THE ONE HUNDRED AND ELEVENTH DAY

CARSON CITY (Saturday), May 27, 2023

Senate called to order at 3:58 p.m.

President Anthony presiding.

Roll called.

All present except Senators Buck, Pazina and Stone, who were excused.

Prayer by Senator Dina Neal.

Dear heavenly Father. I ask to come before You today and openly praise You in this body. I honor You for who You are in my life. You are Jehovah, El Roi, the God who sees us. We want You to get the glory every day, Lord God. We want Your wisdom. We want Your Holy Spirit to reside within us.

Give us peace because there is no greater name than Yours, Lord. Give us peace as we lose friends and respect for people in this process. Protect us, Lord, from the liars and hateful people in this building and outside of it. It has been a disrespectful season in the building, but keep protecting us and provide safekeeping. Thank You, Lord, for the moments where it seemed appropriate to two-hand shove someone, but You kept our hands by our side because You know what is best for us. You understand the frailty of being human beings. We desire Your patience, Your peace, and we seek to govern Your people properly and to do what is right for Your people.

Bless this House.

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 Finance, to which were referred Senate Bills Nos. 448, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 468, 470, 471, 472, 473, 474, 476, 477, 478, 479, 482, 483, 484, 485, 486, 487, 488, 489, 491, 493, 494, 497, 499, 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 36, 45, 54, 71, 145, 216, 226, 266, 307, 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 26, 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. 113, 159, 323, 393, 433.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 26, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 376, 404.

SUSAN FURLONG
Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 26, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Assembly Bills Nos. 41, 403.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 38, Amendment No. 591; Senate Bill No. 76, Amendment No. 668; Senate Bill No. 92, Amendments Nos. 624, 720; Senate Bill No. 104, Amendments Nos. 634, 737; Senate Bill No. 106, Amendments Nos. 683, 745; Senate Bill No. 110, Amendment No. 598; Senate Bill No. 134, Amendment No. 709; Senate Bill No. 161, Amendment No. 648; Senate Bill No. 180, Amendment No. 707; Senate Bill No. 196, Amendment No. 602; Senate Bill No. 211, Amendment No. 657; Senate Bill No. 262, Amendment No. 697; Senate Bill No. 283, Amendment No. 681; Senate Bill No. 293, Amendment No. 704; Senate Bill No. 310, Amendment No. 680; Senate Bill No. 315, Amendment No. 652; Senate Bill No. 317, Amendment No. 653; Senate Bill No. 321, Amendment No. 588; Senate Bill No. 328, Amendment No. 698; Senate Bill No. 330, Amendment No. 580; Senate Bill No. 335, Amendment No. 660; Senate Bill No. 336, Amendment No. 670; Senate Bill No. 348, Amendment No. 654; Senate Bill No. 349, Amendment No. 594; Senate Bill No. 370, Amendments Nos. 679, 742; Senate Bill No. 434, Amendment No. 630, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 26, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 155, Amendments Nos. 625, 776, and respectfully requests your honorable body to concur in said amendments.

SUSAN FURLONG
Chief Clerk of the Assembly

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 146.

The following Assembly amendment was read:

Amendment No. 647.

SUMMARY—Revises provisions relating to health care. (BDR 40-462)

AN ACT relating to health care; revising provisions governing the regulation of hospitals; prohibiting a health carrier from denying certain providers of health care from entering into a contract to join the network of the health carrier under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations establishing licensing standards for hospitals. (NRS 449.0302) Existing regulations require a doctor of medicine or osteopathic medicine to perform a physical examination and complete a medical history of a patient seeking admission to a hospital not more than 7 days before or more than 48 hours after the patient is admitted to the hospital. (NAC 449.358) Section 1 of this bill requires those regulations to authorize a certified nurse-midwife to perform such a physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.

Existing law requires a health carrier to comply with certain provisions governing the network plans that the health carrier offers or issues. (NRS 687B.600-687B.850) Section 4 of this bill prohibits a health carrier from denying a request from a provider of health care to enter into a provider network contract to join the network established by the health carrier if the provider of health care: (1) meets and accepts the terms and conditions for participation in the network plan of the health carrier; (2) is employed by or has accepted an offer of employment from a school of medicine or school of osteopathic medicine in this State; (3) does not have a clinical practice already established in this State; and (4) requests to become a participating provider of health care in the network of the health carrier. Section 4 authorizes a health carrier to deny a request from such a provider of health care to enter into such a provider network contract for certain reasons. Section 4 also clarifies that a health carrier is authorized to terminate such a provider of health care from participating in the network of the health carrier for any grounds authorized under the provider contract. Sections 6 and 7 of this bill make conforming changes to indicate the proper placement of section 4 in the Nevada Revised Statutes. Sections 2 and 3 of this bill require the State or a local government to comply with section 4 if it offers a health insurance policy to its officers and employees.

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

Section 1. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is

authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to

persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. *If the regulations adopted pursuant to this section require a physical examination to be performed on a patient or the medical history of a patient to be obtained before or after the patient is admitted to a hospital, those regulations must authorize a certified nurse-midwife to perform such a physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.*

14. As used in this section ~~[, "living]~~ *:*

(a) "Certified nurse-midwife" means a person who is:

(1) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(2) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

(b) "Living unit*"* means an individual private accommodation designated for a resident within the facility.

