We want to make sure that there are penalties and that we do not sell to folks who are not eligible to have tobacco, but the disincentive targets the owner at a much greater extent than the employee.

SENATOR STONE:

This issue is a personal one for me. My mother started smoking tobacco at about 12 years old. Of course, when my mom was young, we did not know the dangers associated with nicotine and the cancerous tars that are inhaled. She was a rabid smoker, a three-packer a day, Marlboro.

I will be honest with you. I remember driving from Anaheim, where I was raised, to Los Angeles in the car. I was in the back seat. I was angry because my little sister, who was just born, was sitting in the front seat. I was a little jealous about that, a little bit angry. We were listening to the radio, and I remember the news came on and said that Nat King Cole had died. I think it was 1969, so I am taking many of you back before you were even born. As we were driving to Los Angeles, my mother was puffing on a cigarette, and they said that Nat King Cole had died from lung cancer attributable to his smoking. I said, "Mom, why are you smoking if it can kill you?" She explained to me it was a horrific habit, and she was going to do everything she could to stop smoking. That was the end of the conversation.

For those of you who do not know it, probably the one thing that is more addictive than heroin is nicotine. The morbidity and mortality associated with people that have smoked throughout certainly the last century is overwhelming not only in the loss of life but also the people that are sentenced to a life of living on breathing machines and nebulizers so they can catch a breath. What we have seen in the past few decades is that smoking is coming down because of public education programs.

My mom—about 20 years before her untimely death at 57 years old—finally took the advice and quit smoking. She then discovered at 57 years old that she had a lump in her breast. She went to the doctor. I will never forget, I was at Lake Shasta on a ski vacation, and I got this phone call from my mom on my cell. She said, "I had a lump examined today. Jeff, I don't think it is going to be a good result, for some reason." I said, "Mom, you're going to be fine. Don't worry about it. Everything will work out." She called me three days later to tell me it was a malignant tumor. She had breast cancer, and she was going to see an oncologist.

I will fast-track. She died six months from the date of the diagnosis. We did an autopsy on her and found out that the breast cancer was not breast cancer. It was lung cancer that metastasized to the breast, then to the liver and ultimately claimed her life. Even though she quit smoking, she did enough damage to her lungs and had enough carcinogens in her body that she succumbed to lung cancer via the breast and liver. Had she been alive today, with new pharmaceuticals on the market, I think she would have survived; but it was a grisly death. That is the reason why I want to stand up and support Assembly Bill No. 53.

As many of you know, this is the twenty-eighth year I have been serving as an elected official. I would say that I am in the twilight years now of public service. It has been a wonderful experience, and I think that I have touched a lot of lives in my service.

While I was a county supervisor in Riverside County—that was the tenth-largest county in the country, even bigger than Clark County—we had a problem with retailers that were selling tobacco to minors. I put an ordinance together that did this: it was a three strikes, and you were out. We made a press release telling retailers we were going to be strict. You need to have somebody show their ID before you sell them any tobacco products. The first time you got caught selling to a minor, you got a fine. The second time, you got a suspension to your license. The third time, you got a revocation. It was harsh. It was a sledgehammer. Let me tell you, the owners of those stores educated their employees. "You make sure you get the ID, and you make sure that they are of age to buy tobacco." I can tell you that prospectively after that, we did not have a problem in Riverside County with people selling tobacco to minors.

I believe that a law like this is going to help keep young people from this nasty addiction that is a lifetime sentence to emphysema, to asthma and, yes, cancer. I urge all of you to make the right decision—in memory of my mother, Charlene Rose Freedman, may she rest in peace—to make sure that other families do not have to endure the pain that my family has had to endure with the loss of my mom. Please vote "yes" on Assembly Bill No. 53.

Roll call on Assembly Bill No. 53:
YEAS—19.
NAYS—Hansen, Titus—2.

Assembly Bill No. 53 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 54.

Bill read third time.

Senator Harris moved that Assembly Bill No. 54 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 60.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 60 requires the governing body of a municipality that acquires or improves a neighborhood improvement project to annually prepare an amendment to the assessment roll and an estimate of the expenditures for the next fiscal year to provide notice and hold a public hearing regarding the amendment and to confirm and mail notice of that amendment.

Roll call on Assembly Bill No. 60:
YEAS—21.
NAYS—None.

Assembly Bill No. 60 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 127.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 127 prohibits an insurer, other person or entity from varying the commission or paying differential commissions associated with the purchase of Medicare supplemental policies during the open enrollment period or otherwise treating Medicare supplemental policies purchased during the open enrollment period differently for the purposes of commission for any reason.

In addition, an insurer, other person or entity must treat the purchase of a Medicare supplemental policy during the open enrollment period in the same manner as a renewal of a Medicare supplemental policy for purposes of paying a commission.

Roll call on Assembly Bill No. 127:
YEAS—21.
NAYS—None.

Assembly Bill No. 127 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 132.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 132 requires the Clark County Board of County Commissioners to establish a Regional Opioid Task Force to study certain issues relating to opioid overdose fatalities. The bill also establishes the membership of the Task Force. The Task Force must submit a report to the Governor and the Director of the Legislative Counsel Bureau with a summary of its work and any recommendations for legislation.

Roll call on Assembly Bill No. 132:

YEAS—21.

NAYS—None.

Assembly Bill No. 132 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 144.

Bill read third time.

Remarks by Senators Harris, Hansen and Buck.

SENATOR HARRIS:

Assembly Bill No. 144 prohibits the sale and distribution of certain new fluorescent lamps. The bill establishes civil penalties for violations and authorizes the Attorney General to bring a civil action against a person with repeated violations.

SENATOR HANSEN:

I was in on the hearing on this bill, and I still oppose Assembly Bill No. 144. Last year in Nevada, according to testimony, there were 1.8 million of these lightbulbs sold in Nevada. Frankly, these lightbulbs are already becoming archaic and will go out naturally through the normal market processes. The amount of mercury in them is insignificant. In fact, the batteries in your wristwatches, cell phones and computers have five to ten times more mercury than these lightbulbs do. They basically have zero health impact. I researched this. There has been one case from 1987 of actual mercury poisoning from one of these lightbulbs. Like I said, that was 1987 when these were still relatively new.

I am afraid this is a case of the Legislature going overboard and doing micromanagement on issues that the marketplace itself is going to correct and take care of. Also, the bill itself in section 6 has about 30, at least, different exemptions. For any kind of a retailer trying to figure out what lightbulbs they can legally sell or not sell, it would be almost impossible unless you are an expert. If you read section 6 of the bill, how many different types of these types of bulbs are going to still be allowed even if we passed the law.

While it is always good to try and protect people, this is a case of where it is a "feel good, do something that really does not have any impact" kind of law. We should oppose those kinds of things. We should not, as Legislators, after a one- or two-hour hearing, make decisions that affect millions of people on what they are going to purchase, what they are going to use and, even worse, make criminals out of ordinary businesses that may still be selling these types of lightbulbs. I urge my colleagues to vote "no" on Assembly Bill No. 144.

SENATOR BUCK:

I agree with my colleague and oppose this bill. I am not sure why we are getting involved in the free market when these bulbs are oftentimes more affordable especially for our low-income,

disadvantaged families that may have to use them as opposed to paying more for the LED ones. Why not, while we are at it, outlaw the eight-track, too?

Roll call on Assembly Bill No. 144:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Neal, Seevers Gansert, Stone, Titus—9.

Assembly Bill No. 144 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 163.

Bill read third time.

Remarks by Senator Buck.

Assembly Bill No. 163 requires an employer to provide a certain amount of paid or unpaid leave to an employee who has been employed by the employer for at least 90 days and who is a victim of sexual assault or whose family or household member is a victim of sexual assault. The leave must be used within one year of the date on which the sexual assault occurred, may be used consecutively or intermittently and must be deducted from leave permitted by the federal Family and Medical Leave Act of 1993 under certain circumstances. An employer must maintain a record of leave days used by each employee for a two-year period and make those records available for inspection by the Labor Commissioner upon request. The Labor Commissioner is required to prepare a bulletin setting forth the right to these benefits and require employers to post the bulletin in the workplace.

The Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation is prohibited from denying certain persons impacted by sexual assault from receiving unemployment compensation benefits and is authorized to request the person furnish evidence to support his or her claim for benefits.

The measure requires an employer to provide reasonable accommodations for an employee who is a victim of sexual assault or whose family or household member is a victim of sexual assault and prohibits an employer from denying employment to or taking certain employment actions against an employee because he or she requested such an accommodation or because of certain other circumstances related to the employee or a family or household member of the employee being a victim of sexual assault.

Roll call on Assembly Bill No. 163:

YEAS—21.

NAYS—None.

Assembly Bill No. 163 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 169.

Bill read third time.

Remarks by Senator Titus.

Assembly Bill No. 169 requires each package or box containing feminine hygiene products that is manufactured on or after January 1, 2025, for sale or distribution in Nevada to have a label listing all product ingredients in order of weight, using standardized nomenclature, or using the name established by the Center for Baby and Adult Hygiene Products with certain exceptions. The manufacturers must also post the list of ingredients on their website and update the label at certain intervals when changes to ingredients occur. Violations of these provisions are a gross misdemeanor.

Mr. President and members of this body, we have just heard rather passionate and emotional testimony about the dangers of nicotine and cigarettes. On those cigarette products, there is a warning. There is a Surgeon General's warning about the potential negative effects of those products. Women are not offered such warnings on these hygiene products. At least by labelling, it will give a woman a chance to research if she chooses. I urge my colleagues to vote "yes" on this bill.

Roll call on Assembly Bill No. 169:
YEAS—21.
NAYS—None.

Assembly Bill No. 169 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess until 3:30 p.m.

Motion carried.

Senate in recess at 2:59 p.m.

SENATE IN SESSION

At 3:45 p.m.

President Anthony presiding.

Quorum present.

Assembly Bill No. 202.

Bill read third time.

The following amendment was proposed by Senator Doñate:

Amendment No. 718.

SUMMARY—Revises provisions governing electronic communication devices in certain health care facilities. (BDR 40-46)

AN ACT relating to medical facilities; authorizing a patient in a facility for skilled nursing or his or her representative to request the installation and use of an electronic communication device in the living quarters of the patient; prescribing requirements for the selection and operation of such a device; prohibiting a person from taking certain actions concerning such a device or the images and sounds broadcast by such a device; prohibiting a facility for skilled nursing or an employee of such a facility from taking certain additional actions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain duties of a medical facility, including a facility for skilled nursing, and specific rights of a patient in such a facility. (NRS 449A.100-449A.124) Sections 3-7 of this bill define certain terms. Section 9 of this bill authorizes a patient in a facility for skilled nursing or the representative of such a patient to request the installation and use of an electronic communication device in the living quarters of the patient under certain circumstances. Among other requirements, section 9 requires the patient or representative of the patient to: (1) agree to waive the right to privacy

of the patient; and (2) obtain the consent of the roommate of the patient or his or her representative, if applicable. Section 8 of this bill prescribes the requirements to act as the representative of a patient or roommate for those purposes. Section 9 requires a facility for skilled nursing to make reasonable efforts to accommodate a patient whose roommate fails to provide such consent. Section 9 also authorizes a patient, representative or roommate to revoke a request for, or consent to, the installation and use of an electronic communication device.

Section 9 requires a facility for skilled nursing to approve a request for the installation and use of an electronic communication device if the applicable requirements are met. If such approval is granted, section 10 of this bill provides that the patient or his or her representative is responsible for: (1) choosing the electronic communication device, subject to certain limitations; and (2) the cost of installing, maintaining and removing the electronic communication device and any repairs required due to the installation or removal of the electronic communication device.

Section 11 of this bill generally prohibits a person other than the patient or the representative for the patient who has requested the installation and use of an electronic communication device from intentionally: (1) obstructing, tampering with or destroying any such device or recording made by such a device; and (2) viewing or listening to any images or sounds which are displayed, broadcast or recorded by any such device except as otherwise authorized. Section 11 authorizes an attorney for a patient or certain government officials to view or listen to any images or sounds which are displayed, broadcast or recorded by an electronic communication device or to temporarily disable or turn off such a device. Sections 9 and 11 authorize a patient or the representative of a patient ~~[, with the consent of the roommate of the patient or his or her representative, if any,]~~ to authorize additional persons to view or listen to images or sounds which are displayed, broadcast or recorded by an electronic communication device. Section 11 prohibits a facility for skilled nursing from denying admission to or discharging a patient from the facility or otherwise discriminating or retaliating against a patient because of a decision to request the installation and use of an electronic communication device. Section 12 of this bill subjects a person or entity who violates the provisions of section 11 to certain civil and criminal penalties, and section 1 of this bill subjects a facility for skilled nursing that violates the provisions of sections 3-14 of this bill to disciplinary action. Section 13 of this bill: (1) requires a facility for skilled nursing to post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters; and (2) prohibits an employee at a facility for skilled nursing from refusing to enter the living quarters of a patient or fail to perform any of the duties of the employee on the grounds that an electronic communication device is in use in the living quarters. Section 14 of this bill: (1) authorizes the State Board of Health to adopt regulations necessary to carry out the provisions

of sections 3-14; and (2) makes the provisions of sections 3-14 inapplicable to an electronic communication device that is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

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

Section 1. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of sections 3 to 14, inclusive, of this act and any regulation adopted pursuant thereto.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 2. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 14, inclusive, of this act.

Sec. 3. *As used in sections 3 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.*

Sec. 5. *"Guardian" has the meaning ascribed to it in NRS 159.017.*

Sec. 6. *"Living quarters" means the room in which a patient resides.*

Sec. 7. *"Representative" means a person who is authorized to serve as the representative of a patient pursuant to section 8 of this act.*

Sec. 8. *A person may serve as the representative of a patient in a facility for skilled nursing, including, without limitation, a patient who is the roommate of a patient who wishes to submit or has submitted a request pursuant to section 9 of this act, for the purposes of sections 3 to 14, inclusive, of this act if the person:*

1. Is the guardian of the patient whom he or she is representing and:

(a) The power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive, and the power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically delegated to the person in the power of attorney.

Sec. 9. *1. A patient in a facility for skilled nursing or the representative of the patient may request the installation and use of an electronic communication device in the living quarters of the patient by submitting to the facility for skilled nursing:*

(a) A completed form prescribed by the facility pursuant to subsection 3; or

(b) If the facility has not prescribed a form pursuant to subsection 3, a written request that meets the requirements of subsection 2.

2. A request submitted pursuant to subsection 1 must include or be accompanied by:

(a) Information regarding the type, function and expected use of the electronic communication device which will be installed and used;

(b) The name and contact information for any person other than the patient or his or her representative who is authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of section 11 of this act;

(c) An agreement by the patient or the representative of the patient to, except as otherwise provided by section 11 of this act:

(1) Waive the patient's right to privacy in connection with use of the electronic communication device; and

(2) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the patient's right to privacy in connection with use of the electronic communication device;

(d) If the patient has a roommate:

(1) The written consent of the roommate or the representative of the roommate to ~~[:~~

~~(I) The]~~ the installation and use of an electronic communication device in the living quarters of the patient; and

~~[(II) The viewing of or listening to the images or sounds which are displayed, broadcast or recorded by the electronic communication device by the patient, the representative of the patient and each person identified pursuant to paragraph (b); and]~~

(2) An agreement by the roommate or the representative of the roommate to, except as otherwise provided in section 11 of this act:

(I) Waive the roommate's right to privacy in connection with use of the electronic communication device; and

(II) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the roommate's right to privacy in connection with the ~~[accidental or intentional]~~ use ~~[or misuse]~~ of the electronic communication device; and

(e) If the request is submitted by the representative of the patient, proof that the representative of the patient meets the requirements of section 8 of this act.

3. A facility for skilled nursing may prescribe a form for use by a patient or the representative of a patient to request to install and use an electronic communication device in the living quarters of the patient. To the extent practicable, such a form must be provided in a language chosen by the patient or the representative of the patient. Such a form must include, without limitation:

(a) An explanation of the provisions of sections 3 to 14, inclusive, of this act; and

(b) Places to record the information, agreements and consent described in paragraphs (a) to (d), inclusive, of subsection 2.

4. A facility for skilled nursing shall approve a request by a patient or the representative of a patient pursuant to this section if the request meets the requirements of this section.

5. If the roommate or the representative of the roommate of a patient who wishes to submit a request pursuant to subsection 1, or whose representative wishes to submit such a request, refuses to provide consent and enter into the agreement required by paragraph (d) of subsection 2, the facility for skilled nursing shall make reasonable attempts to accommodate the patient. Such reasonable attempts may include, without limitation, moving either the patient or his or her roommate to different living quarters with the consent of the person being moved or his or her representative.

6. A patient or the representative of a patient who has submitted a request pursuant to subsection 1, a roommate who has provided consent pursuant to paragraph (d) of subsection 2 or the representative of such a roommate may withdraw the request or consent at any time, including, without limitation, after the request has been approved or after an electronic communication device has been installed, by submitting a written revocation to the facility for skilled nursing. Not later than 24 hours after the submission of such a written revocation, the facility for skilled nursing shall cause the removal of any electronic communication device that has been installed.

Sec. 10. *1. If a facility for skilled nursing approves a request to install and use an electronic communication device in the living quarters of a patient pursuant to section 9 of this act, the patient or the representative of the patient is solely responsible for:*

(a) Choosing the electronic communication device, subject to the limitations prescribed by subsection 3;

(b) The cost of the electronic communication device;

(c) The cost of installing, maintaining and removing the electronic communication device, if applicable, other than the cost of electricity used to power the electronic communication device; and

(d) The cost of any repairs required due to the installation or removal of the device.

2. A patient who is discharged from a facility for skilled nursing or the representative of such a patient remains solely responsible for the costs described in subsection 1, including, without limitation, such costs that are incurred after the discharge of the patient.

3. An electronic communication device chosen by a patient or the representative of a patient pursuant to subsection 1 must:

(a) Be capable of being temporarily disabled or turned on and off; and

(b) If the device communicates using video or other visual transmission, to the greatest extent practicable, be installed:

(1) With a fixed viewpoint of the living quarters; or

(2) In a manner that avoids capturing images of activities such as bathing, dressing and toileting.

Sec. 11. *1. Except as otherwise provided in this section, a person other than the patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act shall not intentionally:*

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to section 9 of this act or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Aging and Disability Services Division or the Division of Public and Behavioral Health of the Department of Health and Human Services who is conducting an investigation;

(c) The State Long-Term Care Ombudsman; and

(d) An attorney who is representing the patient or a roommate of the patient and acting within the scope of that representation.

3. A patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device. Any such authorization must be made in writing. The patient or representative, as applicable, ~~[shall]~~ may provide a copy of the authorization to the facility and the roommate of the patient or the representative of the roommate, if any.

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the living quarters of the patient.

5. A facility for skilled nursing shall not deny admission to or discharge a patient from the facility or otherwise discriminate or retaliate against a patient because of a decision to request the installation and use of an electronic communication device in the living quarters of the patient pursuant to section 9 of this act.

Sec. 12. *1. A natural person who violates subsection 1 of section 11 of this act:*

(a) For a first offense, is liable for a civil penalty not to exceed $5,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $10,000 for each violation; and

(2) Is guilty of a misdemeanor.

2. In addition to any disciplinary action imposed pursuant to chapter 449 of NRS, a facility for skilled nursing or any person, partnership, association or corporation establishing, conducting, managing or operating a facility for skilled nursing who violates subsection 1 or 5 of section 11 of this act:

(a) For a first offense, is liable for a civil penalty not to exceed $10,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $20,000 for each violation; and

(2) Is guilty of a misdemeanor.

3. The Attorney General or any district attorney may recover any civil penalty assessed pursuant to this section in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 13. *1. A facility for skilled nursing shall post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters.*

2. An employee of a facility of skilled nursing shall not refuse to enter the living quarters of a patient which contains an electronic communication device installed pursuant to section 9 of this act or fail to perform any of the duties of the employee on the grounds that such a device is in use.

Sec. 14. *1. The State Board of Health may adopt regulations necessary to carry out the provisions of sections 3 to 14, inclusive, of this act.*

2. The provisions of sections 3 to 14, inclusive, of this act do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 718 to Assembly Bill No. 202 makes revisions and changes to sections 9 and 11. This was a technical glitch caught by the bill's sponsor.

Amendment adopted.

Bill read third time.

Remarks by Senator Doñate.

Assembly Bill No. 202 authorizes a patient in a skilled nursing facility or the patient's representative to request the installation and use of an electronic communication device in the patient's living quarters if certain conditions are met. Among other requirements, the patient or patient's representative must agree to waive the right of privacy to the patient and release the facility and its employees from any liability regarding this right in connection with use of the electronic communication device.

The bill prohibits anyone except the patient or representative from intentionally interfering with such a device and authorizes certain persons to view and listen to images and sounds. Lastly, this

bill requires a facility for skilled nursing to post a notice in a conspicuous place at the entrance of the living quarters of a patient that contains an electronic communication device stating that such a device is in use.

Roll call on Assembly Bill No. 202:
YEAS—21.
NAYS—None.

Assembly Bill No. 202 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 207.
Bill read third time.
Remarks by Senator Doñate.
Assembly Bill No. 207 authorizes the board of trustees of a school district or the governing body of a charter school to purchase and maintain insurance against any liability arising from a student's participation in an approved work-based learning program.

Roll call on Assembly Bill No. 207:
YEAS—17.
NAYS—Buck, Goicoechea, Hansen, Stone—4.

Assembly Bill No. 207 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 241.
Bill read third time.
Remarks by Senator Hammond.
Assembly Bill No. 241 requires a public high school pupil to enroll in the courses and credits required by the State Board of Education to receive a college and career ready high school diploma or a diploma equivalent to or more rigorous than a college and career ready high school diploma.
The bill also outlines circumstances in which students are not required to enroll in such courses and credits and specifies certain implementation dates for the bill which depend upon school district populations.

Roll call on Assembly Bill No. 241:
YEAS—21.
NAYS—None.

Assembly Bill No. 241 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 256.
Bill read third time.
Remarks by Senator Neal.
Assembly Bill No. 256 revises the definition of "volunteer" to exclude certain employees whose place of work participates in a work-based learning program, other than an employee who directly oversees or has unsupervised contact with a pupil in the program. It requires students who participate in work-based learning to complete training related to harassment, healthy relationships and identifying signs of inappropriate behavior in the workplace. It requires Nevada's Department of Education to prescribe a method for a school district board of trustees to determine if an entity's

work-based learning program volunteer must follow certain fingerprinting provisions and authorizes the board of trustees of a school district to exempt certain work-based learning volunteers from the requirement to submit fingerprints for a background check.

Roll call on Assembly Bill No. 256:
YEAS—21.
NAYS—None.

Assembly Bill No. 256 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 267.

Bill read third time.

Remarks by Senator Doñate.

Assembly Bill No. 267 requires the State Board of Health to adopt regulations to require a medical facility, facility for the dependent and certain other facilities to conduct training relating specifically to cultural competency of certain individuals providing care to patients or residents of a facility.

Further, the measure requires certain health care professionals to complete a certain number of hours of instruction relating to cultural competency and diversity, equity and inclusion as a prerequisite for the renewal of a license.

Roll call on Assembly Bill No. 267:
YEAS—21.
NAYS—None.

Assembly Bill No. 267 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 316.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 316 revises the penalty for the unlawful possession of a certain number of unregistered vehicles unfit for use to be punishable by a civil penalty of not more than $100 for each day of the violation. The bill also authorizes a local authority to adopt an ordinance prohibiting the same conduct and imposing a different, noncriminal penalty. Lastly, the bill provides that such a local ordinance applies instead of the state law prohibiting the same conduct under the same circumstances.

Roll call on Assembly Bill No. 316:
YEAS—21.
NAYS—None.

Assembly Bill No. 316 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 343.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 343 revises requirements to obtain or renew a license or a temporary license as an occupational therapist or occupational therapy assistant and authorizes the Board of

Occupational Therapy to issue a license by reciprocity as an occupational therapist or occupational therapy assistant.

The bill also revises the applicability of an exemption for students to engage in occupational therapy and authorizes the Board to issue a citation and impose an administrative fine for a violation of certain regulations of the Board. Further, the measure provides that each member of the Board is entitled to a salary while engaged in the business of the Board.

Roll call on Assembly Bill No. 343:

YEAS—21.

NAYS—None.

Assembly Bill No. 343 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 394.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 394 requires the Secretary of State to adopt by regulation a procedure to be used if the abstract or certification of results for any election is not timely prepared or transmitted as required by statute. Additionally, the measure provides that ballots may only be counted once except as otherwise required during an audit or recount.

Roll call on Assembly Bill No. 394:

YEAS—13.

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

Assembly Bill No. 394 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 410.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 410 expands the stress-related injuries that may be compensable under industrial insurance, in certain circumstances, to include a mental injury afflicting a first responder that is caused by extreme stress for which the primary cause was witnessing a series of specified events that arose out of and during the course of employment.

Existing law contains similar provisions for a first responder who witnesses an event, as opposed to a series of events, described in the bill. This bill is designed to recognize that it is not just one event, but there can be a series of events. I want to thank one of the persons who brought this to Assemblywoman Jauregui, Mr. Thomas Lopey.

Roll call on Assembly Bill No. 410:

YEAS—21.

NAYS—None.

Assembly Bill No. 410 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 414.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 414 establishes a form to create an advance health care directive and repeals the current form for powers of attorney for health care. The bill also revises provisions concerning witnesses to a principal's signature of a power of attorney for health care and removes the requirement that a certification of competency must be attached to a power of attorney in certain circumstances.

Roll call on Assembly Bill No. 414:

YEAS—21.

NAYS—None.

Assembly Bill No. 414 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 415.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 415 revises provisions relating to the Board of Dispensing Opticians. The measure makes various changes to provisions governing the operation of the Board and its members, staff and employees to align it with those of other boards. Additionally, the bill revises, repeals and reorganizes various provisions governing persons licensed by the Board, the practice of ophthalmic dispensing and the actions the Board may take against a person for violating certain provisions.

Roll call on Assembly Bill No. 415:

YEAS—21.

NAYS—None.

Assembly Bill No. 415 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 424.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 424 requires the State Board of Finance to issue not more than $13 million in general obligation bonds to fund certain environmental improvement projects included in the second phase of the Environmental Improvement Program for the Lake Tahoe Basin. The bill also allows the use of interest accrued on the proceeds of previously issued bonds to carry out such projects.

Roll call on Assembly Bill No. 424:

YEAS—18.

NAYS—Buck, Krasner, Titus—3.

Assembly Bill No. 424 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President announced that Assembly Bills Nos. 23, 35, 60, 127, 132, 163, 169, 202, 207, 241, 256, 267, 410 and 415 would be immediately transmitted to the Assembly.

Assembly Bill No. 455.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 455, in its first reprint, authorizes the Department of Taxation to impose a civil penalty for certain violations relating to contraband tobacco products. The penalty that the Department may impose for these violations is $10,000 or the total costs incurred by the Department for the transportation, storage and disposal of the contraband tobacco products, whichever is greater.

Roll call on Assembly Bill No. 455:

YEAS—21.

NAYS—None.

Assembly Bill No. 455 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 456.

Bill read third time.

Remarks by Senators Spearman, Hansen and Stone.

SENATOR SPEARMAN:

Assembly Bill No. 456 prohibits the operation of work or freight trains that exceed 7,500 feet in length on certain railroad tracks in this State and provides that a person who violates this prohibition is liable to the Public Utilities Commission of Nevada for a civil penalty. The bill also establishes certain requirements for the installation and operation of wayside detector systems, which is an electronic device or a series of connected devices that scan passing trains, rolling stock, on-track equipment and their component equipment.

SENATOR HANSEN:

I oppose Assembly Bill No. 456. I was in the hearing on this bill. The reality is, like several bills we are talking about, this is way over our understanding. To have a hearing of a couple hours and then make a decision impacting the entire railroad industry throughout Nevada—this involves literally tens of millions of dollars' worth of cargo every day. In the hearing itself, we found out that since the 1970s, derailments have shrunk by 75 percent. Overall, accidents are down by more than 40 percent. In fact, the railroads are safer now than they have even been in the history of the United States. The railroads themselves are already doing the wayside detector systems extensively across the country. There are sections of Nevada where, frankly, they do not need that and they would make it mandatory with this bill. They are already regulated by the Federal Railroad Administration on safety issues.

For us to come in as a legislative body and make a decision impacting interstate commerce has some questionable constitutional issues as well. While I am all about safety, I think we need to be careful on trying to pass laws with such dramatic, draconian impacts on one of the major industries of our State, especially after having such a narrow window of opportunity to really see what kind of problems we have. I urge my colleagues to vote "no" on Assembly Bill No. 456.

SENATOR STONE:

I echo the comments from the Senator from District 14. Plain and simple, this is a violation of the United States Commerce Clause, and it conflicts with a 1945 United States Supreme Court decision. For those reasons, we should vote "no."

Roll call on Assembly Bill No. 456:

YEAS—13.

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

Assembly Bill No. 456 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 464.

Bill read third time.

Remarks by Senators Dondero Loop and Seevers Gansert.

SENATOR DONDERO LOOP:

Assembly Bill No. 464, as amended, makes a one-time State General Fund appropriation of $1.55 million to the Legislative Fund for project development and initial operating expenses relating to anticipated building renovations and construction.

SENATOR SEEVERS GANSERT:

I oppose Assembly Bill No. 464. We agree there is some money that should be spent on this building for planning because we need some renovations. This will be a good use of those funds, but what has happened is the planning for the Legislature and buildings has evolved into a large complex down south. There is still work to be done on what that looks like. It went from potentially a building to three buildings and two parking garages and from trying to house 30 staff to having 30 staff—that are Fiscal, Legal and Audit—and another 117 staff to run the new buildings. With that comes a significant increase in the number of positions. It goes from 300 to 467 positions for the Legislature Counsel Bureau to manage all these buildings when we are trying to hire 30 employees. The pay goes up by 70 percent overall when you look at these changes. We are concerned about the expenditures to plan a massive complex. We know we can do a better job and keep the costs down for taxpayers.

Roll call on Assembly Bill No. 464:

YEAS—13.

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

Assembly Bill No. 464 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 367.

Bill read third time.

Remarks by Senators Cannizzaro and Seevers Gansert.

SENATOR CANNIZZARO:

I support Senate Bill No. 367. What Senate Bill No. 367 does are two separate things. First, it clarifies a law that was found to be vague and ambiguous by the Nevada Supreme Court that would allow for the prosecution of a violation for provisions involving prohibited persons, so individuals who have already been adjudicated and found to have been prohibited from carrying firearms, to be able to charge for any illegal firearm and each and every firearm they are illegally possessing.

Secondly, the bill sets forth conditions under which the records of a child who is at least 16 years of age and who has been ordered admission to a mental health facility must be provided by the court to the Central Repository for Nevada Records of Criminal History for use in performing background checks related to purchase or possession of a firearm. The Central Repository must ensure that such information is included in the National Instant Criminal Background Check System and may take steps to include the information in appropriate databases of the National Crime Information Center. These provisions do not apply if the child has sought mental health treatment voluntarily. A person who is the subject of a report made under the provisions of this bill may petition the court to have the report removed upon certain findings being made by that court.

This would allow us to be in compliance with federal law when it comes to background checks. This would only apply to involuntary commitments after due process through the court system. I urge everyone's support.

SENATOR SEEVERS GANSERT:

I support Senate Bill No. 367. This bill has been amended one or two times. I think it is important that we be able to understand when minors had mental health issues. This is about involuntary commitment, so they have to be involuntarily committed for this to appear on a record of the National Instant Criminal Background Check System. We hear consistently that folks who are involved in shootings have a history of mental illness. Right now, we do not have access to those records. We do not have access. There is going to be strong due process around this. If you have someone who is a minor over 16 years of age and has mental health issues that required an involuntary commitment, there would now be a record prohibiting them from getting a weapon. This is the same way someone with a mental health adjudication would be treated if they were an adult. This does not expand a reason for not allowing someone to buy a firearm if they were an adult. It is the same type of situation when there is mental health adjudication or, in this case, it is an involuntary commitment. I encourage your support.

Roll call on Senate Bill No. 367:

YEAS—19.

NAYS—Krasner, Titus—2.

Senate Bill No. 367 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Mr. President announced that Senate Bill No. 367 and Senate Concurrent Resolution No. 5 would be immediately transmitted to the Assembly.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 39, 198, 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 Education, to which was referred Assembly Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERTA LANGE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 24, 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. 520, 521, 522.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 520.

Senator Dondero Loop moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 521.

Senator Dondero Loop moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 522.

Senator Dondero Loop moved that the bill be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 664.

SUMMARY—Revises provisions relating to incarcerated persons. (BDR 16-138)

AN ACT relating to incarcerated persons; requiring institutions and facilities of the Department of Corrections to provide incarcerated persons with original, physical copies of mail under certain circumstances; authorizing the Director of the Department to adopt regulations exempting the Department from the requirement to provide incarcerated persons with original, physical copies of mail under certain circumstances; requiring such institutions and facilities and city or county jails and detention facilities to provide notification to certain persons of a critical medical condition of an incarcerated person; requiring such institutions, facilities and jails to provide an opportunity for an incarcerated person to call a friend, relative or other person to provide notification of a critical medical condition of the incarcerated person under certain circumstances; requiring such institutions, facilities and jails to ensure the timely filling of prescriptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to establish regulations with the approval of the Board of State Prison Commissioners, including regulations relating to the custody, care, training, health and safety of offenders. (NRS 209.131) Section 2 of this bill requires the Department to provide to an offender the original, physical copy of any physical mail addressed to the offender that the offender is entitled and allowed to receive. Section 2 authorizes the Director, with the approval of the Board, to adopt regulations exempting the Department from this requirement if the Department conducts a study and determines, using evidence-based methods, that complying with the requirement presents a danger to the health and safety of the staff or offenders in institutions or facilities of the Department. Section 2 also provides that any such regulations must be adopted in accordance with the provisions of the Nevada Administrative Procedure Act. (Chapter 233B of NRS) If the Director adopts regulations exempting the Department from the

requirement to provide offenders with original, physical copies of mail, section 2 requires the Director to submit the study and any evidence or data that supports the determination of the Department to: (1) the Legislative Counsel when the adopted regulation is submitted; and (2) the Director of the Legislative Counsel Bureau after the regulation is adopted for transmittal to the Joint Interim Standing Committee on the Judiciary.

Section 3 of this bill requires the Department to ensure that an offender completes a medical release of information form at the time of intake and has the ability to update the completed form as necessary. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which requires the offender to stay in a medical facility overnight, section 3 requires the Department, within 24 hours after such hospitalization or diagnosis, to attempt to inform all persons authorized by the current medical release of information form about the health status of the offender. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which does not require the offender to stay in a medical facility overnight, section 3 requires the Department, within 4 hours after the return of the offender to the institution or facility at which the offender is incarcerated, to provide the offender with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the offender.

Section 4 of this bill requires the Department to ensure that if an offender requires prescription medication, the prescription will be filled in a timely manner.

Sections 7 and 8 of this bill impose upon county and city jails and detention facilities requirements similar to those contained in sections 3 and 4.

Section 9 of this bill requires the Department to revise its regulations to conform with the provisions of sections 2-4.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. ~~[An]~~ Except as otherwise provided in subsection 2, an institution or facility shall provide an offender with the original, physical copy of any mail addressed to the offender that the offender is entitled and allowed to receive.*

2. The Director may, with the approval of the Board, adopt regulations exempting the Department from the requirements prescribed by subsection 1 if the Department conducts a study and determines, using evidence-based methods, that complying with the requirements prescribed by subsection 1 presents a danger to the health and safety of the staff or offenders in institutions or facilities. Any regulations adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 233B of NRS.

3. Any regulation adopted pursuant to subsection 2 which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by

the study and any evidence or data that supports the determination of the Department that complying with the requirements prescribed by subsection 1 presents a danger to the health and safety of the staff or offenders in institutions or facilities.

4. A soon as reasonably practicable after adopting a regulation pursuant to subsection 2, the Director shall submit the study and any evidence or data that supports the determination of the Department that complying with the requirements prescribed by subsection 1 presents a danger to the health and safety of the staff or offenders in institutions or facilities to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

5. As used in this section, "original, physical copy" means a letter, card or other document received by the institution or facility from the United States Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the institution or facility or any entity contracted by the institution or facility to provide such a service.

Sec. 3. *1. The Department shall ensure that each offender:*

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which requires the offender to stay in a medical facility overnight, the Department shall, within 24 hours after such hospitalization or diagnosis, attempt to inform all persons authorized by the current medical release of information form about the health status of the offender.

3. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which does not require the offender to stay in a medical facility overnight, the Department shall, within 4 hours after the return of the offender to the institution or facility at which the offender is incarcerated, provide the offender with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the offender.

4. As used in this section:

(a) "Critical medical condition" means a condition diagnosed by a provider of health care that:

(1) Is terminal;

(2) Requires life-sustaining medical treatment;

(3) Involves a significant risk of death; or

(4) Involves extreme physical illness ~~[.]~~ , including, without limitation an extreme physical illness resulting from a drug or alcohol overdose.

(b) "Drug or alcohol overdose" has the meaning ascribed to it in NRS 453C.150.

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

Sec. 4. *If an offender in the custody of the Department requires prescription medication for any physical or mental illness, the Department shall ensure that:*

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or

2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 5. Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. (Deleted by amendment.)

Sec. 7. *1. Each county or city jail or detention facility shall ensure that each prisoner:*

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a critical medical condition which requires the prisoner to stay in a medical facility overnight, the jail or detention facility shall, within 24 hours after such hospitalization or diagnosis, attempt to inform all persons listed on the current medical release of information form about the health status of the prisoner.

3. If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a critical medical condition which does not require the prisoner to stay in a medical facility overnight, the jail or detention facility shall, within 4 hours after the return of the prisoner to the jail or detention facility at which the prisoner is imprisoned, provide the prisoner with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the prisoner.

4. As used in this section:

(a) "Critical medical condition" means a condition diagnosed by a provider of health care that:

(1) Is terminal;

(2) Requires life-sustaining medical treatment;

(3) Involves a significant risk of death; or

(4) Involves extreme physical illness ~~[.]~~ , including, without limitation, a drug or alcohol overdose.

(b) "Drug or alcohol overdose" has the meaning ascribed to it in NRS 453C.150.

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

Sec. 8. *If a prisoner in the custody of a county or city jail or detention facility requires prescription medication for any physical or mental illness, the jail or detention facility shall ensure that:*

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or

2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 9. The Department of Corrections shall, as soon as practicable, amend or repeal any existing regulations that conflict or are inconsistent with the provisions of sections 2, 3 and 4 of this act.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 664 to Assembly Bill No. 121 adds provisions authorizing the Director of the Nevada Department of Corrections (NDOC) with the approval of the Board of Prisons to adopt regulations exempting NDOC from the requirement to provide original, physical mail if, and only if, a study has been conducted and those reports have been provided to the Interim Judiciary Committee and the Legislative Counsel Bureau indicating that allowing physical mail to be provided to offenders presents a danger to staff or the offenders. It also includes a provision requiring those regulations to be adopted in accordance with the Administrative Procedure Act also known as 233B.

Finally, the amendment adds language in section 3 to clarify that a "critical medical condition" includes extreme physical illness resulting from a drug or alcohol overdose.

Amendment adopted.

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

Assembly Bill No. 188.

Bill read second time.

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

Amendment No. 612.

SUMMARY—Revises provisions governing investigational treatments. (BDR 40-567)

AN ACT relating to health care; revising the circumstances under which a physician is authorized to prescribe or recommend and a manufacturer is authorized to provide or make available an investigational drug, biological product or device; authorizing a manufacturer to provide or make available an individualized investigational treatment to a patient under certain circumstances; requiring the reporting of certain information concerning individualized investigational treatments and investigational drugs, biological products and devices to certain governmental entities; authorizing the imposition of administrative penalties for certain violations; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing ~~[such]~~ an individualized investigational treatment; authorizing a physician to prescribe or recommend an individualized investigational treatment under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits the introduction of a drug or biological product into interstate commerce if the drug or biological product has not received approval from the United States Food and Drug Administration. (21 U.S.C. § 355; 42 U.S.C. § 262) Existing federal regulations allow expanded access to investigational drugs and biological products for patients

who have a life-threatening or severely debilitating disease or condition, or a serious or immediately life-threatening illness, under certain circumstances. (21 C.F.R. Part 312, Subparts E and I) Existing Nevada law authorizes the manufacturer of an investigational drug, biological product or device, upon the prescription or recommendation of a physician, to provide or make available the investigational drug, biological product or device to a patient who has been diagnosed with a terminal condition that will, without the administration of life-sustaining treatment, result in death within 1 year. (NRS 454.690) Existing law authorizes a physician to issue a prescription or recommendation for an investigational drug, biological product or device if the physician has: (1) diagnosed the patient with a terminal condition; (2) consulted with the patient and the patient and physician have determined that no treatment currently approved by the United States Food and Drug Administration is adequate to treat the terminal condition; and (3) obtained informed, written consent to the use of the investigational drug, biological product or device from the patient or his or her representative, parent or guardian. (NRS 630.3735, 633.6945) Sections 2, 4 and 7 of this bill: (1) remove the requirement that a patient be diagnosed with a terminal condition before a physician is authorized to prescribe or recommend, and a manufacturer is authorized to provide, an investigational drug, biological product or device; and (2) instead require the patient to be diagnosed with a life-threatening or severely debilitating disease or condition before such actions are authorized. Section 2 additionally: (1) authorizes the manufacturer of an individualized investigational treatment to make the treatment available to such a patient under similar conditions to an investigational drug, biological product or device if the manufacturer operates in a facility that meets certain federal requirements for the protection of human subjects; and (2) defines "individualized investigational treatment" to mean a drug, biological product or device that is unique to and produced exclusively for use by an individual patient based on the genetic profile of the patient. Sections 4 and 7 authorize a physician to prescribe or recommend an individualized investigational treatment under similar conditions to those under which a physician is authorized to recommend an investigational drug, biological product or device, except that sections 4 and 7 require the physician to additionally conduct certain biochemical analyses.

Section 2 requires a manufacturer that provides or makes available an individualized investigational treatment or investigational drug, biological product or device to establish a hotline for patients who develop adverse effects or symptoms. Section 2 also requires such a manufacturer to submit quarterly reports to the Board of Medical Examiners and the State Board of Osteopathic Medicine summarizing the individualized investigational treatments or investigational drugs, biological products or devices provided to patients of physicians who are licensed by those boards. Section 2 establishes an administrative penalty to be imposed against a manufacturer that fails to submit the required report. Section 2 also provides that if a patient dies while being treated with an individualized investigational treatment or

investigational drug, biological product or device, the heir or heirs of the deceased patient are not personally liable for any outstanding debt related to such treatment.

Existing law makes it a misdemeanor for any officer, employee or agent of this State to prevent or attempt to prevent a patient from accessing an investigational drug, biological product or device if certain requirements are met. (NRS 454.690) Section 2 additionally: (1) provides that counseling, advice or a recommendation from a physician consistent with medical standards of care is not a violation; and (2) makes it a misdemeanor for such an officer, employee or agent to prevent or attempt to prevent a patient from accessing an individualized investigational treatment if the same requirements are met.

Sections 4 and 7 revise the requirements concerning the informed, written consent that a physician is required to obtain before prescribing or recommending an individualized investigational treatment or an investigational drug, biological product or device. Sections 4 and 7 also require a physician who prescribes or recommends an individualized investigational treatment or an investigational drug, biological product or device to provide the patient with a form that contains certain information concerning: (1) the individualized investigational treatment or investigational drug, biological product or device; and (2) the treatment of adverse effects or symptoms caused by the individualized investigational treatment or investigational drug, biological product or device. Sections 4 and 7 require such a physician to report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as appropriate, if a patient dies or is hospitalized as the result of using an individualized investigational treatment or investigational drug, biological product or device. Sections 4 and 7 require those boards to submit to the Legislature a biennial summary of the information reported to those boards pursuant to sections 2, 4 and 7 concerning individualized investigational treatments and investigational drugs, biological products and devices. Sections 4 and 7 additionally authorize those boards to adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices.

Existing law: (1) generally makes it a misdemeanor for any person to possess, procure, obtain, process, produce, derive, manufacture, sell, offer for sale, give away or otherwise furnish any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act; and (2) exempts from that criminal penalty a person who engages in certain acts to make an investigational drug or biological product available when certain requirements are met. (NRS 454.351) Section 1 of this bill additionally exempts from the criminal penalty a manufacturer who provides an individualized investigational treatment.

Existing law provides that a physician or person engaged in the practice of professional nursing who procures or administers a controlled substance or dangerous drug is not subject to professional discipline if the controlled

substance or dangerous drug is an investigative drug or biological product prescribed by a physician. (NRS 630.306, 632.347, 633.511) Sections 3, 5 and 6 of this bill additionally exempt such persons from professional discipline if the substance is an individualized investigational treatment.

Section 8 of this bill provides that the provisions of this bill expire on July 1, 2027. Section 7.5 of this bill authorizes a patient who is being treated with an individualized investigational treatment or an investigational drug, biological product or device on June 30, 2027, to continue to receive such treatment on and after July 1, 2027, regardless of whether the patient remains eligible to receive such treatment.

WHEREAS, As dedicated providers of health care committed to providing the highest standard of care, physicians are required to adhere to federal regulations governing the informed consent of patients; and

WHEREAS, The provisions of 45 C.F.R. § 46.116 establish requirements concerning the provision of written or oral informed consent by human subjects of research; and

WHEREAS, To ensure ethical research practices, 45 C.F.R. § 46.116 requires an investigator to obtain legally effective informed consent from each human subject of research or the subject's legally authorized representative; and

WHEREAS, Such informed consent should be obtained under circumstances that allow the person providing informed consent sufficient opportunity to engage in discussions and consider participation while minimizing the potential for coercion and undue influence; and

WHEREAS, Information provided to a person from whom such informed consent is sought must be conveyed in a language that is understandable to that person; and

WHEREAS, Effective communication is crucial to ensure that the person from whom such informed consent is sought fully comprehends the nature of the research, the potential risks and benefits of participating in the research and the alternatives to such participation in order to make an informed decision concerning such participation; and

WHEREAS, By adhering to the provisions of 45 C.F.R. § 46.116, physicians and investigators demonstrate their commitment to the principles of patient autonomy, respect for patients and promoting the welfare of patients; and

WHEREAS, Informed consent serves as a cornerstone of the ethical practice of medicine and osteopathic medicine by promoting transparency, trust and collaboration between physicians and their patients; now, therefore,

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

Section 1. NRS 454.351 is hereby amended to read as follows:

454.351 1. Any person within this State who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes any drug which may not be lawfully introduced

into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. The provisions of this section do not apply:

(a) To physicians licensed to practice in this State who have been authorized by the United States Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the United States Food and Drug Administration.

(b) To any substance which has been licensed by the State Board of Health for manufacture in this State but has not been approved as a drug by the United States Food and Drug Administration. The exemption granted in this paragraph does not grant authority to transport such a substance out of this State.

(c) To any person or governmental entity who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes an *individualized investigational treatment or* investigational drug or biological product when authorized pursuant to NRS 454.690.

(d) To any physician who prescribes or recommends an *individualized investigational treatment or* investigational drug or biological product pursuant to NRS 630.3735 or 633.6945.

3. As used in this section:

(a) "Biological product" has the meaning ascribed to it in NRS 454.690.

(b) *"Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.*

(c) "Investigational drug or biological product" means a drug or biological product that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

Sec. 2. NRS 454.690 is hereby amended to read as follows:

454.690 1. The manufacturer of an investigational drug, biological product or device may provide or make available the investigational drug, biological product or device to a patient in this State who has been diagnosed with a ~~[terminal]~~ *life-threatening or severely debilitating disease or* condition if a physician has prescribed or recommended the investigational drug, biological product or device to the patient as authorized pursuant to NRS 630.3735 or 633.6945.

2. *The manufacturer of an individualized investigational treatment may provide or make available the individualized investigational treatment to a patient in this State who has been diagnosed with a life-threatening or severely debilitating disease or condition if:*

(a) The manufacturer operates within a health care institution that:

(1) Operates under a Federalwide Assurance for the protection of human subjects pursuant to 45 C.F.R. Part 46; and

(2) Is subject to all Federalwide Assurance regulations, policies and guidelines, including, without limitation, renewals and updates; and

(b) A physician has prescribed or recommended the individualized investigational treatment to the patient as authorized pursuant to NRS 630.3735 or 633.6945.

3. A manufacturer who provides or makes available an *individualized investigational treatment or* investigational drug, biological product or device to a patient pursuant to subsection 1 *or 2* may:

(a) Provide the *individualized investigational treatment or* investigational drug, biological product or device *, as applicable,* to the patient without charge; or

(b) Charge the patient only for the costs associated with the manufacture of the *individualized investigational treatment or* investigational drug, biological product or device ~~[.]~~ *, as applicable.*

~~[3.]~~ *4. A manufacturer that provides or makes available an individualized investigational treatment or investigational drug, biological product or device to a patient pursuant to subsection 1 or 2 shall:*

(a) Establish a hotline that operates 24 hours a day, 7 days a week, including holidays, for patients who develop adverse effects or symptoms.

(b) On or before January 1, April 1, July 1 and October 1 of each year, or, if that date falls on a Saturday, Sunday or legal holiday, the next business day thereafter, submit to the Board of Medical Examiners and the State Board of Osteopathic Medicine a report summarizing information concerning the individualized investigational treatments or the investigational drugs, biological products or devices provided or made available to patients of physicians licensed by the board to which the report is submitted during the immediately preceding calendar quarter. The report must include, without limitation:

(1) The number of patients who received the individualized investigational treatment or the investigational drug, biological product or device;

(2) Where applicable, the average number of doses received by patients;

(3) The name of the individualized investigational treatment or the investigational drug, biological product or device and, where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;

(4) The disease or condition that the individualized investigational treatment or the investigational drug, biological product or device is intended to treat;

(5) The uses for which the individualized investigational treatment or the investigational drug, biological product or device was provided or made available; and

(6) Any known adverse effects or symptoms associated with the administration of the individualized investigational treatment or the investigational drug, biological product or device.

5. An officer, employee or agent of this State shall not prevent or attempt to prevent a patient from accessing an *individualized investigational treatment or* investigational drug, biological product or device that is authorized to be provided or made available to a patient pursuant to this section. *Counseling, advice or a recommendation from a physician consistent with medical standards of care is not a violation of this subsection.*

~~[4. 5.]~~ *6. This section does not create a private cause of action against the manufacturer of an individualized investigational treatment or investigational drug, biological product or device, or against any other person or entity involved in the care of a patient who uses an individualized investigational treatment or investigational drug, biological product or device for any harm done to the patient resulting from the individualized investigational treatment or investigational drug, biological product or device, if the manufacturer or other person or entity is complying in good faith with the provisions of this section and has exercised reasonable care.*

~~[6.]~~ *7. Notwithstanding any provision of law to the contrary, if a patient dies while being treated with an individualized investigational treatment or investigational drug, biological product or device, the heir or heirs of the deceased patient must not be held personally liable for any outstanding debt related to such treatment.*

~~[7.]~~ *8.* A violation of any provision of this section *, except for subsection 4,* is a misdemeanor.

~~[5. 8.]~~ *9. If a manufacturer fails to comply with the provisions of subsection 4 and such failure is not caused by excusable neglect, technical problems or other extenuating circumstances, the manufacturer is liable for a civil penalty to be recovered by the Attorney General in an amount of $5,000 for each day of such failure. The Attorney General shall deposit any civil penalties collected pursuant to this subsection with the State Treasurer for credit to the State General Fund.*

10. As used in this section:

(a) "Biological product" has the meaning ascribed to it in 42 U.S.C. § 262.

(b) *"Individualized investigational treatment" means a drug, biological product or device that is unique to and produced exclusively for use by an individual patient based on the genetic profile of the patient, including, without limitation, by an analysis of the genomic sequence of the patient, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products such as enzymes and other types of proteins or metabolites. The term includes, without limitation, individualized gene therapy, antisense oligonucleotides and individualized neoantigen vaccines.*

(c) "Investigational drug, biological product or device" means a drug, biological product or device that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

~~[(c) "Terminal condition" means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within 1 year.]~~

(d) "Life-threatening disease or condition" ~~*[means a disease or condition that has a high likelihood of death unless the course of the disease or condition is interrupted.]*~~ *has the meaning ascribed to it in 21 C.F.R. § 312.81, as interpreted by any guidance of the United States Food and Drug Administration.*

(e) "Severely debilitating disease or condition" ~~*[means a disease or condition that causes major irreversible morbidity.]*~~ *has the meaning ascribed to it in 21 C.F.R. § 312.81, as interpreted by any guidance of the United States Food and Drug Administration.*

Sec. 3. NRS 630.306 is hereby amended to read as follows:

630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

(b) Engaging in any conduct:

(1) Which is intended to deceive;

(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(3) Which is in violation of a provision of chapter 639 of NRS, or a regulation adopted by the State Board of Pharmacy pursuant thereto, that is applicable to a licensee who is a practitioner, as defined in NRS 639.0125.

(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

(h) Having an alcohol or other substance use disorder.

(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

(j) Failing to comply with the requirements of NRS 630.254.

(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction. The provisions of this paragraph do not apply to any disciplinary action taken by the Board or taken because of any disciplinary action taken by the Board.

(l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

(n) Operation of a medical facility at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(o) Failure to comply with the requirements of NRS 630.373.

(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

(q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an *individualized investigational treatment or* investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(s) Failure to comply with the provisions of NRS 630.3745.

(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

(v) Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

(w) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

2. As used in this section ~~[, "investigational]~~ *:*

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 4. NRS 630.3735 is hereby amended to read as follows:

630.3735 1. A physician may prescribe or recommend an *individualized investigational treatment or* investigational drug, biological product or device to a patient if the physician has:

(a) Diagnosed the patient with a ~~[terminal]~~ *life-threatening or severely debilitating disease or* condition;

(b) Discussed with the patient all available methods of treating the ~~[terminal]~~ *life-threatening or severely debilitating disease or* condition that have been approved by the United States Food and Drug Administration and the patient and the physician have determined that no such method of treatment is adequate to treat the ~~[terminal]~~ *life-threatening or severely debilitating disease or* condition of the patient; ~~[and]~~

(c) *For an individualized investigational treatment, conducted an analysis of the patient's genomic sequence, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products or metabolites* ~~*[,]*~~ *or an immunity panel, as applicable to the individualized investigational treatment; and*

(d) Obtained informed, written consent to the use of the *individualized investigational treatment or* investigational drug, biological product or device *, as applicable,* from:

(1) The patient;

(2) If the patient is incompetent, the representative of the patient; or

(3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable . ~~[, that contains:]~~ *The form must:*

(a) ~~[An]~~ *To the extent practicable, be in the preferred language of the patient, or the representative or parent or legal guardian of the patient, as applicable.*

(b) Be in language that is at the reading level of an eighth grader or a pupil enrolled in a lower grade.

(c) Include or be accompanied by:

(1) An overview of the provisions of this section and NRS 454.690, including, without limitation, a detailed description of the provisions of subsection 1 and the terms defined in subsection 8;

(2) A comprehensive explanation of all methods of treating the ~~[terminal]~~ *life-threatening or severely debilitating disease or* condition of the patient that are currently approved by the United States Food and Drug Administration ~~[.]~~ *, including, without limitation, information concerning such methods published by the United States Food and Drug Administration, the National Institutes of Health or other federal agencies;*

~~[(b)]~~ *(3)* A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the physician agree that no such method is likely to ~~[significantly prolong the life]~~ *adequately treat the life-threatening or severely debilitating disease or condition* of the patient;

~~[(c)]~~ *(4)* Clear identification of the specific *individualized investigational treatment or* investigational drug, biological product or device proposed to treat the ~~[terminal]~~ *life-threatening or severely debilitating disease or* condition of the patient;

~~[(d)]~~ *(5)* A *detailed* description of the consequences of using the *individualized investigational treatment or* investigational drug, biological product or device, which must include, without limitation:

~~[(1)]~~ *(I)* A *detailed* description of the best and worst possible outcomes;

~~[(2)]~~ *(II)* A realistic *and detailed* description of the most likely outcome, in the opinion of the physician;

(III) A detailed description of relevant information that is not known about the individualized investigational treatment or investigational drug, biological product or device; and

~~[(3)]~~ *(IV)* A statement of the possibility that using the *individualized investigational treatment or* investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the *individualized investigational treatment or* investigational drug, biological product or device is not used ~~[.]~~ *and a detailed description of any known new, different or worse symptoms the patient may suffer;*

(6) A statement of the rights of the patient, including, without limitation, the rights to:

(I) Make an informed decision concerning the use of the individualized investigational treatment or investigational drug, biological product or device; and

(II) Withdraw from or refuse treatment using the individualized investigational treatment or investigational drug, biological product or device at any time;

(7) Information concerning resources that may be useful to the patient, including, without limitation, the contact information for agencies or organizations that may be able to provide support to the patient;

(8) A means by which the patient may contact the manufacturer of the individualized investigational treatment or investigational drug, biological product or device with any additional questions or concerns;

~~[(e)]~~ *(9)* A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the *individualized investigational treatment or* investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the *individualized investigational treatment or* investigational drug, biological product or device; and

~~[(f)]~~ *(10)* A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the *individualized investigational treatment or* investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the *individualized investigational treatment or* investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. *A physician who prescribes or recommends an individualized investigational treatment or investigational drug, biological product or device to a patient shall provide to the patient a form that:*

(a) To the extent practicable, is in the preferred language of the patient; and

(b) Contains:

(1) The name of the individualized investigational treatment or investigational drug, biological product or device;

(2) The instructions for use and, where applicable, the recommended dosage of the individualized investigational treatment or investigational drug, biological product or device;

(3) Where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;

(4) The telephone number for the hotline established pursuant to subsection 4 of NRS 454.690;

(5) The contact information, telephone number, hours of operation and physical address of an emergency room or urgent care facility that is easily accessible to the patient if the patient experiences an adverse effect or symptom; and

(6) Any other information concerning the individualized investigational treatment or investigational drug, biological product or device that is relevant to the care of the patient.

4. Not later than 72 hours after the death or hospitalization of a patient which results from the use of an individualized investigational treatment or investigational drug, biological product or device, the physician who

prescribed or recommended the individualized investigational treatment or investigational drug, biological product or device shall notify the Board.

5. On or before January 31 of each odd-numbered year, the Board shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a summary of the information reported to the Board pursuant to subsection 4 and subsection 4 of NRS 454.690 during the immediately preceding biennium.

6. A physician is not subject to disciplinary action for prescribing or recommending an *individualized investigational treatment or* investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

7. The Board may adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices prescribed or recommended pursuant to this section.

~~[4.]~~ *8.* As used in this section:

(a) *"Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.*

(b) "Investigational drug, biological product or device" has the meaning ascribed to it in NRS 454.690.

~~[(b) "Terminal condition"]~~

(c) "Life-threatening disease or condition" has the meaning ascribed to it in NRS 454.690.

(d) "Severely debilitating disease or condition" has the meaning ascribed to it in NRS 454.690.

Sec. 5. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an *individualized investigational treatment or* investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(t) Has violated the provisions of NRS 454.217 or 629.086.

(u) Has performed or supervised the performance of a pelvic examination in violation of NRS 629.085.

(v) Has failed to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section ~~[, "investigational]~~ *:*

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 6. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an *individualized investigational treatment or* investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter, except for a violation of NRS 633.4717, or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

(z) Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

(aa) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

2. As used in this section ~~[, "investigational]~~ *:*

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 7. NRS 633.6945 is hereby amended to read as follows:

633.6945 1. An osteopathic physician may prescribe or recommend an *individualized investigational treatment or* investigational drug, biological product or device to a patient if the osteopathic physician has:

(a) Diagnosed the patient with a ~~[terminal]~~ *life-threatening or severely debilitating disease or* condition;

(b) Discussed with the patient all available methods of treating the ~~[terminal]~~ *life-threatening or severely debilitating disease or* condition that have been approved by the United States Food and Drug Administration and the patient and the osteopathic physician have determined that no such method of treatment is adequate to treat the ~~[terminal]~~ *life-threatening or severely debilitating disease or* condition of the patient; ~~[and]~~

(c) *For an individualized investigational treatment, conducted an analysis of the patient's genomic sequence, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products or metabolites ~~[,]~~ or an immunity panel, as applicable to the individualized investigational treatment; and*

(d) Obtained informed, written consent to the use of the *individualized investigational treatment or* investigational drug, biological product or device *, as applicable,* from:

(1) The patient;

(2) If the patient is incompetent, the representative of the patient; or

(3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable *. ~~[, that contains:]~~ The form must:*

(a) ~~[An]~~ *To the extent practicable, be in the preferred language of the patient, or the representative or parent or legal guardian of the patient, as applicable.*

(b) Be in language that is at the reading level of an eighth grader or a pupil enrolled in a lower grade.

(c) Include or be accompanied by:

(1) An overview of the provisions of this section and NRS 454.690, including, without limitation, a detailed description of the provisions of subsection 1 and the terms defined in subsection 8;

(2) A comprehensive explanation of all methods of treating the ~~[terminal]~~ *life-threatening or severely debilitating disease or* condition of the patient that are currently approved by the United States Food and Drug Administration ~~[;]~~ *, including, without limitation, information concerning such methods published by the United States Food and Drug Administration, the National Institutes of Health or other federal agencies;*

~~[(b)]~~ *(3)* A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the osteopathic physician agree that no such method is likely to ~~[significantly prolong the life]~~ *adequately treat the life-threatening or severely debilitating disease or condition* of the patient;

~~[(c)]~~ *(4)* Clear identification of the specific *individualized investigational treatment or* investigational drug, biological product or device proposed to treat the ~~[terminal]~~ *life-threatening or severely debilitating disease or* condition of the patient;

~~[(d)]~~ *(5)* A *detailed* description of the consequences of using the *individualized investigational treatment or* investigational drug, biological product or device, which must include, without limitation:

~~[(1)]~~ *(I)* A *detailed* description of the best and worst possible outcomes;

~~[(2)]~~ *(II)* A realistic *and detailed* description of the most likely outcome, in the opinion of the osteopathic physician;

(III) A detailed description of relevant information that is not known about the individualized investigational treatment or investigational drug, biological product or device; and

~~[(3)]~~ *(IV)* A statement of the possibility that using the *individualized investigational treatment or* investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the *individualized investigational treatment or* investigational drug, biological product or device is not used ~~[.]~~ *and a detailed description of any known new, different or worse symptoms the patient may suffer;*

(6) A statement of the rights of the patient, including, without limitation, the rights to:

(I) Make an informed decision concerning the use of the individualized investigational treatment or investigational drug, biological product or device; and

(II) Withdraw from or refuse treatment using the individualized investigational treatment or investigational drug, biological product or device at any time;

(7) Information concerning resources that may be useful to the patient, including, without limitation, the contact information for agencies or organizations that may be able to provide support to the patient;

(8) A means by which the patient may contact the manufacturer of the individualized investigational treatment or investigational drug, biological product or device with any additional questions or concerns;

~~[(e)]~~ *(9)* A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the *individualized investigational treatment or* investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the *individualized investigational treatment or* investigational drug, biological product or device; and

~~[(f)]~~ *(10)* A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the *individualized investigational treatment or* investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the *individualized investigational treatment or*

investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. *An osteopathic physician who prescribes or recommends an individualized investigational treatment or investigational drug, biological product or device to a patient shall provide to the patient a form that:*

(a) To the extent practicable, is in the preferred language of the patient; and

(b) Contains:

(1) The name of the individualized investigational treatment or investigational drug, biological product or device;

(2) The instructions for use and, where applicable, the recommended dosage of the individualized investigational treatment or investigational drug, biological product or device;

(3) Where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;

(4) The telephone number for the hotline established pursuant to subsection 4 of NRS 454.690;

(5) The contact information, telephone number, hours of operation and physical address of an emergency room or urgent care facility that is easily accessible to the patient if the patient experiences an adverse effect or symptom; and

(6) Any other information concerning the individualized investigational treatment or investigational drug, biological product or device that is relevant to the care of the patient.

4. Not later than 72 hours after the death or hospitalization of a patient which results from the use of an individualized investigational treatment or investigational drug, biological product or device, the osteopathic physician who prescribed or recommended the individualized investigational treatment or investigational drug, biological product or device shall notify the Board.

5. On or before January 31 of each odd-numbered year, the Board shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a summary of the information reported to the Board pursuant to subsection 4 and subsection 4 of NRS 454.690 during the immediately preceding biennium.

6. An osteopathic physician is not subject to disciplinary action for prescribing or recommending an *individualized investigational treatment or* investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

7. The Board may adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices prescribed or recommended pursuant to this section.

~~[4.]~~ *8.* As used in this section:

(a) *"Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.*

(b) "Investigational drug, biological product or device" has the meaning ascribed to it in NRS 454.690.

~~[(b) "Terminal condition"]~~

(c) "Life-threatening disease or condition" has the meaning ascribed to it in NRS 454.690.

(d) "Severely debilitating disease or condition" has the meaning ascribed to it in NRS 454.690.

Sec. 7.3. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7.5. 1. A patient who is being treated with an individualized investigational treatment or an investigational drug, biological product or device on June 30, 2027, may continue to receive such treatment on and after July 1, 2027, regardless of whether the patient remains eligible to receive such treatment.

2. As used in this section:

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690, as amended by section 2 of this act.

(b) "Investigational drug, biological product or device" has the meaning ascribed to it in NRS 454.690, as amended by section 2 of this act.

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

2. Sections 1 to 7, inclusive, of this act expire by limitation on July 1, 2027.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 612 to Assembly Bill No. 188 adds a preamble, revises requirements to a patient's informed consent, requires manufacturers providing an individualized investigational treatment to establish a patient hotline, requires such manufacturers and physicians under certain circumstances to report certain information concerning these treatments, establishes administrative penalties against manufacturers violating these provisions and authorizes the boards to adopt regulations to ensure the safety and efficacy of such treatments.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 364.

Bill read second time.

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

Amendment No. 656.

SUMMARY—Revises provisions governing ~~[physician assistants.]~~ the Board of Medical Examiners. (BDR 54-148)

AN ACT relating to ~~[physician assistants; prescribing the settings in which a physician assistant is authorized to practice;]~~ medicine; revising the membership of the Board of Medical Examiners; ~~[authorizing physician assistants to perform medical services without the supervision of a physician; authorizing a physician assistant to perform certain medical services under certain circumstances; eliminating provisions governing the testing or~~

~~examination of applicants for licensure as a physician assistant; prescribing certain authority and duties of a physician assistant and an advanced practice registered nurse; authorizing certain unlicensed persons to use the title "inactive physician assistant"; removing the requirement that a rural clinic be supervised by a physician;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law: (1) provides for the licensure and regulation of physician assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; and (2) requires a physician assistant to work under the supervision of a physician or osteopathic physician. (NRS 630.271, 630.275, 633.432-633.469) Sections 5, 10-12, 24 and 26-28 of this bill remove the requirement that a physician assistant be supervised by a physician or osteopathic physician. Sections 9, 21, 29, 30, 32, 35, 36, 81-84, 90, 98, 168, 169 and 204 of this bill remove references to supervision of a physician assistant by a physician or osteopathic physician. Sections 4 and 23 of this bill require a physician assistant who has practiced for less than 6,000 hours as a physician assistant or who has changed the field of medicine within which the physician assistant practices to enter into a collaborative agreement with a physician. Sections 4 and 23 also prescribe the settings in which a physician assistant is authorized to practice. Sections 10 and 26 of this bill: (1) require a physician assistant to obtain the informed consent of a patient before providing any medical service; (2) prescribe medical services that a physician assistant is authorized to perform; and (3) require a physician assistant to only perform such services within his or her scope of practice and which he or she has the necessary education, training and experience to competently perform. Sections 12 and 28 of this bill remove a requirement that the Board of Medical Examiners and the State Board of Osteopathic Medicine adopt regulations governing the testing or examination of applicants for licensure as a physician assistant and the services which a physician assistant may perform. Section 30 makes a technical revision concerning the renewal of a license as an osteopathic physician assistant. Sections 1-3, 13-16, 18-20, 22, 25, 31-34, 37-80, 85-89, 91-97, 99-127, 129-167 and 170-201 of this bill make various changes so that physician assistants have similar authority and duties to other providers of health care who provide medical services independently and are otherwise treated in the same manner as other such providers of health care. Sections 54, 56, 70, 126, 142 and 178 of this bill also add advanced practice registered nurses to certain provisions to ensure that physician assistants and advanced practice registered nurses have similar authority.]~~

Existing law provides that the Board of Medical Examiners consists of: (1) six licensed physicians; (2) one representative of the interests of persons or agencies that regularly provide health care to persons who are indigent, uninsured or unable to afford health care; and (3) two residents of this State who are not affiliated with the healing arts. (NRS 631.050) ~~[Existing law also authorizes the Board to select physicians and members of the public to serve~~

~~as advisory members of the Board. (NRS 630.075)]~~ Section 1 of this bill increases the size of the Board of Medical Examiners from 9 members to 11 members. Sections ~~[7 and 202]~~ 2 and 3 of this bill revise the membership of the Board to ~~[eliminate one member who is a licensed physician and instead]~~ require the appointment of one member who is a physician assistant. ~~[. Section 8 of this bill authorizes the Board to select physician assistants to serve as advisory members of the Board.~~

~~Existing law prohibits a person who is not licensed as a physician assistant from holding himself or herself out as a physician assistant. (NRS 630.400, 633.741) Sections 17 and 32 of this bill authorize an unlicensed person who meets the requirements for licensure as a physician assistant to refer to himself or herself as an "inactive physician assistant."~~

~~Existing law requires the State Board of Pharmacy to adopt regulations governing the: (1) administration, possession, dispensing, storage, security, recordkeeping and transportation of controlled substances by a physician assistant; and (2) administration, possession, prescription, dispensing, storage, security, recordkeeping and transportation of dangerous drugs, poisons and devices by a physician assistant. (NRS 639.1373) Section 36 removes a requirement that the Board consider the experience and training of the physician assistant when adopting those regulations.~~

~~Existing law establishes a rural clinic as a medical facility in a rural area where medical services are provided by a physician assistant or advanced practice registered nurse under the supervision of a physician. (NRS 449.0175) Section 128 of this bill removes the requirement that a rural clinic be supervised by a physician.]~~ and one member who is a practitioner of respiratory care.

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

Delete existing sections 1 through 205 of this bill and replace with the following new sections 1 through 4:

Section 1. NRS 630.050 is hereby amended to read as follows:

630.050 1. The Board of Medical Examiners consists of ~~[nine]~~ *11* members appointed by the Governor.

2. No person may be appointed as a member of the Board to serve for more than two consecutive full terms, but a person may be reappointed after the lapse of 4 years.

Sec. 2. NRS 630.060 is hereby amended to read as follows:

630.060 1. Six members of the Board must be persons who are licensed to practice medicine in this State, are actually engaged in the practice of medicine in this State and have resided and practiced medicine in this State for at least 5 years preceding their respective appointments.

2. *One member of the Board must be a person who is licensed to practice as a physician assistant in this State, is actually engaged in practice as a physician assistant in this State and has resided and practiced as a physician assistant in this State for at least 5 years preceding his or her appointment.*

3. One member of the Board must be a person who is licensed to engage in the practice of respiratory care in this State, is actually engaged in the practice of respiratory care in this State and has resided and practiced respiratory care in this State for at least 5 years preceding his or her appointment.

4. One member of the Board must be a person who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member must not be licensed under the provisions of this chapter.

~~[3.]~~ *5.* The remaining two members of the Board must be persons who have resided in this State for at least 5 years and who:

(a) Are not licensed in any state to practice any healing art;

(b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;

(c) Are not actively engaged in the administration of any facility for the dependent as defined in chapter 449 of NRS, medical facility or medical school; and

(d) Do not have a pecuniary interest in any matter pertaining to the healing arts, except as a patient or potential patient.

~~[4.]~~ *6.* The members of the Board must be selected without regard to their individual political beliefs.

Sec. 3. The amendatory provisions of sections 1 and 2 of this act do not affect the current term of appointment of any person who, before the effective date of this act, is a member of the Board of Medical Examiners, and each member continues to serve until the expiration of his or her term or until the member vacates his or her office, whichever occurs first. On and after the effective date of this act, the Governor shall make appointments to the Board of Medical Examiners in accordance with NRS 630.060, as amended by section 2 of this act.

Sec. 4. This act becomes effective upon passage and approval.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 656 to Assembly Bill No. 364 deletes all sections of the bill and adds new sections to increase the membership of the Board of Medical Examiners from 9 to 11 members to add one new member to the Board who is a physician assistant and one who is a respiratory therapist licensed in this State.

Amendment adopted.

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

Assembly Bill No. 371.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 607.

SUMMARY—Makes various changes relating to parentage. (BDR 11-140)

AN ACT relating to parentage; adopting provisions of the Uniform Parentage Act; revising provisions relating to the establishment of a parent and child relationship and the presumption of parentage; establishing provisions concerning the voluntary acknowledgment of parentage and denial of parentage by certain persons; authorizing the State Board of Health to adopt regulations relating to an acknowledgment of parentage or denial of parentage; establishing provisions governing genetic testing in proceedings to adjudicate parentage; establishing and revising various provisions relating to proceedings to adjudicate parentage; authorizing a person who claims to be a de facto parent of a child to be adjudicated as a parent of the child in certain circumstances; authorizing a court to adjudicate a child to have more than two parents in certain circumstances; establishing and revising provisions relating to assisted reproduction and gestational agreements; providing for the right of a gestational carrier to make all health care decisions regarding the gestational carrier and the pregnancy of the gestational carrier; repealing variou provisions relating to parentage; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing parentage and the establishment of parent and child relationships. (Chapter 126 of NRS) Sections 28-91 of this bill generally replace such provisions with provisions modeled after those of the Uniform Parentage Act (hereinafter "UPA"), adopted by the Uniform Law Commission in 2017. Sections 4-26 of this bill define terms for the purposes of chapter 126 of NRS that are modeled after the definitions of the terms used in the UPA.

Existing law provides the manners in which the legal relationship of a mother and child can be established, including: (1) except in the case of a gestational agreement, proof that a woman gave birth to a child; (2) an adjudication that a woman is the mother of a child; (3) proof that a woman has adopted a child; (4) an unrebutted presumption of a woman's maternity; (5) the consent of a woman to assisted reproduction that resulted in the birth of a child; or (6) an adjudication confirming a woman as a parent of a child born to a gestational carrier. (NRS 126.041) Existing law also provides the manners in which the legal relationship of a father and child can be established, including: (1) an adjudication that a man is the father of a child; (2) proof that a man has adopted a child; (3) the consent of a man to assisted reproduction that resulted in the birth of a child; (4) an adjudication confirming a man as a parent of a child born to a gestational carrier; (5) a presumption of paternity that arises if a man was married to or cohabiting with the natural mother of a child or resides with and holds out a child as his natural child; (6) genetic testing establishing a man as the father of a child; or (7) a voluntary acknowledgment of paternity by a man. (NRS 126.041, 126.051, 126.053) Section 34 of this bill uses the gender-neutral language of the UPA to set forth the circumstances in which a

parent and child relationship is established between a person and a child. Similarly, section 37 of this bill uses the gender-neutral language of the UPA to establish the circumstances in which a person is presumed to be a parent of a child.

Sections 38-51 of this bill establish provisions modeled after those of the UPA relating to the voluntary acknowledgment or voluntary denial of parentage by certain persons, including provisions relating to the requirements for, rescission of and challenge to an acknowledgment of parentage or denial of parentage. Section 42 of this bill provides that, unless an acknowledgment of parentage or denial of parentage is rescinded or challenged, such an acknowledgment of parentage or denial of parentage that meets all requirements of law and is filed with the State Registrar of Vital Statistics is equivalent to an adjudication of the parentage of a child or the nonparentage of a person, respectively. Section 43 of this bill prohibits the State Registrar of Vital Statistics from charging a fee for filing an acknowledgment of parentage or denial of parentage, and section 51 of this bill authorizes the State Board of Health to adopt any necessary regulations relating to an acknowledgment of parentage or denial of parentage.

Existing law provides that in an action to determine paternity, a court is authorized or required, depending on the circumstances, to order genetic testing of a mother, child, alleged father or any other person. (NRS 126.121) Sections 52-68 of this bill establish various provisions modeled after those of the UPA concerning genetic testing, including: (1) the limitation on the use of genetic testing; (2) the authority to order, facilitate or deny genetic testing; (3) the requirements of genetic testing; (4) reports and costs of genetic testing; (5) additional genetic testing when a result is contested; (6) genetic testing when a specimen is not available from an alleged genetic parent; and (7) genetic testing of a deceased person or identical sibling. Section 68 of this bill provides that a person commits a misdemeanor if, without proper authority, he or she intentionally releases an identifiable specimen of another person collected for genetic testing for a purpose not relevant to a proceeding regarding parentage.

Existing law establishes various provisions relating to an action to determine paternity or maternity. (NRS 126.071-126.231) Sections 69-89 of this bill replace several of those provisions with provisions modeled after those of the UPA governing proceedings to adjudicate parentage. Existing law provides that if an action to determine paternity is brought before the birth of a child, all proceedings are generally required to be stayed until after the birth of the child. (NRS 126.071) Section 84 of this bill instead authorizes a proceeding to adjudicate parentage to be commenced and an order or judgment to be entered before the birth of a child, but requires enforcement of the order or judgment to be stayed until after the birth of the child.

Existing law does not bar an action to determine paternity until 3 years after a child reaches the age of majority. (NRS 126.081) Sections 75 and 76 of this bill instead provide that a proceeding to determine whether an alleged genetic parent or presumed parent, respectively, is a parent of a child may be

commenced after the child becomes an adult if the child initiates the proceeding.

Existing law requires that an informal hearing be held after an action to determine paternity has been brought and further requires a court to attempt to resolve the issues raised in the action during the pretrial hearing. (NRS 126.111) Section 136 of this bill repeals the provisions relating to such a pretrial hearing, as the UPA does not require any such pretrial hearing to be conducted.

Section 77 of this bill authorizes a person who claims to be a de facto parent of a child to commence a proceeding to establish parentage of the child if the child is alive and less than 18 years of age. Section 77 provides that a person who claims to be a de facto parent of a child must be adjudicated as a parent of the child if there is only one other person who is a parent or has a claim to parentage of the child and the person who claims to be a de facto parent can demonstrate certain facts by clear and convincing evidence. Section 81 of this bill authorizes a court to adjudicate a child to have more than two parents if the court finds that failure to recognize more than two parents would be detrimental to the child.

Existing law establishes provisions concerning assisted reproduction and gestational surrogacy. (NRS 126.500-126.810) This bill establishes only certain provisions modeled after those of the UPA relating to such matters. Section 92 of this bill establishes provisions relating to the parental status of certain persons who die before a child is conceived by assisted reproduction. Section 93 of this bill authorizes a party to a gestational agreement to terminate the agreement at any time before an embryo transfer or, if an embryo transfer does not result in pregnancy, at any time before a subsequent embryo transfer.

Existing law requires that a gestational agreement provide for the express written agreement of the gestational carrier to undergo embryo or gamete transfer and attempt to carry and give birth to any resulting child. (NRS 126.750) Section 107 of this bill requires that a gestational agreement also provide for the express written agreement of the gestational carrier and any legal spouse or domestic partner of the gestational carrier to acknowledge that each intended parent is the legal and physical custodian of any resulting child. Section 107 ~~[of this bill]~~ also specifies that a gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including whether to: (1) consent to a cesarean section or the transfer of multiple embryos; (2) use the services of a health care practitioner chosen by the gestational carrier; (3) terminate or continue the pregnancy; and (4) reduce or retain the number of fetuses or embryos carried by the gestational carrier. Section 107 further provides that any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Existing law provides that the subsequent marriage or domestic partnership of a gestational carrier after the execution of a gestational agreement does not affect the validity of the agreement. (NRS 126.770) Section 108 of this bill

provides that the subsequent marriage, domestic partnership or divorce of any party to a gestational agreement does not affect the validity of the agreement unless the agreement expressly provides otherwise.

Existing law provides that if a gestational carrier breaches a gestational agreement, a specific performance remedy that would require the gestational carrier to be impregnated is prohibited. (NRS 126.780) Section 109 of this bill instead provides that specific performance is not an available remedy with regard to a gestational agreement except to enforce any provision in the agreement that is necessary to enable the intended parents to exercise the full rights of parentage immediately upon the birth of the child, if the intended parents are being prevented from exercising such rights.

Sections 98-106 of this bill make various other changes to the provisions of existing law concerning assisted reproduction and gestational surrogacy.

Section 136 repeals provisions of existing law that are not necessary because of the establishment of the provisions modeled after those of the UPA in sections 28-91.

Sections 1, 94-97, 110-133 and 136 of this bill make conforming changes to reflect the revisions made to existing law because of the establishment of the provisions modeled after those of the UPA in sections 28-91 and the repeal of unnecessary provisions in section 136.

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

Section 1. NRS 125C.003 is hereby amended to read as follows:

125C.003 ~~[1.]~~ A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:

~~[(a)]~~ *1.* The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;

~~[(b) A child is born out of wedlock and the provisions of subsection 2 are applicable;]~~ or

~~[(c)]~~ *2.* Except as otherwise provided in subsection 6 of NRS 125C.0035 or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this ~~[paragraph]~~ *subsection* is a rebuttable presumption.

~~[2. A court may award primary physical custody of a child born out of wedlock to:~~

~~(a) The mother of the child if:~~

~~(1) The mother has not married the father of the child;~~

~~(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and~~

~~(3) The father of the child:~~

~~(I) Is not subject to any presumption of paternity under NRS 126.051;~~
~~(II) Has never acknowledged paternity pursuant to NRS 126.053; or~~
~~(III) Has had actual knowledge of his paternity but has abandoned the child.~~
~~(b) The father of the child if:~~
~~(1) The mother has abandoned the child; and~~
~~(2) The father has provided sole care and custody of the child in her absence.~~
~~3. As used in this section:~~
~~(a) "Abandoned" means that a mother or father has:~~
~~(1) Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or~~
~~(2) Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.~~
~~(b) "Expedited process" has the meaning ascribed to it in NRS 126.161.]~~

Sec. 2. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 93, inclusive, of this act.

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 26, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Acknowledged parent" means a person who has established a parent and child relationship under sections 38 to 51, inclusive, of this act.*

Sec. 5. *"Adjudicated parent" means a person who has been adjudicated to be a parent of a child by a court with jurisdiction.*

Sec. 6. *"Alleged genetic parent" means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother. The term does not include:*

1. A presumed parent;

2. A person whose parental rights have been terminated or declared not to exist; or

3. A donor.

Sec. 7. *"Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:*

1. Intrauterine or intracervical insemination;

2. Donation of gametes;

3. Donation of embryos;

4. In vitro fertilization and transfer of embryos; and

5. Intracytoplasmic sperm injection.

Sec. 8. *"Birth" includes stillbirth.*

Sec. 9. *"Child" means a person of any age whose parentage may be determined under sections 28 to 91, inclusive, of this act.*

Sec. 10. *"Child support agency" means a governmental entity, public official or private agency authorized to provide parentage-establishment*

services under Title IV-D of the Social Security Act, 42 U.S.C. §§ 651 to 669, inclusive.

Sec. 11. *"Custodial parent" means a parent who has been awarded physical custody of a child or, if no award of physical custody has been made by a court, the parent with whom the child resides.*

Sec. 12. *"Determination of parentage" means establishment of a parent and child relationship by a judicial or administrative proceeding or signing of a valid acknowledgment of parentage under sections 38 to 51, inclusive, of this act.*

Sec. 13. *"Donor" means a person who provides gametes intended for use in assisted reproduction, whether or not for consideration. The term does not include:*

1. A person who gives birth to a child conceived by assisted reproduction, except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

2. A parent or an intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 14. *"Gamete" means a sperm or egg.*

Sec. 15. *"Genetic testing" means an analysis of genetic markers to identify or exclude a genetic relationship.*

Sec. 16. *"Intended parent" means a person, married or unmarried, or in or not in a domestic partnership, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction.*

Sec. 17. *"Parent" means a person who has established a parent and child relationship under section 34 of this act.*

Sec. 18. *"Parentage" or "parent and child relationship" means the legal relationship between a child and a parent of the child.*

Sec. 19. *"Person" means a natural person of any age.*

Sec. 20. *"Presumed parent" means a person who under section 37 of this act is presumed to be a parent of a child, unless the presumption is overcome in a judicial proceeding, a valid denial of parentage is made under sections 38 to 51, inclusive, of this act or a court adjudicates the person to be a parent.*

Sec. 21. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 22. *"Sign" means, with present intent to authenticate or adopt a record:*

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 23. *"Signatory" means a person who signs a record.*

Sec. 24. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or*

insular possession under the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

Sec. 25. *"Transfer" means a procedure for assisted reproduction by which an embryo is placed in the body of the person who will give birth to the child.*

Sec. 26. *"Witnessed" means that at least one person who is authorized to sign has signed a record to verify that the person personally observed a signatory sign the record.*

Sec. 27. *As used in this chapter, unless the context otherwise requires, any reference to the father of a child or the mother of a child includes a parent of any gender, and any reference to paternity is equally applicable to parentage.*

Sec. 28. *Sections 28 to 91, inclusive, of this act may be cited as the Uniform Parentage Act (2017).*

Sec. 29. *1. Sections 28 to 91, inclusive, of this act apply to an adjudication or determination of parentage.*

2. Sections 28 to 91, inclusive, of this act do not create, affect, enlarge or diminish parental rights or duties under law of this State other than sections 28 to 91, inclusive, of this act.

Sec. 30. *Each district court may adjudicate parentage under sections 28 to 91, inclusive, of this act.*

Sec. 31. *In any proceeding in which a court of this State has jurisdiction to determine the parentage of a child, the court shall apply the law of this State to adjudicate parentage. The applicable law does not depend on:*

1. The place of birth of the child; or

2. The past or present residence of the child.

Sec. 32. *A proceeding under sections 28 to 91, inclusive, of this act is subject to law of this State other than sections 28 to 91, inclusive, of this act which governs the health, safety, privacy and liberty of a child or other person who could be affected by disclosure of information that could identify the child or other person, including, without limitation, address, telephone number, digital contact information, place of employment, social security number and the child's day care facility or school.*

Sec. 33. *To the extent practicable, a provision of sections 28 to 91, inclusive, of this act applicable to a father and child relationship applies to a mother and child relationship and a provision of sections 28 to 91, inclusive, of this act applicable to a mother and child relationship applies to a father and child relationship.*

Sec. 34. *A parent and child relationship is established between a person and a child if:*

1. The person gives birth to the child, except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act;

2. There is a presumption under section 37 of this act of the person's parentage of the child, unless the presumption is overcome in a judicial

proceeding or a valid denial of parentage is made under sections 38 to 51, inclusive, of this act;

3. The person is adjudicated a parent of the child by a court of this State or any other state;

4. The person adopts the child;

5. The person acknowledges parentage of the child under sections 38 to 51, inclusive, of this act, unless the acknowledgment is rescinded under section 45 of this act or successfully challenged under sections 38 to 51, inclusive, or 69 to 89, inclusive, of this act; or

6. The person's parentage of the child is established under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 35. *A parent and child relationship extends equally to every child and parent, regardless of the marital status of the parent.*

Sec. 36. *Unless parental rights are terminated, a parent and child relationship established under sections 28 to 91, inclusive, of this act applies for all purposes.*

Sec. 37. *1. A person is presumed to be a parent of a child if:*

(a) Except as otherwise provided under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act or law of this State other than sections 28 to 91, inclusive, of this act:

(1) The person and the person who gave birth to the child are married to or in a domestic partnership with each other and the child is born during the marriage or domestic partnership, whether the marriage or domestic partnership is or could be declared invalid;

(2) The person and the person who gave birth to the child were married to or in a domestic partnership with each other and the child is born not later than 300 days after the marriage or domestic partnership is terminated by death, divorce, dissolution, annulment or declaration of invalidity, or after a decree of separation or separate maintenance, whether the marriage or domestic partnership is or could be declared invalid; or

(3) The person and the person who gave birth to the child married or entered into a domestic partnership with each other after the birth of the child, whether the marriage or domestic partnership is or could be declared invalid, the person at any time asserted parentage of the child, and:

(I) The assertion is in a record filed with the State Registrar of Vital Statistics; or

(II) The person agreed to be and is named as a parent of the child on the birth certificate of the child; or

(b) The person resided in the same household with the child for the first 2 years of the life of the child, including any period of temporary absence, and openly held out the child as the person's child.

2. A presumption of parentage under this section may be overcome, and competing claims to parentage may be resolved, only by an adjudication under sections 69 to 89, inclusive, of this act or a valid denial of parentage under sections 38 to 51, inclusive, of this act.

Sec. 38. *A person who gave birth to a child and an alleged genetic parent of the child, intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, or presumed parent may sign an acknowledgment of parentage to establish the parentage of the child.*

Sec. 39. *1. An acknowledgment of parentage under section 38 of this act must:*

(a) Be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent and child relationship, and the signatures must be attested by an electronic notary public or other notarial officer or signed by at least one witness;

(b) State that the child whose parentage is being acknowledged:

(1) Does not have a presumed parent other than the person seeking to establish the parent and child relationship or has a presumed parent whose full name is stated; and

(2) Does not have another acknowledged parent, adjudicated parent or person who is a parent of the child under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act other than the person who gave birth to the child; and

(c) State that the signatories understand that the acknowledgement is the equivalent of an adjudication of parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred 2 years after the effective date of the acknowledgment.

2. An acknowledgment of parentage is void if, at the time of signing:

(a) A person other than the person seeking to establish parentage is a presumed parent, unless a denial of parentage by the presumed parent in a signed record is filed with the State Registrar of Vital Statistics; or

(b) A person, other than the person who gave birth to the child or the person seeking to establish parentage, is an acknowledged or adjudicated parent or a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 40. *A presumed parent or alleged genetic parent may sign a denial of parentage in a record. The denial of parentage is valid only if:*

1. An acknowledgment of parentage by another person is filed under section 42 of this act;

2. The signature of the presumed parent or alleged genetic parent is attested by an electronic notary public or other notarial officer or signed by at least one witness; and

3. The presumed parent or alleged genetic parent has not previously:

(a) Completed a valid acknowledgment of parentage for the same child, unless the previous acknowledgment was rescinded under section 45 of this act or challenged successfully under section 46 of this act; or

(b) Been adjudicated to be a parent of the child.

Sec. 41. *1. An acknowledgment of parentage and a denial of parentage may be contained in a single document or may be in counterparts and may be filed with the State Registrar of Vital Statistics separately or simultaneously.*

If filing of the acknowledgment and denial both are required under sections 28 to 91, inclusive, of this act, neither is effective until both are filed.

2. An acknowledgment of parentage or denial of parentage may only be signed after the birth of the child.

3. Subject to subsection 1, an acknowledgment of parentage or denial of parentage takes effect on the filing of the document with the State Registrar of Vital Statistics.

4. An acknowledgment of parentage or denial of parentage signed by a person who is a minor is valid if the acknowledgment complies with sections 28 to 91, inclusive, of this act.

Sec. 42. *1. Except as otherwise provided in sections 45 and 46 of this act, an acknowledgment of parentage that complies with sections 38 to 51, inclusive, of this act and is filed with the State Registrar of Vital Statistics is equivalent to an adjudication of parentage of the child and confers on the acknowledged parent all rights and duties of a parent.*

2. Except as otherwise provided in sections 45 and 46 of this act, a denial of parentage by a presumed parent or alleged genetic parent which complies with sections 38 to 51, inclusive, of this act and is filed with the State Registrar of Vital Statistics with an acknowledgment of parentage that complies with sections 38 to 51, inclusive, of this act is equivalent to an adjudication of the nonparentage of the presumed parent or alleged genetic parent who signed the denial and discharges the presumed parent or alleged genetic parent who signed the denial from all rights and duties of a parent.

Sec. 43. *The State Registrar of Vital Statistics may not charge a fee for filing an acknowledgment of parentage or denial of parentage.*

Sec. 44. *A court conducting a judicial proceeding or an administrative agency conducting an administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of parentage. A court may determine that a person who signed an acknowledgment of parentage is a parent in a later proceeding based on other grounds.*

Sec. 45. *1. A signatory may rescind an acknowledgment of parentage or denial of parentage by filing with the State Registrar of Vital Statistics a rescission in a signed record which is attested by an electronic notary public or notarial officer or signed by at least one witness, before the earlier of:*

(a) Sixty days after the effective date under section 41 of this act of the acknowledgment or denial; or

(b) The date of the first hearing before a court in a proceeding, to which the signatory is a party, to adjudicate an issue relating to the child, including a proceeding that establishes support.

2. If an acknowledgment of parentage is rescinded under subsection 1, an associated denial of parentage is invalid, and the State Registrar of Vital Statistics shall notify the person who gave birth to the child and the person who signed a denial of parentage of the child that the acknowledgment has been rescinded. Failure to give the notice required by this subsection does not affect the validity of the rescission.

Sec. 46. *1. After the period for rescission under section 45 of this act expires, but not later than 2 years after the effective date under section 41 of this act of an acknowledgment of parentage or denial of parentage, a signatory of the acknowledgment or denial may commence a proceeding to challenge the acknowledgment or denial only on the basis of fraud, duress or material mistake of fact.*

2. A challenge to an acknowledgment of parentage or denial of parentage by a person who was not a signatory to the acknowledgment or denial is governed by section 78 of this act.

Sec. 47. *1. Every signatory to an acknowledgment of parentage and any related denial of parentage must be made a party to a proceeding to challenge the acknowledgment or denial.*

2. By signing an acknowledgment of parentage or denial of parentage, a signatory submits to personal jurisdiction in this State in a proceeding to challenge the acknowledgment or denial, effective on the filing of the acknowledgment or denial with the State Registrar of Vital Statistics.

3. The court may not suspend the legal responsibilities arising from an acknowledgment of parentage, including the duty to pay child support, during the pendency of a proceeding to challenge the acknowledgment or a related denial of parentage, unless the party challenging the acknowledgment or denial shows good cause.

4. A party challenging an acknowledgment of parentage or denial of parentage has the burden of proof.

5. If the court determines that a party has satisfied the burden of proof under subsection 4, the court shall order the State Registrar of Vital Statistics to amend the birth record of the child to reflect the legal parentage of the child.

6. A proceeding to challenge an acknowledgment of parentage or denial of parentage must be conducted under sections 69 to 89, inclusive, of this act.

Sec. 48. *The court shall give full faith and credit to an acknowledgment of parentage or denial of parentage effective in another state if the acknowledgment or denial was in a signed record and otherwise complies with the law of the other state.*

Sec. 49. *A valid acknowledgment of parentage or denial of parentage is not affected by a later modification of the declaration developed by the State Board of Health pursuant to NRS 440.285.*

Sec. 50. *1. The State Registrar of Vital Statistics may release information relating to an acknowledgment of parentage or denial of parentage to a signatory of the acknowledgment or denial, a court, federal agency , agency which provides child welfare services and child support agency of this or another state.*

2. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 51. *The State Board of Health may adopt any regulations that are necessary to implement sections 38 to 51, inclusive, of this act.*

Sec. 52. *As used in sections 52 to 68, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 53 to 57, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 53. *"Combined relationship index" means the product of all tested relationship indices.*

Sec. 54. *"Ethnic or racial group" means, for the purpose of genetic testing, a recognized group that a person identifies as the person's ancestry or part of the ancestry or that is identified by other information.*

Sec. 55. *"Hypothesized genetic relationship" means an asserted genetic relationship between a person and a child.*

Sec. 56. *"Probability of parentage" means, for the ethnic or racial group to which a person alleged to be a parent belongs, the probability that a hypothesized genetic relationship is supported, compared to the probability that a genetic relationship is supported between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship, expressed as a percentage incorporating the combined relationship index and a prior probability.*

Sec. 57. *"Relationship index" means a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship.*

Sec. 58. *1. Sections 52 to 68, inclusive, of this act govern genetic testing of a person in a proceeding to adjudicate parentage, whether the person:*

(a) Voluntarily submits to testing; or

(b) Is tested under an order of the court or as a result of the facilitation of a child support agency.

2. Genetic testing may not be used:

(a) To challenge the parentage of a person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

(b) To establish the parentage of a person who is a donor.

Sec. 59. *1. Except as otherwise provided in sections 52 to 68, inclusive, or 69 to 89, inclusive, of this act, in a proceeding under sections 28 to 91, inclusive, of this act to determine parentage, the court shall order the child and any other person to submit to genetic testing if a request for testing is supported by the sworn statement of a party:*

(a) Alleging a reasonable possibility that the person is the child's genetic parent; or

(b) Denying genetic parentage of the child and stating facts establishing a reasonable possibility that the person is not a genetic parent.

2. A child support agency may facilitate genetic testing only if there is no acknowledged or adjudicated parent of a child other than the person who gave birth to the child.

3. The court may not order, and a child support agency may not facilitate, in utero genetic testing.

4. If two or more persons are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

5. Genetic testing of a person who gave birth to a child is not a condition precedent to testing of the child and a person whose genetic parentage of the child is being determined. If the person who gave birth to the child is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each person whose genetic parentage of the child is being adjudicated.

6. In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a parent under section 77 of this act, or to challenge an acknowledgment of parentage, the court may deny a motion for genetic testing of the child and any other person after considering the factors in subsections 1 and 2 of section 81 of this act.

7. If a person requesting genetic testing is barred under sections 69 to 89, inclusive, of this act from establishing the person's parentage, the court shall deny the request for genetic testing.

8. An order under this section for genetic testing is enforceable by contempt.

Sec. 60. *1. Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by:*

(a) The AABB, formerly known as the American Association of Blood Banks, or a successor to its functions; or

(b) An accrediting body designated by the Secretary of the United States Department of Health and Human Services.

2. A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each person undergoing genetic testing.

3. Based on the ethnic or racial group of a person undergoing genetic testing, a testing laboratory shall determine the databases from which to select frequencies for use in calculating a relationship index. If a person or a child support agency objects to the laboratory's choice, the following rules apply:

(a) Not later than 30 days after receipt of the report of the test, the objecting person or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.

(b) The person or the child support agency objecting to the laboratory's choice under this subsection shall:

(1) If the requested frequencies are not available to the laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or

(2) Engage another laboratory to perform the calculations.

(c) The laboratory may use its own statistical estimate if there is a question which ethnic or racial group is appropriate. The laboratory shall calculate the

frequencies using statistics, if available, for any other ethnic or racial group requested.

4. If, after recalculation of the relationship index under subsection 3 using a different ethnic or racial group, genetic testing under section 62 of this act does not identify a person as a genetic parent of a child, the court may require a person who has been tested to submit to additional genetic testing to identify a genetic parent.

Sec. 61. *1. A report of genetic testing must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the requirements of sections 52 to 68, inclusive, of this act is self-authenticating.*

2. Documentation from a testing laboratory of the following information is sufficient to establish a reliable chain of custody and allow the results of genetic testing to be admissible without testimony:

(a) The name and photograph of each person whose specimen has been taken;

(b) The name of the person who collected each specimen;

(c) The place and date each specimen was collected;

(d) The name of the person who received each specimen in the testing laboratory; and

(e) The date each specimen was received.

Sec. 62. *1. Subject to a challenge under subsection 2, a person is identified under sections 28 to 91, inclusive, of this act as a genetic parent of a child if genetic testing complies with sections 52 to 68, inclusive, of this act and the results of the testing disclose:*

(a) The person has at least a 99 percent probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and

(b) A combined relationship index of at least 100 to 1.

2. A person identified under subsection 1 as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of sections 52 to 68, inclusive, of this act which:

(a) Excludes the person as a genetic parent of the child; or

(b) Identifies another person as a possible genetic parent of the child other than:

(1) The person who gave birth to the child; or

(2) The person identified under subsection 1.

3. Except as otherwise provided in section 67 of this act, if more than one person other than the person who gave birth to the child is identified by genetic testing as a possible genetic parent of the child, the court shall order each person to submit to further genetic testing to identify a genetic parent.

Sec. 63. *1. Subject to assessment of fees under sections 69 to 89, inclusive, of this act, payment of the cost of initial genetic testing must be made in advance:*

(a) By the person who made the request for genetic testing;

(b) As agreed by the parties; or

(c) As ordered by the court.

2. If the cost of genetic testing is paid by a child support agency, the agency may seek reimbursement from the genetic parent whose parent and child relationship is established.

Sec. 64. *The court shall order, or a child support agency may facilitate, additional genetic testing on request of a person who contests the result of the initial testing under section 62 of this act. If initial genetic testing under section 62 of this act identified a person as a genetic parent of the child, the court may not order, and a child support agency may not facilitate, additional testing unless the contesting person pays for the testing in advance.*

Sec. 65. *1. Subject to subsection 2, if a genetic-testing specimen is not available from an alleged genetic parent of a child, a person seeking genetic testing demonstrates good cause and the court finds that the circumstances are just, the court may order any of the following persons to submit specimens for genetic testing:*

(a) A parent of the alleged genetic parent;

(b) A sibling of the alleged genetic parent;

(c) Another child of the alleged genetic parent and the person who gave birth to the other child; and

(d) Another relative of the alleged genetic parent necessary to complete genetic testing.

2. To issue an order under this section, the court must find that a need for genetic testing outweighs the legitimate interests of the person sought to be tested.

Sec. 66. *If a person seeking genetic testing demonstrates good cause, the court may order genetic testing of a deceased person.*

Sec. 67. *1. If the court finds there is reason to believe that an alleged genetic parent has an identical sibling and evidence that the sibling may be a genetic parent of the child, the court may order genetic testing of the sibling.*

2. If more than one sibling is identified under section 62 of this act as a genetic parent of the child, the court may rely on nongenetic evidence to adjudicate which sibling is a genetic parent of the child.

Sec. 68. *1. Release of a report of genetic testing for parentage is controlled by law of this State other than sections 28 to 91, inclusive, of this act.*

2. A person who intentionally releases an identifiable specimen of another person collected for genetic testing under sections 52 to 68, inclusive, of this act for a purpose not relevant to a proceeding regarding parentage, without a court order or written permission of the person who furnished the specimen, commits a misdemeanor.

Sec. 69. *1. A proceeding may be commenced to adjudicate the parentage of a child. Except as otherwise provided in sections 28 to 91, inclusive, of this act, the proceeding is governed by the Nevada Rules of Civil Procedure.*

2. A proceeding to adjudicate the parentage of a child born under a gestational agreement is governed by NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

3. As used in this section, "gestational agreement" has the meaning ascribed to it in NRS 126.570.

Sec. 70. *Except as otherwise provided in sections 38 to 51, inclusive, and 76 to 79, inclusive, of this act, a proceeding to adjudicate parentage may be maintained by:*

1. The child;

2. The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;

3. A person who is a parent under sections 28 to 91, inclusive, of this act;

4. A person whose parentage of the child is to be adjudicated;

5. A child support agency or other governmental agency authorized by law of this State other than sections 28 to 91, inclusive, of this act;

6. An adoption agency authorized by law of this State other than sections 28 to 91, inclusive, of this act or licensed child-placing agency; ~~[or]~~

7. A representative authorized by law of this State other than sections 28 to 91, inclusive, of this act to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated or a minor ~~[.]~~ ; or

8. An agency which provides child welfare services in a proceeding pursuant to chapter 432B of NRS. As used in this subsection, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 71. *1. The petitioner shall give notice of a proceeding to adjudicate parentage to the following persons, if the whereabouts of the person are known:*

(a) The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;

(b) A person who is a parent of the child under sections 28 to 91, inclusive, of this act;

(c) A presumed, acknowledged or adjudicated parent of the child; and

(d) A person whose parentage of the child is to be adjudicated.

2. A person entitled to notice under subsection 1 has a right to intervene in the proceeding.

3. Lack of notice required by subsection 1 does not render a judgment void. Lack of notice does not preclude a person entitled to notice under subsection 1 from bringing a proceeding under subsection 2 of section 79 of this act.

Sec. 72. *1. The court may adjudicate a person's parentage of a child only if the court has personal jurisdiction over the person.*

2. A court of this State with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident if the conditions prescribed in NRS 130.201 are satisfied.

3. Lack of jurisdiction over one person does not preclude the court from making an adjudication of parentage binding on another person.

Sec. 73. *Venue for a proceeding to adjudicate parentage is in the county of this State in which:*

1. The child resides or is located;

2. If the child does not reside in this State, the respondent resides or is located; ~~[or]~~

3. A proceeding has been commenced for administration of the estate of a person who is or may be a parent under sections 28 to 91, inclusive, of this act ~~[.]~~ ; or

4. A proceeding has been commenced to protect a child from abuse or neglect pursuant to chapter 432B of NRS.

Sec. 74. *1. Except as otherwise provided in subsection 2 of section 58 of this act, the court shall admit a report of genetic testing ordered by the court under section 59 of this act as evidence of the truth of the facts asserted in the report.*

2. A party may object to the admission of a report described in subsection 1, not later than 14 days after the party receives the report. The party shall cite specific grounds for exclusion.

3. A party that objects to the results of genetic testing may call a genetic-testing expert to testify in person or by another method approved by the court. Unless the court orders otherwise, the party offering the testimony bears the expense for the expert testifying.

4. Admissibility of a report of genetic testing is not affected by whether the testing was performed:

(a) Voluntarily, under an order of the court or as a result of the facilitation of a child support agency; or

(b) Before, on or after commencement of the proceeding.

Sec. 75. *1. A proceeding to determine whether an alleged genetic parent who is not a presumed parent is a parent of a child may be commenced:*

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. This subsection applies in a proceeding described in subsection 1 if the person who gave birth to the child is the only other person with a claim to parentage of the child. The court shall adjudicate an alleged genetic parent to be a parent of the child if the alleged genetic parent:

(a) Is identified under section 62 of this act as a genetic parent of the child and the identification is not successfully challenged under section 62 of this act;

(b) Admits parentage in a pleading, when making an appearance or during a hearing, the court accepts the admission and the court determines the alleged genetic parent to be a parent of the child;

(c) Declines to submit to genetic testing ordered by the court or facilitated by a child support agency, in which case the court may adjudicate the alleged

genetic parent to be a parent of the child even if the alleged genetic parent denies a genetic relationship with the child;

(d) Is in default after service of process and the court determines the alleged genetic parent to be a parent of the child; or

(e) Is neither identified nor excluded as a genetic parent by genetic testing and, based on other evidence, the court determines the alleged genetic parent to be a parent of the child.

3. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding involving an alleged genetic parent, at least one other person in addition to the person who gave birth to the child has a claim to parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 76. *1. A proceeding to determine whether a presumed parent is a parent of a child may be commenced:*

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. A presumption of parentage under section 37 of this act cannot be overcome after the child attains 2 years of age unless the court determines:

(a) The presumed parent is not a genetic parent, never resided with the child and never held out the child as the presumed parent's child; or

(b) The child has more than one presumed parent.

3. The following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth to the child is the only other person with a claim to parentage of the child:

(a) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child.

(b) If the presumed parent is identified under section 62 of this act as a genetic parent of the child and that identification is not successfully challenged under section 62 of this act, the court shall adjudicate the presumed parent to be a parent of the child.

(c) If the presumed parent is not identified under section 62 of this act as a genetic parent of the child and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage of the child, the court shall adjudicate the parentage of the child in the best interest of the child based on the factors under subsections 1 and 2 of section 81 of this act.

4. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate a presumed parent's parentage of a child, another person in addition to the person who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 77. *1. A proceeding to establish parentage of a child under this section may be commenced only by a person who:*

(a) Is alive when the proceeding is commenced; and

(b) Claims to be a de facto parent of the child.

2. A person who claims to be a de facto parent of a child must commence a proceeding to establish parentage of a child under this section:

(a) Before the child attains 18 years of age; and

(b) While the child is alive.

3. The following rules govern standing of a person who claims to be a de facto parent of a child to maintain a proceeding under this section:

(a) The person must file an initial verified pleading alleging specific facts that support the claim to parentage of the child asserted under this section. The verified pleading must be served on all parents and legal guardians of the child and any other party to the proceeding.

(b) An adverse party, parent or legal guardian may file a pleading in response to the pleading filed under paragraph (a). A responsive pleading must be verified and must be served on parties to the proceeding.

(c) Unless the court finds a hearing is necessary to determine disputed facts material to the issue of standing, the court shall determine, based on the pleadings under paragraphs (a) and (b), whether the person has alleged facts sufficient to satisfy by a preponderance of the evidence the requirements of paragraphs (a) to (g), inclusive, of subsection 4. If the court holds a hearing under this subsection, the hearing must be held on an expedited basis.

4. In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to parentage of the child, the court shall adjudicate the person who claims to be a de facto parent to be a parent of the child if the person demonstrates by clear and convincing evidence that:

(a) The person resided with the child as a regular member of the child's household for a significant period;

(b) The person engaged in consistent caretaking of the child;

(c) The person undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(d) The person held out the child as the person's child;

(e) The person established a bonded and dependent relationship with the child which is parental in nature;

(f) Another parent of the child fostered or supported the bonded and dependent relationship required under paragraph (e); and

(g) Continuing the relationship between the person and the child is in the best interest of the child.

5. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, there is more than one other person who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection 4 are satisfied, the court shall adjudicate parentage under section 81 of this act.

Sec. 78. *1. If a child has an acknowledged parent, a proceeding to challenge the acknowledgment of parentage or a denial of parentage, brought*

by a signatory to the acknowledgment or denial, is governed by sections 46 and 47 of this act.

2. If a child has an acknowledged parent, the following rules apply in a proceeding to challenge the acknowledgment of parentage or a denial of parentage brought by a person, other than the child, who has standing under section 70 of this act and was not a signatory to the acknowledgment or denial:

(a) The person must commence the proceeding not later than 2 years after the effective date of the acknowledgment.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 80 of this act.

Sec. 79. *1. If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by a person who was a party to the adjudication or received notice under section 71 of this act, is governed by the rules governing a collateral attack on a judgment.*

2. If a child has an adjudicated parent, the following rules apply to a proceeding to challenge the adjudication of parentage brought by a person, other than the child, who has standing under section 70 of this act and was not a party to the adjudication and did not receive notice under section 71 of this act:

(a) The person must commence the proceeding not later than 2 years after the effective date of the adjudication.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 81 of this act.

Sec. 80. *1. A person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act or the person who gave birth to the child may bring a proceeding to adjudicate parentage. If the court determines the person is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, the court shall adjudicate the person to be a parent of the child.*

2. In a proceeding to adjudicate a person's parentage of a child, if another person other than the person who gave birth to the child is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, the court shall adjudicate the person's parentage of the child under section 81 of this act.

Sec. 81. *1. In a proceeding to adjudicate competing claims of, or challenges under subsection 3 of section 76 of this act or section 78 or 79 of this act, to parentage of a child by two or more persons, the court shall adjudicate parentage in the best interest of the child, based on:*

(a) The age of the child;

(b) The length of time during which each person assumed the role of parent of the child;

(c) The nature of the relationship between the child and each person;

(d) The harm to the child if the relationship between the child and each person is not recognized;

(e) The basis for each person's claim to parentage of the child; and

(f) Other equitable factors arising from the disruption of the relationship between the child and each person or the likelihood of other harm to the child.

2. If a person challenges parentage based on the results of genetic testing, in addition to the factors listed in subsection 1, the court shall consider:

(a) The facts surrounding the discovery the person might not be a genetic parent of the child; and

(b) The length of time between the time that the person was placed on notice that the person might not be a genetic parent and the commencement of the proceeding.

3. The court may adjudicate a child to have more than two parents under sections 28 to 91, inclusive, of this act if the court finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent or person seeking an adjudication of parentage. In determining detriment to the child, the court shall consider all relevant factors, including the harm if the child is removed from a stable placement with a person who has fulfilled the child's physical needs and psychological needs for care and affection and has assumed the role for a substantial period.

Sec. 82. *1. In a proceeding under sections 69 to 89, inclusive, of this act, the court may issue a temporary order for child support if the order is consistent with the law of this State other than sections 28 to 91, inclusive, of this act and the person ordered to pay support is:*

(a) A presumed parent of the child;

(b) Petitioning to be adjudicated a parent;

(c) Identified as a genetic parent through genetic testing under section 62 of this act;

(d) An alleged genetic parent who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be a parent of the child; or

(f) A parent under sections 28 to 91, inclusive, of this act.

2. A temporary order may include a provision for custody and visitation under law of this State other than sections 28 to 91, inclusive, of this act.

Sec. 83. *1. Except as otherwise provided in subsection 2, the court may combine a proceeding to adjudicate parentage under sections 28 to 91, inclusive, of this act with a proceeding for adoption, termination of parental rights, protection of a child from abuse or neglect pursuant to chapter 432B of NRS, child custody or visitation, child support, divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, administration of an estate or other appropriate proceeding.*

2. A respondent may not combine a proceeding described in subsection 1 with a proceeding to adjudicate parentage brought under NRS 130.0902 to 130.802, inclusive.

Sec. 84. *Except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, a proceeding to adjudicate parentage may be commenced before the birth of the child and an order or judgment may be entered before birth, but enforcement of the order or judgment must be stayed until the birth of the child.*

Sec. 85. *1. A minor child is a permissive party but not a necessary party to a proceeding under sections 69 to 89, inclusive, of this act.*

2. The court shall appoint a guardian ad litem to represent a child in a proceeding under sections 69 to 89, inclusive, of this act if the court finds that the interests of the child are not adequately represented.

Sec. 86. *The court shall adjudicate parentage of a child without a jury.*

Sec. 87. *The court may dismiss a proceeding under sections 28 to 91, inclusive, of this act for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.*

Sec. 88. *1. An order adjudicating parentage must identify the child in a manner provided by law of this State other than sections 28 to 91, inclusive, of this act.*

2. Except as otherwise provided in subsection 3, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel and other reasonable expenses incurred in a proceeding under sections 69 to 89, inclusive, of this act. Attorney's fees awarded under this subsection may be paid directly to the attorney, and the attorney may enforce the order in the attorney's own name.

3. The court may not assess fees, costs or expenses in a proceeding under sections 69 to 89, inclusive, of this act against a child support agency of this State or another state, except as provided by law of this State other than sections 28 to 91, inclusive, of this act.

4. In a proceeding under sections 69 to 89, inclusive, of this act, a copy of a bill for genetic testing or prenatal or postnatal health care for the person who gave birth to the child and the child, that is provided to the adverse party, excluding a child support agency, not later than 10 days before a hearing, is admissible to establish:

(a) The amount of the charge billed; and

(b) That the charge is reasonable and necessary.

5. On request of a party and for good cause, the court in a proceeding under sections 69 to 89, inclusive, of this act may order the name of the child changed. If the court order changing the name varies from the name on the birth certificate of the child, the court shall order the State Registrar of Vital Statistics to issue an amended birth certificate.

Sec. 89. *1. Except as otherwise provided in subsection 2:*

(a) A signatory to an acknowledgment of parentage or denial of parentage is bound by the acknowledgment and denial as provided in sections 38 to 51, inclusive, of this act; and

(b) A party to an adjudication of parentage by a court acting under circumstances that satisfy the jurisdiction requirements of NRS 130.201 and any person who received notice of the proceeding are bound by the adjudication.

2. A child is not bound by a determination of parentage under sections 28 to 91, inclusive, of this act unless:

(a) The determination was based on an unrescinded acknowledgment of parentage and the acknowledgment is consistent with the results of genetic testing;

(b) The determination was based on a finding consistent with the results of genetic testing, and the consistency is declared in the determination or otherwise shown;

(c) The determination of parentage was made under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

(d) The child was a party or was represented by a guardian ad litem in the proceeding.

3. In a proceeding for divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, the court is deemed to have made an adjudication of parentage of a child if the court acts under circumstances that satisfy the jurisdiction requirements of NRS 130.201 and the final order:

(a) Expressly identifies the child as a "child of the marriage" or "issue of the marriage" or includes similar words indicating that both spouses are parents of the child; or

(b) Provides for support of the child by a spouse or domestic partner unless that spouse's or domestic partner's parentage of the child is disclaimed specifically in the order.

4. Except as otherwise provided in subsection 2 or section 79 of this act, a determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to the earlier proceeding.

5. A party to an adjudication of parentage may challenge the adjudication only under law of this State other than sections 28 to 91, inclusive, of this act relating to appeal, vacation of judgment or other judicial review.

Sec. 90. *In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 91. *Sections 28 to 91, inclusive, of this act modify, limit and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b).*

Sec. 92. *1. If a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the birth of the child, the person's death does not*

preclude the establishment of the person's parentage of the child if the person otherwise would be a parent of the child under sections 28 to 91, inclusive, of this act.

2. If a person who consented in a record to assisted reproduction by a person who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased person is a parent of a child conceived by the assisted reproduction only if:

(a) Either:

(1) The person consented in a record that if assisted reproduction were to occur after the death of the person, the person would be a parent of the child; or

(2) The person's intent to be a parent of a child conceived by assisted reproduction after the person's death is established by clear and convincing evidence; and

(b) Either:

(1) The embryo is in utero not later than 36 months after the person's death; or

(2) The child is born not later than 45 months after the person's death.

3. An intended parent is not a parent of a child conceived by assisted reproduction under a gestational agreement if the intended parent dies before the transfer of a gamete or embryo unless:

(a) The agreement provides otherwise; and

(b) The transfer of a gamete or embryo occurs not later than 36 months after the death of the intended parent or birth of the child occurs not later than 45 months after the death of the intended parent.

Sec. 93. *1. A party to a gestational agreement may terminate the agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent embryo transfer.*

2. Unless a gestational agreement provides otherwise, on termination of the agreement under subsection 1, the parties are released from the agreement, except that each intended parent remains responsible for expenses that are reimbursable under the agreement and incurred by the gestational carrier through the date of termination.

3. Except in a case involving fraud, neither a gestational carrier nor the gestational carrier's spouse, domestic partner or former spouse or domestic partner, if any, is liable to the intended parent or parents for a penalty or liquidated damages, for terminating a gestational agreement under this section.

Sec. 94. NRS 126.151 is hereby amended to read as follows:

126.151 1. ~~[An action under this chapter is a civil action governed by the Nevada Rules of Civil Procedure. The mother of the child and the alleged father are competent to testify and may be compelled to testify. Subsections 3 and 4 of NRS 126.111 and NRS 126.121 and 126.131 apply.~~

~~2.~~ In an action against an alleged ~~[father,]~~ *genetic parent,* evidence offered by the alleged ~~[father]~~ *genetic parent* with respect to ~~[a man]~~ *another person* who is not subject to the jurisdiction of the court concerning that ~~[man's]~~ *person's* sexual intercourse with the ~~[mother]~~ *person who gave birth to the child* at or about the probable time of conception of the child is admissible in evidence only if the alleged ~~[father]~~ *genetic parent* has undergone and made available to the court ~~[blood tests or tests for genetic identification,]~~ the results of *genetic testing performed pursuant to sections 52 to 68, inclusive, of this act* which show a probability less than 99 percent that the alleged ~~[father]~~ *genetic parent* is ~~[the father]~~ *a genetic parent* of the child.

~~[3.]~~ *2.* The trial must be by the court without a jury.

Sec. 95. NRS 126.161 is hereby amended to read as follows:

126.161 1. A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the existence or nonexistence of the relationship of parent and child is determinative for all purposes.

2. If such a judgment or order of this State is at variance with the child's birth certificate, the judgment or order must direct that a new birth certificate be issued as provided in NRS 440.270 to 440.340, inclusive.

3. If the child is a minor, such a judgment or order of this State must provide for the child's support as required by chapter 125B of NRS and must include an order directing the withholding or assignment of income for the payment of the support unless:

(a) One of the parties demonstrates and good cause is found by the court, or pursuant to the expedited process, for the postponement of the withholding or assignment; or

(b) All parties otherwise agree in writing.

4. Such a judgment or order of this State may:

(a) Contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child.

(b) Direct ~~[the father]~~ *a parent* to pay the reasonable expenses of the ~~[mother's]~~ pregnancy and confinement ~~[.]~~ *of the person who gave birth to the child.* The court may limit the ~~[father's]~~ liability *of a parent* for past support of the child to the proportion of the expenses already incurred which the court deems just.

5. A court that enters such a judgment or order shall ensure that the social security numbers of the ~~[mother and father]~~ *parents* are:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

6. A judgment or order issued pursuant to this chapter within a proceeding held pursuant to chapter 432B of NRS:

(a) Is not subject to the provisions relating to the confidentiality of judgments or orders set forth in chapter 432B of NRS; and

(b) Is a final order.

7. As used in this section, "expedited process" means ~~[a voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283,]~~ a voluntary acknowledgment of parentage developed by the State Board of Health pursuant to NRS 440.285, judicial procedure or an administrative procedure established by this or another state, as that term is defined in NRS 130.10179, to facilitate the collection of an obligation for the support of a child.

Sec. 96. NRS 126.201 is hereby amended to read as follows:

126.201 1. ~~[At the pretrial hearing and in further proceedings,]~~ *In any proceeding held pursuant to this chapter,* any party may be represented by counsel. If a party is financially unable to obtain counsel, the court may appoint counsel to represent that party with respect to the determination of the existence or nonexistence of the parent and child relationship and the duty of support, including , without limitation , the expenses of the ~~[mother's]~~ pregnancy and confinement ~~[,]~~ *of the person who gave birth to the child,* medical expenses for the birth of the child and support of the child from birth until trial.

2. If a party is financially unable to pay the cost of a transcript, the court shall furnish on request a transcript for purposes of appeal.

Sec. 97. NRS 126.291 is hereby amended to read as follows:

126.291 1. Proceedings to compel support by a nonsupporting parent may be brought in accordance with this chapter. They are not exclusive of other proceedings. The court may assess the usual filing fees, charges or court costs against the nonsupporting parent and shall enforce their collection with the other provisions of the judgment.

2. Except as otherwise provided in this subsection, when the district attorney is requested to bring an action to compel support or an action to determine ~~[paternity,]~~ *parentage,* the district attorney may charge the requester a fee of not more than $20 for an application. This fee may not be assessed against:

(a) The State of Nevada when acting as a party to an action brought pursuant to this chapter.

(b) Any person or agency requesting services pursuant to chapter 130 of NRS.

3. If the court finds that a parent and child relationship exists, it may assess against the nonsupporting parent, in addition to any support obligation ordered a reasonable collection fee. If the court finds that the nonsupporting parent would experience a financial hardship if required to pay the fee immediately, it may order that the fee be paid in installments, each of which is not more than 25 percent of the support obligation for each month.

4. All fees collected pursuant to this section must be deposited in the general fund of the county and an equivalent amount must be allocated to augment the county's program for the enforcement of support obligations.

5. As used in this section, "nonsupporting parent" means the parent of a child who has failed to provide an equitable share of his or her child's necessary maintenance, education and support.

Sec. 98. NRS 126.500 is hereby amended to read as follows:

126.500 As used in NRS 126.500 to 126.810, inclusive, *and sections 92 and 93 of this act,* unless the context otherwise requires, the words and terms defined in NRS ~~[126.510]~~ *126.520* to ~~[126.630,]~~ *126.580,* inclusive, have the meanings ascribed to them in those sections.

Sec. 99. NRS 126.660 is hereby amended to read as follows:

126.660 *1.* A donor is not a parent of a child conceived by means of assisted reproduction.

2. The consent of the spouse or domestic partner of a person who wishes to be a donor is not required for the person to be a donor.

Sec. 100. NRS 126.670 is hereby amended to read as follows:

126.670 A person who provides gametes for, or consents to, assisted reproduction by ~~[a woman,]~~ *the person giving birth to the child* as provided in NRS 126.680, with the intent to be a parent of ~~[her]~~ *the* child , is a parent of the resulting child.

Sec. 101. NRS 126.680 is hereby amended to read as follows:

126.680 1. ~~[Consent]~~ *Except as otherwise provided in subsection 2, consent* by a person who intends to be a parent of a child born by assisted reproduction must be in a ~~[declaration for the voluntary acknowledgment of parentage, signed pursuant to NRS 126.053.]~~ *record signed by the person giving birth to the child and the person who intends to be a parent of the child.*

2. Failure ~~[of a person to sign a declaration for the voluntary acknowledgment of parentage]~~ *to consent in a record as* required by subsection 1, before or after the birth of the child, does not preclude a finding of parentage if ~~[the woman and]~~ the person ~~[, during]~~ *who intends to be a parent of the child or the person giving birth to the child:*

(a) Proves by clear and convincing evidence the existence of an express agreement entered into by the person who intends to be a parent of the child and the person giving birth to the child, before the conception of the child, that the person who intends to be a parent of the child and the person giving birth to the child intended that they both would be parents of the child; or

(b) During the first 2 years of the child's life, *including any period of temporary absence,* resided together in the same household with the child and openly held out the child as their own.

Sec. 102. NRS 126.690 is hereby amended to read as follows:

126.690 1. Except as otherwise provided in subsection 2, the legal spouse or domestic partner of a ~~[woman]~~ *person* who gives birth to a child by means of assisted reproduction may not challenge the parentage of the child unless:

(a) Within 2 years after learning of the birth of the child, a proceeding is commenced to adjudicate parentage; and

(b) The court finds that, before or after the birth of the child, the legal spouse or domestic partner did not consent to the assisted reproduction.

2. A proceeding to adjudicate parentage may be maintained at any time if the court determines that:

(a) The legal spouse or domestic partner did not provide gametes for, or consent to, the assisted reproduction by the person who gave birth ~~[;]~~ *to the child;*

(b) The legal spouse or domestic partner and the ~~[woman]~~ *person* who gave birth to the child have not cohabited since the probable time of the assisted reproduction; and

(c) The legal spouse or domestic partner never openly held out the child as his or her own.

Sec. 103. NRS 126.700 is hereby amended to read as follows:

126.700 1. If a marriage or domestic partnership is dissolved or terminated before the transfer of ~~[eggs, sperm or]~~ embryos, the former spouse or former domestic partner is not a parent of the resulting child unless the former spouse or former domestic partner consented in a record that if assisted reproduction were to occur after a dissolution or termination, the former spouse or former domestic partner would be a parent of the child.

2. The consent of a person to assisted reproduction may be withdrawn by that person in a record at any time before ~~[placement]~~ *transfer* of the ~~[eggs, sperm or]~~ embryos.

Sec. 104. NRS 126.710 is hereby amended to read as follows:

126.710 1. A prospective gestational carrier, ~~[her]~~ *the* legal spouse or domestic partner , if ~~[she is married or in a domestic partnership,]~~ *any, of the prospective gestational carrier,* a donor or the donors and the intended parent or parents may enter into a written agreement providing that:

(a) The prospective gestational carrier agrees to pregnancy by means of assisted reproduction;

(b) The prospective gestational carrier, ~~[her]~~ *the* legal spouse or domestic partner , if ~~[she is married or in a domestic partnership,]~~ *any, of the prospective gestational carrier,* and the donor or donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(c) The intended parent or parents become the parent or parents of any resulting child.

2. If two persons are the intended parents, both of the intended parents must be parties to the gestational agreement.

3. A gestational agreement is enforceable only if it satisfies the requirements of NRS 126.750.

4. A gestational agreement may provide for payment of consideration pursuant to NRS 126.800 and 126.810.

Sec. 105. NRS 126.720 is hereby amended to read as follows:

126.720 *Except as otherwise provided in section 92 of this act:*

1. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750:

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor ~~[her]~~ *the* legal spouse or domestic partner, if any, *of the gestational carrier* shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750 and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination to the contrary is made by a court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within 60 days after the birth of the child.

3. The parties to a gestational carrier arrangement shall assume the rights and obligations of subsections 1 and 2 if:

(a) The gestational carrier satisfies the eligibility requirements set forth in subsection 1 of NRS 126.740;

(b) The intended parent or parents satisfy the requirement set forth in subsection 2 of NRS 126.740; and

(c) The gestational carrier arrangement occurs pursuant to a gestational agreement which meets the requirements set forth in NRS 126.750.

4. Before or after the birth of the resulting child, the intended parent or parents or the prospective gestational carrier or gestational carrier may commence a proceeding in any district court in this State to obtain an order designating the content of the birth certificate issued as provided in NRS 440.270 to 440.340, inclusive. If:

(a) A copy of the gestational agreement is attached to the petition;

(b) The requirements of NRS 126.740 and 126.750 are satisfied; and

(c) Any of the following applies:

(1) The resulting child is anticipated to be born in this State;

(2) The resulting child was born in this State;

(3) The intended parent or parents reside in this State;

(4) The intended parent or parents resided in this State when the gestational agreement was executed;

(5) The gestational carrier resides in this State;

(6) The gestational agreement was executed in this State; or

(7) The medical procedures for assisted reproduction that were performed pursuant to the gestational agreement and resulted in pregnancy were performed in this State,

➥ the court may issue an order validating the gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child.

Sec. 106. NRS 126.740 is hereby amended to read as follows:

126.740 1. A prospective gestational carrier is eligible to be a gestational carrier pursuant to NRS 126.710 to 126.810, inclusive, *and sections 92 and 93 of this act* if, at the time the gestational agreement is executed, ~~[she:]~~ *the prospective gestational carrier:*

(a) Has completed a medical evaluation relating to the anticipated pregnancy;

(b) Has undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement; and

(c) Did not contribute any gametes that will ultimately result in an embryo that ~~[she]~~ *the gestational carrier* will attempt to carry to term.

2. The intended parent or parents shall be deemed to have satisfied the requirements of NRS 126.710 to 126.810, inclusive, *and sections 92 and 93 of this act* if, before the gestational carrier agreement is executed, ~~[he, she or they]~~ *the intended parent or parents* have undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement.

Sec. 107. NRS 126.750 is hereby amended to read as follows:

126.750 1. A gestational agreement is enforceable only if it satisfies the requirements of this section.

2. The gestational carrier and the intended parent or parents must be represented by separate, independent counsel in all matters concerning the gestational carrier arrangement and gestational agreement.

3. A gestational agreement must:

(a) Be in writing;

(b) Be executed before the commencement of any medical procedures in furtherance of the gestational carrier arrangement, other than the medical evaluation required by subsection 1 of NRS 126.740 to determine the eligibility of the gestational carrier, by:

(1) A gestational carrier satisfying the eligibility requirements set forth in subsection 1 of NRS 126.740 and the legal spouse or domestic partner *, if any,* of the gestational carrier *;* ~~[, if any;]~~ and

(2) An intended parent or parents satisfying the requirement set forth in subsection 2 of NRS 126.740;

(c) Be notarized and signed by all the parties with attached declarations of the independent attorney of each party; and

(d) Include the separate, written and signed acknowledgment of the gestational carrier and the intended parent or parents stating that he or she has

received information about the legal, financial and contractual rights, expectations, penalties and obligations of the gestational agreement.

4. A gestational agreement must provide for:

(a) The express written agreement of the gestational carrier to:

(1) Undergo embryo or gamete transfer and *, subject to the provisions of subsection 6,* attempt to carry and give birth to any resulting child; and

(2) ~~[Surrender legal and physical custody of any resulting child to the]~~ *Acknowledge that each* intended parent ~~[or parents immediately upon the birth]~~ *is the legal and physical custodian* of ~~[the]~~ *any resulting* child;

(b) The express written agreement of the legal spouse or domestic partner, if any, of the gestational carrier to:

(1) Undertake the obligations imposed upon the gestational carrier pursuant to the terms of the gestational agreement; and

(2) ~~[Surrender legal and physical custody of any resulting child to the]~~ *Acknowledge that each* intended parent ~~[or parents immediately upon the birth]~~ *is the legal and physical custodian* of ~~[the]~~ *any resulting* child;

(c) The express written agreement of each party to the use by the gestational carrier of the services of a physician ~~[of her choosing,]~~ *chosen by the gestational carrier,* after consultation with the intended parent or parents, to provide care to the gestational carrier during the pregnancy; and

(d) The express written agreement of the intended parent or parents to:

(1) Accept legal and physical custody of any resulting child not biologically related to the gestational carrier or ~~[her]~~ *the* spouse or domestic partner, if any, *of the gestational carrier* immediately upon the birth of the child or children regardless of the number, gender or mental or physical condition of the child or children; and

(2) Assume sole responsibility for the support of any resulting child not biologically related to the gestational carrier or ~~[her]~~ *the* spouse or domestic partner, if any, *of the gestational carrier* immediately upon the birth of the child.

5. A gestational agreement is enforceable even if it contains one or more of the following provisions:

(a) The gestational carrier's agreement to undergo all medical examinations, treatments and fetal monitoring procedures recommended for the success of the pregnancy by the physician providing care to the gestational carrier during the pregnancy.

(b) The gestational carrier's agreement to abstain from any activities that the intended parent or parents or the physician providing care to the gestational carrier during the pregnancy reasonably believes to be harmful to the pregnancy and the future health of any resulting child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using prescription drugs not authorized by a physician aware of the pregnancy, exposure to radiation or any other activity proscribed by a health care provider.

(c) The agreement of the intended parent or parents to pay the gestational carrier reasonable compensation.

(d) The agreement of the intended parent or parents to pay for or reimburse the gestational carrier for reasonable expenses, including, without limitation, medical, legal or other professional expenses, related to the gestational carrier arrangement and the gestational agreement.

6. A gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including, without limitation, whether to consent to a cesarean section or the transfer of multiple embryos, whether to use the services of a health care practitioner chosen by the gestational carrier, whether to terminate or continue the pregnancy and whether to reduce or retain the number of fetuses or embryos carried by the gestational carrier. Any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Sec. 108. NRS 126.770 is hereby amended to read as follows:

126.770 *1. Unless a gestational agreement expressly provides otherwise:*

(a) The marriage or domestic partnership of a gestational carrier after ~~[she executes a]~~ *the* gestational agreement *is signed by all parties* does not affect the validity of the ~~[gestational]~~ agreement ~~[and:~~

~~1. The]~~ *, the* consent of the ~~[legal]~~ spouse or domestic partner of the gestational carrier to the ~~[gestational]~~ agreement is not required ~~[.~~

~~2. The legal]~~ *, and the* spouse or domestic partner of the gestational carrier ~~[must]~~ *is* not ~~[be]~~ *a* presumed ~~[to be the]~~ parent of ~~[any resulting]~~ *a* child ~~[.]~~ *conceived by assisted reproduction under the agreement; and*

(b) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of the gestational carrier after the agreement is signed by all parties does not affect the validity of the agreement.

2. Unless a gestational agreement expressly provides otherwise:

(a) The marriage or domestic partnership of an intended parent after the agreement is signed by all parties does not affect the validity of a gestational agreement, the consent of the spouse or domestic partner of the intended parent is not required, and the spouse or domestic partner of the intended parent is not, based on the agreement, a parent of a child conceived by assisted reproduction under the agreement; and

(b) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of an intended parent after the agreement is signed by all parties does not affect the validity of the agreement and the intended parents are the parents of a child conceived by assisted reproduction under the agreement.

Sec. 109. NRS 126.780 is hereby amended to read as follows:

126.780 1. A gestational carrier, ~~[her]~~ *the* legal spouse or domestic partner, if any, *of the gestational carrier* or the intended parent or parents are in noncompliance when ~~[he, she or they breach]~~ *any such person breaches* any provision of the gestational agreement or ~~[fail]~~ *fails* to meet any of the

requirements of NRS 126.710 to 126.810, inclusive ~~[.]~~ *, and sections 92 and 93 of this act.*

2. In the event of noncompliance, a court of competent jurisdiction shall determine the respective rights and obligations of the parties to the gestational agreement ~~[based solely]~~ *:*

(a) If the agreement substantially complies with NRS 126.710 to 126.810, inclusive, and sections 92 and 93 of this act, based on the evidence of the ~~[original]~~ intent of the parties ~~[.]~~ *at the time of execution of the agreement and other relevant evidence.*

(b) If the agreement does not substantially comply with NRS 126.710 to 126.810, inclusive, and sections 92 and 93 of this act, pursuant to other applicable law of this State.

3. ~~[There must be no specific]~~ *Specific* performance *is not an available* remedy ~~[available for breach of the]~~ *except to enforce any provision in a* gestational agreement ~~[by the gestational carrier that would require the gestational carrier to be impregnated.]~~ *that is necessary to enable the intended parents to exercise the full rights of parentage immediately upon the birth of the child, if the intended parents are being prevented from exercising such rights.*

Sec. 110. NRS 128.150 is hereby amended to read as follows:

128.150 1. If a ~~[mother]~~ *person who gave birth to a child* relinquishes or proposes to relinquish *the child* for adoption ~~[a]~~ *and the* child ~~[who]~~ has:

(a) A presumed ~~[father]~~ *parent* pursuant to ~~[NRS 126.051;]~~ *section 37 of this act;*

(b) A ~~[father]~~ *parent* whose relationship to the child has been determined by a court; or

(c) A ~~[father]~~ *parent* as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction,

➥ and the ~~[father]~~ *parent* has not consented to the adoption of the child or relinquished the child for adoption, a proceeding must be brought pursuant to this chapter and a determination made of whether a parent and child relationship exists and, if so, if it should be terminated.

2. If a ~~[mother]~~ *person who gave birth to a child* relinquishes or proposes to relinquish *the child* for adoption ~~[a]~~ *and the* child ~~[who]~~ does not have:

(a) A presumed ~~[father]~~ *parent* pursuant to ~~[NRS 126.051;]~~ *section 37 of this act;*

(b) A ~~[father]~~ *parent* whose relationship to the child has been determined by a court;

(c) A ~~[father]~~ *parent* as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction; or

(d) A ~~[father]~~ *parent* who can be identified in any other way,

➥ or if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the

~~[mother]~~ *person who gave birth to the child* or the person having custody of the child, shall file a petition in the district court to terminate the parental rights of the ~~[father,]~~ *other parent,* unless the ~~[father's]~~ *other parent's* relationship to the child has been previously terminated or determined not to exist by a court.

3. In an effort to identify and protect the interests of the ~~[natural father,]~~ *other parent,* the court which is conducting a proceeding pursuant to this chapter shall cause inquiry to be made of the ~~[mother]~~ *person who gave birth to the child* and any other appropriate person. The inquiry must include the following:

(a) Whether the ~~[mother]~~ *person who gave birth to the child* was married *or in a domestic partnership* at the time of conception of the child or at any time thereafter.

(b) Whether the ~~[mother]~~ *person who gave birth to the child* was cohabiting with ~~[a man]~~ *another person* at the time of conception or birth of the child.

(c) Whether the ~~[mother]~~ *person who gave birth to the child* has received support payments or promises of support with respect to the child or in connection with ~~[her]~~ *the* pregnancy ~~[.]~~ *of the person.*

(d) Whether any ~~[man]~~ *person* has formally or informally acknowledged or declared ~~[his]~~ *their* possible ~~[paternity]~~ *parentage* of the child.

4. If, after the inquiry, the ~~[natural father]~~ *other parent* is identified to the satisfaction of the court, or if more than one ~~[man]~~ *person* is identified as a possible ~~[father,]~~ *parent,* each must be given notice of the proceeding in accordance with subsection 6 or with this chapter, as applicable. If any of them fails to appear or, if appearing, fails to claim custodial rights, such failure constitutes abandonment of the child. If the ~~[natural father]~~ *other parent* or a ~~[man]~~ *person* representing ~~[himself]~~ *themselves* to be the ~~[natural father,]~~ *other parent,* claims custodial rights, the court shall proceed to determine custodial rights.

5. If, after the inquiry, the court is unable to identify the ~~[natural father]~~ *other parent* or any possible ~~[natural father]~~ *other parent* and no person has appeared claiming to be the ~~[natural father]~~ *other parent* and claiming custodial rights, the court shall enter an order terminating the unknown ~~[natural father's]~~ *person's* parental rights with reference to the child. Subject to the disposition of any appeal, upon the expiration of 6 months after an order terminating parental rights is issued under this subsection, or this chapter, the order cannot be questioned by any person in any manner or upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter.

6. Notice of the proceeding must be given to every person identified as ~~[the natural father]~~ *a parent* or a possible ~~[natural father]~~ *parent* in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process in a civil action, or in any manner the court directs. Proof of giving the notice must be filed with the court before the petition is heard.

Sec. 111. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a nonresident party who is a natural

person in a tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

2. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule in NRS 51.065 if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the ~~[mother]~~ *person who gave birth to the child* and *the* child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify under penalty of perjury by telephone, audiovisual means or other electronic means at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between a married couple *or between domestic partners* does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of a married couple , *domestic partners* or parent and child does not apply in a proceeding under this chapter.

10. A ~~[voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283 or a]~~ voluntary acknowledgment of parentage developed by the State Board of Health pursuant to NRS 440.285, certified as a true copy, is admissible to establish parentage of the child.

Sec. 112. NRS 130.401 is hereby amended to read as follows:

130.401 1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this State with personal jurisdiction over the parties may issue a support order if:

(a) The natural person seeking the order resides outside this State; or

(b) The support-enforcement agency seeking the order is located outside this State.

2. The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the natural person ordered to pay is:

(a) A presumed ~~[father]~~ *parent* of the child under ~~[subsection 1 of NRS 126.051;]~~ *section 37 of this act;*

(b) Petitioning to have ~~[his paternity]~~ *their parentage* adjudicated;

(c) Identified as the ~~[father]~~ *parent* of the child through genetic testing;

(d) An alleged ~~[father]~~ *genetic parent* who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be the ~~[father]~~ *parent* of the child;

(f) An ~~[acknowledged father or]~~ acknowledged parent as provided by ~~[NRS 126.053;]~~ *sections 38 to 51, inclusive, of this act;*

(g) The ~~[mother of]~~ *person who gave birth to* the child; or

(h) A natural person who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to NRS 130.305.

Sec. 113. NRS 3.405 is hereby amended to read as follows:

3.405 1. In an action to establish ~~[paternity,]~~ *parentage,* the court may appoint a master to take testimony and recommend orders.

2. The court may appoint a master to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.

3. The master must be an attorney licensed to practice in this State. The master:

(a) Shall take testimony and establish a record;

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

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

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

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

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

➥ If a temporary order for support is issued pursuant to paragraph (b), the master shall order that the support be paid to the Division of Welfare and Supportive Services of the Department of Health and Human Services, its

designated representative or the district attorney, if the Division of Welfare and Supportive Services or district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.

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

Sec. 114. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in this subsection, a parent who has joint legal and physical custody of a child pursuant to NRS 125C.0015 shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child. A person who violates this subsection shall be punished as provided in subsection 1 unless the person demonstrates to the satisfaction of the court that he or she violated this subsection to protect the child or himself or herself from an act that constitutes domestic violence pursuant to NRS 33.018.

3. If ~~[the mother]~~ *a parent* of a child has primary physical custody *of the child* pursuant to ~~[subsection 2 of]~~ NRS 125C.003, ~~[the father]~~ *another parent* of the child shall not willfully conceal or remove the child from the physical custody of the ~~[mother. If the father of a child has]~~ *parent who has* primary physical custody . ~~[pursuant to subsection 2 of NRS 125C.003, the mother of the child shall not willfully conceal or remove the child from the physical custody of the father.]~~ A person who violates this subsection shall be punished as provided in subsection 1.

4. A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.0065 without the written consent of the non-relocating parent or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable. A person who violates this subsection shall be punished as provided in subsection 1.

5. A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.006 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

7. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

8. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

9. A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

10. In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.006 or 125C.0065.

11. This section does not apply to a person who detains, conceals, removes or relocates with a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and reported the detention, concealment, removal or relocation to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing, removing or relocating with the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 115. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, ~~[126.141,]~~ 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,

450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 116. NRS 422A.585 is hereby amended to read as follows:

422A.585 1. The Division shall, within the limitations of available funding, establish a program which promotes the self-sufficiency of a ~~[natural father]~~ *parent* whose ~~[paternity]~~ *parentage* is presumed pursuant to ~~[NRS 126.051]~~ *section 37 of this act* or a noncustodial parent of a child for whom benefits are being received by a household.

2. If a ~~[natural father]~~ *parent* whose ~~[paternity]~~ *parentage* is presumed pursuant to ~~[NRS 126.051]~~ *section 37 of this act* or a noncustodial parent of a child for whom benefits are being received by a household chooses to participate in the program established pursuant to subsection 1, the Division may, within the limitations of available funding, increase the amount of benefits provided to the head of the household on behalf of the child.

Sec. 117. NRS 432B.560 is hereby amended to read as follows:

432B.560 1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

(d) Tests for the typing of blood or taking of specimens for genetic identification ~~[of the child, the natural mother of the child or the alleged father of the child]~~ pursuant to ~~[NRS 126.121.]~~ *sections 52 to 68, inclusive, of this act.*

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630. Payments for the obligation of support must be determined in accordance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.620, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

Sec. 118. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the person ~~[giving]~~ *who gave* birth *to a child* and *the* child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the

signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the person ~~[giving]~~ *who gave* birth *to a child* and *the* child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) ~~[The person giving birth or other]~~ *A* parent or, if ~~[the other]~~ *each* parent is absent ~~[and the person giving birth is]~~ *or* incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the person ~~[giving]~~ *who gave* birth *to a child* was:

(a) Married *or in a domestic partnership* at the time of *the* birth, the name of the spouse *or domestic partner* of ~~[that]~~ *the* person *who gave birth* must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse *or domestic partner* of the person ~~[giving]~~ *who gave* birth is the other parent of the child; or

(2) The person ~~[giving]~~ *who gave* birth and a person other than the spouse *or domestic partner* of the person ~~[giving]~~ *who gave* birth have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 ~~[.]~~ *and the spouse or domestic partner of the person who gave birth has signed a voluntary denial of parentage developed by the Board pursuant to NRS 440.285*.

(b) Widowed at the time of birth but married *or in a domestic partnership* at the time of conception, the name of the spouse *or domestic partner* of the person ~~[giving]~~ *who gave* birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse *or domestic partner* of the person ~~[giving]~~ *who gave* birth at the time of conception is the other parent of the child; or

(2) The person ~~[giving]~~ *who gave* birth and a person other than the spouse *or domestic partner* of the person ~~[giving]~~ *who gave* birth at the time of conception have signed ~~[a declaration for the voluntary acknowledgment of~~

~~paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 ~~[.]~~ *and the spouse or domestic partner of the person who gave birth has signed a voluntary denial of parentage developed by the Board pursuant to NRS 440.285.*

6. If the person ~~[giving]~~ *who gave* birth was unmarried *and not in a domestic partnership* at the time of *the* birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 119. NRS 440.285 is hereby amended to read as follows:

440.285 1. The Board shall:

(a) Develop ~~[a declaration]~~ *declarations* to be signed under penalty of perjury for the voluntary acknowledgment of parentage *and the voluntary denial of parentage* in this State ~~[,]~~ *pursuant to sections 38 to 51, inclusive, of this act;* and

(b) Distribute the declarations to each hospital or freestanding birthing center in this State.

2. Before providing a declaration for the acknowledgment of parentage *or denial of parentage* to ~~[the person who gave birth to a child or]~~ a person who wishes to acknowledge *or deny* the parentage of a child, the agencies described in paragraph (b) of subsection 1 shall ensure that ~~[the person who gave birth~~

~~and]~~ the person who wishes to acknowledge *or deny* parentage ~~[are]~~ *is* given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of parentage ~~[.]~~ *or declaration for the denial of parentage.*

Sec. 120. NRS 440.287 is hereby amended to read as follows:

440.287 1. If a person who has given birth or a person who has signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 with the person who has given birth rescinds the acknowledgment pursuant to ~~[subsection 2 of NRS 126.053,]~~ *section 45 of this act*, the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged ~~[paternity or]~~ parentage ~~[, as applicable,]~~ unless a court issues an order establishing that the person who acknowledged ~~[paternity or]~~ parentage ~~[, as applicable,]~~ is not the ~~[father or]~~ parent ~~[, as applicable,]~~ of the child.

2. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 121. NRS 440.319 is hereby amended to read as follows:

440.319 1. Whenever the State Registrar receives an order issued by a district court in this State pursuant to subsection 4 of NRS 126.720 validating a gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child, the State Registrar shall prepare and file a certificate of birth in the name of the child which shows the intended parent or parents as the parent or parents of the child and seal and file the order and the original certificate of birth, if any. Unless the court order is issued by a district court in this State for an action which was originally commenced in this State, a court order concerning a gestational agreement is not valid for any purpose in this State as it relates to a child born in this State, including, without limitation, the preparation and filing of a certificate of birth by the State Registrar.

2. As used in this section:

(a) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.

(b) "Intended parent" has the meaning ascribed to it in ~~[NRS 126.590.]~~ *section 16 of this act.*

Sec. 122. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the ~~[paternity or]~~ parentage of a child being established by the:

(a) ~~[Person who gave birth and other parent acknowledging paternity of a child by signing a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283;~~

~~(b)]~~ Person who gave birth *to the child* and another person acknowledging parentage of the child by signing a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285; or

~~[(c)]~~ *(b)* Order of a district court,

➥ the State Registrar, upon the receipt of the declaration or court order, shall prepare a new certificate of birth in the name of the child as shown in the declaration or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the declaration or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 123. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging ~~[an unmarried woman who has borne]~~ *a person who gave birth to* a child, a hospital or freestanding birthing center shall provide to the child's parents:

(a) The opportunity to sign, in the hospital, a declaration for the voluntary acknowledgment of ~~[paternity]~~ *parentage* developed pursuant to NRS ~~[440.283;]~~ *440.285 and, if applicable, a voluntary denial of parentage developed pursuant to NRS 440.285;*

(b) Written materials about establishing ~~[paternity;]~~ *parentage;*

(c) The forms necessary to acknowledge ~~[paternity]~~ *or deny parentage* voluntarily;

(d) A written description of the rights and responsibilities of acknowledging ~~[paternity;]~~ *parentage;* and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of ~~[paternity.]~~ *parentage.*

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or freestanding birthing center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 124. NRS 629.151 is hereby amended to read as follows:

629.151 It is unlawful to obtain any genetic information of a person without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless the information is obtained:

1. By a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

2. ~~[To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~3.]~~ To determine the ~~[paternity]~~ *parentage* of a person pursuant to NRS ~~[126.121 or]~~ 425.384 ~~[;~~

~~4.]~~ *or sections 52 to 68, inclusive, of this act;*

3. For use in a study where the identities of the persons from whom the genetic information is obtained are not disclosed to the person conducting the study;

~~[5.]~~ *4.* To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law; or

~~[6.]~~ *5.* Pursuant to an order of a court of competent jurisdiction.

Sec. 125. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

2. ~~[To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~3.]~~ To determine the ~~[paternity]~~ *parentage* of a person pursuant to NRS ~~[126.121 or]~~ 425.384 ~~[;~~

~~4.]~~ *or sections 52 to 68, inclusive, of this act;*

3. Pursuant to an order of a court of competent jurisdiction;

~~[5.]~~ *4.* By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

~~[6.]~~ *5.* To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

~~[7.]~~ *6.* To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

~~[8.]~~ *7.* To carry out the provisions of NRS 442.300 to 442.330, inclusive; or

~~[9.]~~ *8.* By an agency of criminal justice pursuant to NRS 179A.075.

Sec. 126. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS ~~[126.121 and]~~ 652.186 ~~[,]~~ *and sections 52 to 68, inclusive, of this act,* no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS, a licensed dentist or a registered pharmacist may manipulate a person for the collection of specimens. The

persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 127. NRS 689A.0424 is hereby amended to read as follows:

689A.0424 1. An insurer that offers or issues a policy of health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[NRS 126.590,]~~ *section 16 of this act,* for purposes related to the policy of health insurance.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 128. NRS 689B.03766 is hereby amended to read as follows:

689B.03766 1. An insurer that offers or issues a policy of group health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[NRS 126.590,]~~ *section 16 of this act,* for purposes related to the policy of group health insurance.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 129. NRS 689C.1945 is hereby amended to read as follows:

689C.1945 1. A carrier that offers or issues a health benefit plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[NRS 126.590,]~~ *section 16 of this act,* for purposes related to the health benefit plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 130. NRS 695A.1857 is hereby amended to read as follows:

695A.1857 1. A society that offers or issues a benefit contract that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[NRS 126.590,]~~ *section 16 of this act,* for purposes related to the benefit contract.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 131. NRS 695B.1948 is hereby amended to read as follows:

695B.1948 1. An insurer that offers or issues a contract for hospital or medical services that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[NRS 126.590,]~~ *section 16 of this act*, for purposes related to the contract for hospital or medical services.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 132. NRS 695C.1712 is hereby amended to read as follows:

695C.1712 1. A health maintenance organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the enrollee is acting as a gestational carrier.

2. If an enrollee acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[NRS 126.590,]~~ *section 16 of this act*, for purposes related to the health care plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 133. NRS 695G.1716 is hereby amended to read as follows:

695G.1716 1. A managed care organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[NRS 126.590,]~~ *section 16 of this act*, for purposes related to the health care plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 134. The amendatory provisions of this act apply to a pending proceeding to adjudicate parentage commenced before October 1, 2023, for an issue on which a judgment has not been entered.

Sec. 135. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to appropriately replace references to the term "paternity" with the term "parentage," references to the term "father" with the term "parent" and references to the term "mother" with the term "parent," "person who gave birth," "person who will give birth," "person giving birth" or another similar term, as appropriate given the context, in the manner provided in this act; and

2. In preparing supplements to the Nevada Administrative Code, appropriately replace references to the term "paternity" with the term

"parentage," references to the term "father" with the term "parent" and references to the term "mother" with the term "parent," "person who gave birth," "person who will give birth," "person giving birth" or another similar term, as appropriate given the context, in the manner provided in this act.

Sec. 136. NRS 56.020, 126.021, 126.041, 126.051, 126.053, 126.071, 126.081, 126.091, 126.101, 126.105, 126.111, 126.121, 126.131, 126.141, 126.143, 126.171, 126.223, 126.231, 126.510, 126.540, 126.550, 126.560, 126.590, 126.600, 126.610, 126.620, 126.630 and 440.283 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

56.020 Determination of parentage or identity.
126.021 Definitions.
126.041 Establishment of relationship.
126.051 Presumptions of paternity.
126.053 Voluntary acknowledgment of paternity or parentage.
126.071 Who may bring action; when action may be brought.
126.081 Period of limitations.
126.091 Jurisdiction; joinder; venue.
126.101 Parties.
126.105 Service of process.
126.111 Pretrial hearing; testimony.
126.121 Tests for typing of blood or genetic identification; admissibility in court; effect of refusal to submit to test.
126.131 Evidence relating to paternity; evidence of costs of certain medical services.
126.141 Pretrial recommendations.
126.143 Order for temporary support of child.
126.171 Costs.
126.223 Entry of default upon failure to plead or defend in action.
126.231 Who may bring action; provisions of chapter applicable to action.
126.510 "Assisted reproduction" defined.
126.540 "Donor" defined.
126.550 "Embryo" defined.
126.560 "Gamete" defined.
126.590 "Intended parent" defined.
126.600 "In vitro fertilization" defined.
126.610 "Parent" defined.
126.620 "Record" defined.
126.630 "Sign" defined.
440.283 Voluntary acknowledgment of paternity: Board to develop and distribute declarations to be signed; certain entities to provide services and notice concerning effect of declaration.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 607 to Assembly Bill No. 371 adds new language in section 107 of the bill requiring that a gestational agreement must provide for the express written agreement between the gestational carrier and any legal spouse or domestic partner of the gestational carrier acknowledging that the intended parent is the legal and physical custodian of any resulting child, adds clarifying language in section 50 regarding the sharing of information by the State Registrar of Vital Statistics, provides that a child welfare services agency may maintain an action to adjudicate parentage in certain circumstances and specifies that the venue for an adjudication of parentage may take place in the county in this State in which a proceeding has been commenced to protect a child from abuse or neglect.

Amendment adopted.

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

Assembly Bill No. 373.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 606.

SUMMARY—Revises provisions relating to deceptive trade practices. (BDR 52-773)

AN ACT relating to deceptive trade practices; clarifying the authority of the Attorney General with respect to a deceptive trade practice; increasing certain civil penalties for engaging in a deceptive trade practice under certain circumstances; revising the statute of limitations for engaging in a deceptive trade practice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) Existing law authorizes the Attorney General to obtain a temporary restraining order, a preliminary or permanent injunction or other appropriate relief by bringing an action in the name of the State against a person the Attorney General has reason to believe has engaged or is engaging in a deceptive trade practice. (NRS 598.0963) Section 1 of this bill clarifies that such other appropriate relief which the Attorney General may obtain includes, without limitation, the recovery of a civil penalty, disgorgement, restitution or the recovery of damages as parens patriae.

Existing law authorizes a court or the Director of the Department of Business and Industry or his or her designee, in certain actions and proceedings relating to the enforcement of the provisions prohibiting deceptive trade practices, to impose an additional maximum civil penalty of $12,500 for each violation if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward an elderly person , ~~[or]~~ a person with a disability ~~[.]~~ or a minor person. (NRS ~~[598.0973) Section]~~ 598.0973, 598.09735) Sections 1.5 and 1.7 of this bill ~~[increases]~~ increase the additional maximum civil penalty to ~~[$25,000]~~ $15,000 if the

deceptive trade practice was directed toward a person with a disability and $25,000 if directed toward an elderly person ~~[.]~~ or a minor person.

Existing law authorizes the Commissioner of Consumer Affairs, the Director of the Department of Business and Industry, the district attorney of any county in this State or the Attorney General to recover a civil penalty not to exceed $5,000 if the court finds that a person has willfully engaged in a deceptive trade practice. (NRS 598.0999) Section 2 of this bill increases the maximum civil penalty for such a willful violation to $15,000.

Existing law requires an indictment for the offense of engaging in certain trade practices punishable as a felony to be found, or an information or complaint to be filed, within 4 years after the commission of the offense. (NRS 171.085) Section 3 of this bill imposes that requirement for all offenses involving the commission of any deceptive trade practice that is punishable as a felony. Section 4 of this bill clarifies that the amendatory provisions of section 3 apply to an offense committed: (1) before July 1, 2023, if the applicable statute of limitations has commenced but has not yet expired; and (2) on or after July 1, 2023.

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

Section 1. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive. The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief ~~[.]~~ *, including, without limitation, the recovery of a civil penalty, disgorgement, restitution or the recovery of damages:*

(a) As parens patriae of the persons residing this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly; or

(b) As parens patriae, with respect to direct or indirect damages to the general economy of the State of Nevada or any agency or political subdivision thereof.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a

subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 1.5. NRS 598.0973 is hereby amended to read as follows:

598.0973 1. Except as otherwise provided in NRS 598.0974, in any action or proceeding brought pursuant to NRS 598.0903 to 598.0999, inclusive, if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability, the court or the Director or his or her designee may, in addition to any other civil or criminal penalty, impose a civil penalty of *:*

(a) For a deceptive trade practice directed toward a person with a disability, not more than ~~[$12,500]~~ *$15,000* for each violation.

(b) For a deceptive trade practice directed toward an elderly person, not more than $25,000 for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court or the Director or his or her designee shall consider whether:

(a) The conduct of the person was in disregard of the rights of the elderly person or person with a disability;

(b) The person knew or should have known that his or her conduct was directed toward an elderly person or a person with a disability;

(c) The elderly person or person with a disability was more vulnerable to the conduct of the person because of the age, health, infirmity, impaired understanding, restricted mobility or disability of the elderly person or person with a disability;

(d) The conduct of the person caused the elderly person or person with a disability to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the elderly person or person with a disability to suffer:

(1) Mental or emotional anguish;

(2) The loss of the primary residence of the elderly person or person with a disability;

(3) The loss of the principal employment or source of income of the elderly person or person with a disability;

(4) The loss of money received from a pension, retirement plan or governmental program;

(5) The loss of property that had been set aside for retirement or for personal or family care and maintenance;

(6) The loss of assets which are essential to the health and welfare of the elderly person or person with a disability; or

(7) Any other interference with the economic well-being of the elderly person or person with a disability, including the encumbrance of his or her primary residence or principal source of income; or

(f) Any other factors that the court or the Director or his or her designee deems to be appropriate.

Sec. 1.7. NRS 598.09735 is hereby amended to read as follows:

598.09735 1. Except as otherwise provided in NRS 598.0974, in any action or proceeding brought pursuant to NRS 598.0903 to 598.0999, inclusive, if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward a minor person, the court or the Director or his or her designee may, in addition to any other civil or criminal penalty, impose a civil penalty of not more than ~~[$12,500]~~ *$25,000* for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court or the Director or his or her designee shall consider whether:

(a) The conduct of the person was in disregard of the rights of the minor person;

(b) The person knew or should have known that his or her conduct was directed toward a minor person;

(c) The minor person was more vulnerable to the conduct of the person because of the age of the minor person;

(d) The conduct of the person caused the minor person to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the minor person to suffer:

(1) Mental or emotional anguish;

(2) The loss of money or financial support received from any source;

(3) The loss of property that had been set aside for education or for personal or family care and maintenance;

(4) The loss of assets which are essential to the health and welfare of the minor person; or

(5) Any other interference with the economic well-being of the minor person; or

(f) Any other factors that the court or the Director or his or her designee deems to be appropriate.

3. As used in this section, "minor person" means a person who is 17 years of age or younger.

Sec. 2. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the

action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed ~~[$5,000]~~ *$15,000* for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(d) For an offense involving a loss of property or services valued at $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 3. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080 to 171.084, inclusive, and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, a violation of NRS 90.570, a violation punishable pursuant to ~~[paragraph (c)]~~ *paragraphs (a) to (d), inclusive,* of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.

3. Sex trafficking must be found, or an information or complaint filed, within 6 years after the commission of the offense.

4. Any felony other than the felonies listed in subsections 1, 2 and 3 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 4. The amendatory provisions of section 3 of this act apply to an offense committed:

1. Before July 1, 2023, if the applicable statute of limitations has commenced but has not expired on July 1, 2023.

2. On or after July 1, 2023.

Sec. 5. This act becomes effective on July 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 606 to Assembly Bill No. 373 increases the maximum penalty for a deceptive trade practice aimed at a disabled person to $15,000, and if the deceptive trade practice is aimed at a minor or an elderly person, to $25,000.

Amendment adopted.

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

Assembly Bill No. 408.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 655.

SUMMARY—Revises provisions relating to ~~[reckless driving.]~~ motor vehicles. (BDR 43-95)

AN ACT relating to motor vehicles; authorizing the removal of a vehicle or part of a vehicle from the highway following the issuance of a citation for reckless driving; requiring the inclusion of certain information regarding hardship tariffs in the annual report submitted by the operator of a tow car to the Nevada Transportation Authority; revising provisions governing the towing of a motor vehicle requested by a person other than the owner of the vehicle; prohibiting a tow car operator from charging fees or costs for the storage of ~~[such]~~ a vehicle until the vehicle has been stored for a certain period; requiring the ~~[owner of such a vehicle to pay]~~ operator of a tow car to consider charging a hardship tariff instead of the normal rate for the storage and removal of the vehicle under certain circumstances; ~~[revising provisions relating to the applicability of certain traffic laws concerning reckless driving;]~~ requiring the operator of a tow car to display certain information in his or her place of business; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a law enforcement officer to remove, or cause to be removed, a vehicle or part of a vehicle found on the highway to a place of safekeeping under certain circumstances. (NRS 484B.443) Section 1 of this bill authorizes a law enforcement officer to take such action if the person driving or in actual physical control of the vehicle is issued a citation for

reckless driving. Section 3 of this bill provides that the provisions of law requiring a tow car operator to allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing do not apply if the towing was requested by a law enforcement officer pursuant to the amendatory provisions of section 1.

Existing law makes it unlawful for a person to drive a vehicle in an unauthorized trick driving display or to facilitate an unauthorized trick driving display on a public highway. (NRS 484B.653) Section 2 of this bill additionally prohibits a person from driving a vehicle in an unauthorized trick driving display or facilitating an unauthorized trick driving display on premises to which the public has access.

~~[Existing law requires that, under certain circumstances, a registered owner of a vehicle that is towed must pay certain fees and charges to the tow car operator for the towing, storage and removal of the vehicle. (NRS 484B.443, 706.4477, 706.4479)]~~ Existing law ~~[: (1) prohibits the tow car operator from charging any fee or cost for the storage of the vehicle until at least 48 hours has passed since the motor vehicle arrived and was registered at the place of storage; and (2) requires that if the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period must begin when the regular business hours of the place of storage next begin. (NRS 706.4477) Section 2.2 of this bill makes these provisions applicable when a tow car operator tows a vehicle at the request of a law enforcement officer pursuant to section 1.]~~ provides that if the towing of a motor vehicle is requested by a person other than the owner, an agent of the owner, a law enforcement officer or other person employed to enforce the laws, ordinances and codes of a local government, the operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. (NRS 706.4477) Section 3.1 of this bill provides that the operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 24 hours after the motor vehicle arrives and is registered at the place of storage.

Existing law provides that an owner of real property may not have a vehicle towed from a residential complex solely because the registration of the vehicle is expired. (NRS 706.4477) Section 3.1: (1) prohibits an operator from charging any fee or cost for the towing of a vehicle solely because the registration of the vehicle is expired; and (2) provides that the towing of such a vehicle by an operator is a violation subject to certain penalties.

Existing law further requires the owner of a vehicle that has been towed to pay a hardship tariff, instead of the normal rate, for the cost of removal and storage of the vehicle if: (1) the vehicle was towed from a residential complex at the request of a person other than the owner of the vehicle or the owner's authorized agent because the vehicle was not registered in this State or any other state; and (2) the owner is unable to pay the normal rate for reasons outside of the owner's control. (NRS 706.4477) ~~[Section 2.2 of this bill~~

~~similarly provides that if the tow car operator tows a vehicle at the request of a law enforcement officer pursuant to section 1, the owner of the vehicle is required to pay the hardship tariff, instead of the normal rate, for the cost of the removal and storage of the vehicle if the owner establishes the inability to pay the normal rate. Section 2.2 further provides that the owner establishes the inability to pay the normal rate by providing evidence that the owner is a recipient of certain public assistance, has a household net income below a certain amount, has certain expenses in excess of income or otherwise qualifies for the hardship tariff for a reason established by the Nevada Transportation Authority by regulation.~~

~~Section 2.4 of this bill makes a conforming change to make the definitions in existing law governing tow car operators applicable to the provisions of section 2.2.~~

~~Sections 2.6, 2.8 and 3.3-3.7 of this bill make conforming changes to provide that the requirements of section 2.2 are enforced by the Authority in the same manner as other laws governing tow car operators.]~~ Section 3.1 removes the requirement for the owner of a vehicle to pay a hardship tariff under these circumstances and instead requires an operator of a tow car to consider charging a hardship tariff for the removal and storage of a motor vehicle if the owner is unable to pay the normal rate for reasons outside of the owner's control. Section 3.1 requires an operator of a tow car to display a written notice in his or her place of business: (1) regarding the requirement for the operator to consider charging a hardship tariff; and (2) containing a telephone number for the Authority where a person may report certain alleged violations of law.

Existing law requires each fully regulated carrier, operator of a tow car and common or contract motor carrier regulated by the Nevada Transportation Authority to furnish an annual report to the Authority in the form and detail required by the Authority. (NRS 706.167) Section 2.9 of this bill requires the annual report submitted by the operator of a tow car to include the number of times that the operator charged a hardship tariff during the calendar year.

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

Section 1. NRS 484B.443 is hereby amended to read as follows:

484B.443 1. Except as otherwise provided in subsection 2, whenever any law enforcement officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any law enforcement officer finds a vehicle, the cargo of a vehicle or other property unattended, disabled or spilled upon any highway, bridge or causeway, or in any tunnel, where the vehicle, cargo or property constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety, the officer or the law enforcement agency employing the officer, in coordination with unified command, if

applicable, may provide for the immediate removal of the vehicle, cargo or property to a position where the vehicle, cargo or property no longer constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety.

3. Except as otherwise provided in subsection 2, any law enforcement officer may, subject to the requirements of subsection 4, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to a garage or other place of safekeeping if:

(a) The vehicle has been involved in a crash and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(b) The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; ~~[or]~~

(c) *The person driving or in actual physical control of the vehicle has been issued a citation for reckless driving pursuant to NRS 484B.653; or*

(d) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.

4. Unless a different course of action is necessary to preserve evidence of a criminal offense, a law enforcement officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to the garage of the tow car operator unless directed otherwise by the officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in the possession or control of the tow car operator.

5. A person or entity, including a law enforcement officer, the law enforcement agency employing the law enforcement officer, unified command or a tow car operator who provides for the removal of a vehicle, the cargo of a vehicle or other property pursuant to subsection 2:

(a) Is not liable for any loss of or damage to the vehicle, the contents of the vehicle, the cargo or the property that is removed; and

(b) Must make a reasonable attempt, as soon as practicable, to notify the owner of the vehicle, cargo or property as to the location of the vehicle, cargo or property if the owner of the vehicle or property is not present at the time of

removal and the owner of the vehicle, cargo or property is ascertainable by the officer.

6. All costs incurred under the provisions of subsection 2 must be borne by the owner of the vehicle, cargo or property.

7. As used in this section:

(a) "Traffic incident" has the meaning ascribed to it in NRS 484B.607.

(b) "Unified command" means a group of law enforcement officers or other persons organized to provide a coordinated response to a traffic incident which requires two or more responding entities within a jurisdiction or which requires responding entities from two or more jurisdictions. The responding entities may include, without limitation, police, fire or emergency medical personnel, a tow car operator, or a state or local governmental entity responsible for roadway or other infrastructure repair or maintenance.

Sec. 2. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property on a highway or premises to which the public has access.

(b) Drive a vehicle in an unauthorized speed contest on a highway or premises to which the public has access.

(c) Organize an unauthorized speed contest on a highway or premises to which the public has access.

(d) Drive a vehicle in an unauthorized trick driving display on a ~~[public]~~ highway ~~[.]~~ *or premises to which the public has access.*

(e) Facilitate an unauthorized trick driving display on a ~~[public]~~ highway ~~[.]~~ *or premises to which the public has access.*

➥ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. A person who violates paragraph (d) of subsection 1 is guilty of a gross misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

(b) For the second offense and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

7. A person who violates paragraph (e) of subsection 1 is guilty of:

(a) For the first offense, a misdemeanor and:

(1) Shall be punished by a fine of not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense and each subsequent offense, a gross misdemeanor and:

(1) Shall be punished by a fine of not less than $1,000 and not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

8. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6 or 7, the court:

(a) May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order; and

(c) May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense.

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on a highway or premises to which the public has access in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a

minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

10. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

11. As used in this section:

(a) "Facilitate" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:

(1) Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or

(2) Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.

(b) "Organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a ~~[~~public~~]~~ highway ~~[~~,~~]~~ *or premises to which the public has access,* regardless of whether a fee is charged for attending the unauthorized speed contest.

(c) "Trick driving display" means using a vehicle to perform tricks, stunts or other maneuvers on a ~~[~~public~~]~~ highway *, or premises to which the public has access,* upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.

Sec. 2.2. ~~[~~Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the operator of a tow car tows a vehicle at the request of a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443, the operator shall not charge any fee or cost for the storage of the vehicle until at least 48 hours after the vehicle arrives and is registered at the place of storage. If the vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period begins when the regular business hours of the place of storage next begin.

2. The owner of a vehicle towed pursuant to paragraph (c) of subsection 3 of NRS 484B.443 shall pay the hardship tariff described in NRS 706.4477 for the cost of removal and storage of the vehicle if the owner demonstrates that the owner is incapable of paying the normal rate charged for the removal and storage of the vehicle by providing evidence that the owner:

(a) Is receiving benefits provided by a federal or state program of public assistance;

(b) Has a household net income which is equal to or less than 200 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Registrar by the United States Department of Health and Human Services;

(c) Resides in public housing, as that term is defined in NRS 315.021;

~~*(d) Has expenses for the necessities of life that exceed his or her income; or*~~

~~*(e) Qualifies for a hardship tariff for any other reason established by the Authority by regulation.]*~~ (Deleted by amendment.)

Sec. 2.4. ~~[NRS 706.011 is hereby amended to read as follows:~~

~~706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 2.2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 2.6. ~~[NRS 706.286 is hereby amended to read as follows:~~

~~706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person that:~~

~~(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;~~

~~(b) Any of the provisions of NRS 706.444 to 706.453, inclusive, *and section 2.2 of this act*, have been violated;~~

~~(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or~~

~~(d) Any service is inadequate,~~

~~the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.~~

~~2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.~~

~~3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.]~~ (Deleted by amendment.)

Sec. 2.8. ~~[NRS 706.4463 is hereby amended to read as follows:~~

~~706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:~~

~~(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;~~

~~(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and~~

~~(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive [.] , *and section 2.2 of this act.*~~

~~2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:~~

~~(a) File an application with the Authority; and~~

~~(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:~~

~~(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;~~

~~(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;~~

~~(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and~~

~~(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.~~

~~4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.~~

~~5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:~~

~~(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or~~

~~(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.~~] (Deleted by amendment.)

Sec. 2.9. NRS 706.167 is hereby amended to read as follows:

706.167 1. Each fully regulated carrier, operator of a tow car and common or contract carrier regulated by the Authority shall:

(a) Keep uniform and detailed accounts of all business transacted in the manner required by the Authority by regulation and render them to the Authority upon its request.

(b) Furnish an annual report to the Authority in the form and detail that it prescribes by regulation.

➥ The regulations of the Authority may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the Authority to enforce the provisions of NRS 706.011 to 706.791, inclusive.

2. Except as otherwise provided in subsection 3, the reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. A carrier may, with the permission of the Authority, prepare the reports required by this section for a year other than a calendar year that the Authority specifies and submit them not later than a date specified by the Authority in each year.

4. If the Authority finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

5. The Authority shall require an operator of a tow car to include in his or her annual report the number of times the operator charged a hardship tariff pursuant to NRS 706.4477 during the calendar year.

Sec. 3. NRS 706.4469 is hereby amended to read as follows:

706.4469 1. The operator shall allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing if:

(a) A request is made to release the vehicle; and

(b) Except as otherwise provided in subsection 2, the owner or agent pays a fee established by the operator for releasing the vehicle.

2. If a vehicle that has been connected to a tow car was requested to be towed pursuant to subparagraph (2) of paragraph (b) of subsection 2 of NRS 706.4477 and the owner, or agent of the owner, provides proof that the vehicle is registered pursuant to this chapter or chapter 482 of NRS or in any other state:

(a) The operator shall immediately release the motor vehicle to the owner or agent; and

(b) The owner or agent is not responsible for paying the fee established by the operator for releasing the vehicle.

3. *The provisions of this section do not apply if a vehicle that has been connected to a tow car was requested to be towed by a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443.*

4. As used in this section, "provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was connected to the tow car.

Sec. 3.1. NRS 706.4477 is hereby amended to read as follows:

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer or other person who is employed to enforce the laws, ordinances and codes of a local government:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. Except as otherwise provided in subsection 2, for the purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located, the owner of the real property or authorized agent of the owner, which may be the tow operator if the tow operator has entered into a contract for that purpose with the owner of the real property:

(a) Must:

(1) Meet the requirements of subsection 1.

(2) Except as otherwise provided in this subparagraph, if the vehicle is being towed pursuant to subparagraph (1) or (2) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed. The provisions of this subparagraph do not apply and the vehicle may be immediately towed if it is a vehicle for which a notice was previously affixed:

(I) For the same or a similar reason within the same residential complex.

(II) Three or more times during the immediately preceding 6 months within the same residential complex for any reason, regardless of whether the vehicle was subsequently towed.

(b) May only have a vehicle towed:

(1) Because of a parking violation;

(2) If the vehicle is not registered pursuant to this chapter or chapter 482 of NRS or in any other state; or

(3) If the vehicle is:

(I) Blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex, which may include, without limitation, if the vehicle is parked in a space that is clearly marked for a specific resident or the use of a specific unit in the residential complex.

(c) May not have a vehicle towed solely because the registration of the vehicle is expired. *An operator may not charge any fee or cost for towing a*

vehicle in violation of this paragraph. The towing of a vehicle solely because the registration of the vehicle is expired is a violation of this section, subject to the provisions of subsection 9.

3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

4. The owner of a motor vehicle towed pursuant to the provisions of subsection 1, 2 or 3:

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Subject to the provisions of subsection 7, is responsible for the cost of removal and storage of the motor vehicle.

5. The owner may rebut the presumption in subsection 4 by showing that:

(a) The owner transferred the owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the owner; or

(b) The vehicle is stolen, if the owner submits evidence that, before the discovery of the vehicle, the owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

6. An operator shall not charge any fee or cost for the storage of the motor vehicle until at least ~~[48]~~ *24* hours after the motor vehicle arrives and is registered at the place of storage. If the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the ~~[48-hour]~~ *24-hour* period begins when the regular business hours of the place of storage next begin.

7. ~~[The owner of the vehicle]~~ *An operator* shall ~~[pay]~~ *consider charging* a hardship tariff for the cost of removal and storage of the motor vehicle if ~~[:~~

~~(a) A vehicle has been towed pursuant to subparagraph (2) of paragraph (b) of subsection 2;~~

~~(b) The]~~ *the* owner of the vehicle , ~~[does not provide proof that the vehicle was registered pursuant to this chapter or chapter 482 of NRS or in any other state at the time the vehicle was towed; and~~

~~(c) The owner,]~~ for reasons outside of his or her control as determined by the regulations adopted pursuant to this section, is incapable of paying the normal rate charged for the removal and storage of the motor vehicle.

~~[7.]~~ *8.* The Authority shall adopt regulations to carry out the provisions of this section, including, without limitation, establishing a range of hardship tariffs ~~[a person]~~ *an operator* may ~~[pay]~~ *charge* pursuant to this section and

setting forth what qualifies as a reason that is outside of the control of the owner.

~~[8.]~~ *9. If a motor vehicle is towed in violation of the provisions of this section or an operator charges any fee or cost for the towing of a motor vehicle in violation of this section:*

(a) The operator may be subject to a penalty in accordance with the provisions of NRS 706.756 to 706.781, inclusive; and

(b) The owner of the vehicle may bring an action against the operator to recover any costs incurred by the person as a result of the violation, including, without limitation, any loss of income.

10. An operator shall display conspicuously in his or her place of business a written notice which must contain, in boldface type letters not less than 1 inch in height and 1 inch in width:

(a) A statement that the operator must consider charging a hardship tariff under certain circumstances; and

(b) A telephone number for the Authority where a person may report a violation of the provisions of this chapter.

11. As used in this section:

(a) "Parking violation" means a violation of any:

(1) State or local law or ordinance governing parking; or

(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.

(b) ~~["Provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was towed.~~

~~(c)]~~ "Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.

Sec. 3.3. ~~[NRS 706.4483 is hereby amended to read as follows:~~

~~706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive.~~ ~~[.]~~ ~~*, and section 2.2 of this act.*~~

~~2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.]~~ (Deleted by amendment.)

Sec. 3.5. ~~[NRS 706.756 is hereby amended to read as follows:~~

~~706.756 1. Except as otherwise provided in subsection 2, any person who:~~

~~(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and section 2.2 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;~~

~~(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and section 2.2 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive [;] *and section 2.2 of this act*;~~

~~(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive [;] *and section 2.2 of this act*;~~

~~(d) Fails to obey any order, decision or regulation of the Authority or the Department;~~

~~(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;~~

~~(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive [;] *and section 2.2 of this act*;~~

~~(g) Advertises as providing:~~

~~(1) The services of a fully regulated carrier; or~~

~~(2) Towing services,~~

~~→ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;~~

~~(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;~~

~~(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;~~

~~(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;~~

~~(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;~~

~~(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or~~

~~(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,~~

~~→ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.~~

~~2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:~~

~~(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.~~

~~(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.~~

~~3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.~~

~~4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.~~

~~5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.~~

~~6. Any bail allowed must not be less than the appropriate fine provided for by this section.~~] (Deleted by amendment.)

Sec. 3.7. ~~[NRS 706.781 is hereby amended to read as follows:~~

~~706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, *and section 2.2 of this act* for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, *and section 2.2 of this act* and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.~~] (Deleted by amendment.)

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 655 to [Assembly] Bill No. 408 requires that certain information regarding hardship tariff be included in the annual report submitted by the operator of a tow car to the Nevada Transportation Authority, revises provisions governing the towing of a motor vehicle requested by a person other than the owner of the vehicle, provides that the operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 24 hours after the motor vehicle arrives and is registered at the place of storage, requires the operator of a tow car to consider charging a hardship tariff instead of the normal rate, prohibits an operator from charging any fee or cost for the towing of a vehicle solely because the registration of the vehicle is expired and provides that the towing of such a vehicle by an operator is a violation subject to certain penalties, requires the operator of a tow car to display certain information in his or her place of business relating to the sharing of a hardship tariff and a telephone number for the Nevada Transportation Authority where a person may report certain violations and deletes sections 2.2 through 2.8 and sections 3.3 through 3.7 of the bill.

Amendment adopted.

Senator Harris moved that Assembly Bill No. 408 be taken from the General File and placed on the Secretary's Desk.

Remarks by Senator Harris.

This is for purposes of an amendment.

Motion carried.

Assembly Bill No. 437.

Bill read second time.

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

Amendment No. 553.

SUMMARY—Limits the amount and circumstances under which a provider of health care may charge for filling out certain forms associated with certain leaves of absence. (BDR 54-670)

AN ACT relating to providers of health care; limiting the amount and circumstances under which a provider of health care may charge to fill out certain forms necessary to take a leave of absence authorized by the Family and Medical Leave Act of 1993; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Family and Medical Leave Act of 1993, certain employees have the right to take an unpaid leave of absence from work for certain medical or family reasons, including, without limitation: (1) because of a serious health condition of the employee that makes the employee unable to perform the functions of his or her position; (2) to care for certain family members who have a serious health condition; or (3) to care for certain veterans or members of the Armed Forces who have suffered a serious injury or illness. (29 U.S.C. § 2612) The Act authorizes an employer of an employee who requests leave for one of those reasons to require the employee to provide a certification issued by a health care provider that contains certain information concerning the serious health condition or serious injury or illness. (29 U.S.C. § 2613; 29 C.F.R. §§ 825.305-825.310) This bill prohibits a provider of health care from charging a person ~~[more than $10]~~ any fee or charge to fill out a form for such a certification ~~[.]~~ if the provider of health care has examined, treated or otherwise provided health care services to the person who is the subject of the certification within the immediately preceding 3 years. If the provider of health has not examined, treated or otherwise provided health care services to the person who is the subject of the certification within the immediately preceding 3 years, this bill prohibits the provider of health care from charging more than $25 to fill out such a form.

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:

~~*[A]*~~ *If a person requests that a provider of health care fill out a form for a certification required by an employer pursuant to 29 U.S.C. § 2613, the provider of health care shall not charge* ~~*[a]*~~ *the person* ~~*[more]*~~ *:*

1. Any fee or charge to fill out the form if the provider of health care has examined, treated or otherwise provided health care services to the person

who is the subject of the certification within the 3 years immediately preceding the date on which the request to fill out the form is made.

2. More than ~~[$10]~~ $25 to fill out ~~[a]~~ the form ~~[for a]~~ if the provider of health care has not examined, treated or otherwise provided health care services to the person who is the subject of the certification ~~[required by an employer pursuant to 29 U.S.C. § 2613.]~~ within the 3 years immediately preceding the date on which the request to fill out the form is made.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 553 to Assembly Bill No. 437 prohibits health care providers from charging patients they have treated within the last three years for completing Family and Medical Leave Act of 1993 certification forms required by employers. For patients not treated in the past three years, the provider is prohibited from charging more than $25 for completing such forms.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 4, 8, 13, 16, 18, 19, 20, 21, 22, 23, 25, 87, 117, 119, 131, 169, 210, 214 and 437.

REMARKS FROM THE FLOOR

Senator Hansen requested that his remarks be entered in the Journal.

Today is Assemblywoman Hansen's birthday. Alexis and I have been running around together for 45 years now. Although we are getting older, she is still the most beautiful woman I have ever met in my life, both physically and spiritually. She is a wonderful human being. I wanted to reach out and say, "Hey, I love you. It has been a great 45 years, and hopefully we have several more years to go." It has been a real privilege to serve with her at the same time in the Nevada Legislature. I want to wish my wife a happy birthday and thank you so much for putting up with me for 45 years now.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Buck, the privilege of the floor of the Senate Chamber for this day was extended to Alyssa Brown.

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber for this day was extended to Saha Salahi.

On request of Senator Ohrenschall, the privilege of the floor of the Senate Chamber for this day was extended to Pierre Mousset-Jones, Ph.D.

On request of Senator Pazina, the privilege of the floor of the Senate Chamber for this day was extended to Phyllice Pichon.

On request of Senator Seevers Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Cole Nathan Joseph Cannizzaro-Ring and Talia Tretton.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to the Douglas High Varsity Girls Softball team and John Glover.

Senator Cannizzaro moved that the Senate adjourn until Thursday, May 25, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 4:28 p.m.

Approved: STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY
Secretary of the Senate