Sec. 2. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 *and section 4 of this act* apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation,

political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 3. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, *and section 4 of this act,* in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 4. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health carrier which offers or issues a network plan may not deny a request from a provider of health care to enter into a provider network contract with the health carrier if the provider of health care:

(a) Meets and accepts the terms and conditions for participation in the network of the health carrier, including, without limitation:

(1) Meeting any credentialing requirement of the health carrier;

(2) Agreeing to all provisions of the provider network contract, including, without limitation, provisions setting forth the grounds and procedures for terminating providers of health care from participation in the network; and

(3) Agreeing to participate in a review of the performance and experience of the provider of health care at least once each year or as otherwise required by the health carrier;

(b) Is employed by or has accepted an offer of employment from a school of medicine or school of osteopathic medicine in this State to serve in a position where the provider of health care teaches students studying to become providers of health care or resident physicians at least 50 percent of the time the provider of health care is performing his or her duties for the school;

(c) Does not have a clinical practice already established in this State at the time the request to enter into a provider network contract is made; and

(d) Requests to be a participating provider of health care in the network of the health carrier.

2. A health carrier which offers or issues a network plan may deny a request from a provider of health care to enter into a provider network contract with the health carrier if:

(a) The health carrier contracts with a third party for the delivery of services to covered persons;

(b) Participating providers of health care are paid though capitation agreements; or

(c) Accepting the provider of health care into the network plan would disrupt existing provider network contracts.

3. A health carrier may terminate a provider network contract entered into pursuant to subsection 1 for any grounds authorized under the contract. Such grounds may include, without limitation, failure to maintain the employment described in paragraph (b) of subsection 1 or issues of inconsistency with other participating providers of health care with regard to:

(a) Access for covered persons to the services of the provider of health care;

(b) The cost of the services of the provider of health care;

(c) The quality of care provided by the provider of health care; or

(d) Other issues relating to the utilization of the services of the provider of health care.

Sec. 5. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, *and section 4 of this act,* unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ *, and section 4 of this act;*

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ *, and section 4 of this act;* and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ *, and section 4 of this act.*

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

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

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

Senator Doñate moved that the Senate concur in Assembly Amendment No. 647 to Senate Bill No. 146.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 172.

The following Assembly amendment was read:

Amendment No. 574.

SUMMARY—Revises provisions governing the ability of a minor to consent to certain health care services. (BDR 11-654)

AN ACT relating to health care; authorizing a minor to give express consent to certain health care providers for certain services for the prevention of sexually transmitted diseases and pregnancy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the age of 18 years as the age of majority in this State. (NRS 129.010) However, existing law authorizes a local or state health officer, licensed physician or clinic to examine or treat any minor who is suspected of being infected or is infected with any sexually transmitted disease without the consent of the parent, parents or legal guardian of the minor. (NRS 129.060) Section 1 of this bill: (1) clarifies that a minor must consent to such examination or treatment before the examination or treatment is provided; and (2) additionally authorizes a minor to consent to such an examination or treatment provided by a physician assistant or registered nurse. Section 1 also authorizes a minor to give express consent to certain health care providers for the provision of services for the prevention of sexually transmitted diseases ~~[, including]~~ or the prescribing, dispensing or administration of a contraceptive drug or device ~~[.]~~ without the consent or notification of the parent, parents or legal guardian of the minor.

Existing law prohibits an employee or volunteer at a family resource center which has received a grant from the Director of the Department of Health and Human Services from administering drugs or contraceptives to or performing

medical or dental procedures for a minor without written consent from the parent, guardian or legal custodian of the minor. (NRS 430A.180) Section 2 of this bill authorizes a physician, physician assistant, registered nurse or pharmacist who is an employee or volunteer at such a family resource center to provide services for the prevention of sexually transmitted diseases ~~[,~~ ~~including the prescribing, dispensing or administering of]~~ or prescribe, dispense or administer a contraceptive drug or device ~~[,]~~ to a minor without consent of the parent, guardian or legal custodian.

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

Section 1. NRS 129.060 is hereby amended to read as follows:

129.060 Notwithstanding any other provision of law, ~~[the consent of the parent, parents or legal guardian of a minor is not necessary in order to authorize a]~~ *a minor may give express consent to:*

1. A local or state health officer, licensed physician *, physician assistant, registered nurse* or clinic to ~~[examine]~~ *conduct an examination for* or treat, or both, ~~[any minor who is suspected of being infected or is found to be infected with]~~ any sexually transmitted disease.

2. A local or state health officer, licensed physician, physician assistant, registered nurse, pharmacist or clinic to ~~[provide]~~ :

(a) Provide services related to the prevention of sexually transmitted diseases, including, without limitation, the services described in NRS 639.28085 ; or ~~[the issuance of]~~

(b) Issue a prescription for, the dispensing of or the administration of a contraceptive drug or device.

Sec. 2. NRS 430A.180 is hereby amended to read as follows:

430A.180 ~~[When]~~

1. Except as otherwise provided in subsection 2, when providing services on behalf of a family resource center which has received a grant from the Director pursuant to the provisions of this chapter, an employee or volunteer at the family resource center shall not administer drugs or contraceptives to or perform medical or dental procedures for a minor unless written consent to administer those drugs or contraceptives or to perform those procedures has been obtained from the minor's parent, guardian or legal custodian.

2. A licensed physician, physician assistant, registered nurse or pharmacist who is an employee or volunteer at a family resource center which has received a grant from the Director pursuant to the provisions of this chapter may provide the services described in NRS 129.060 under the conditions authorized by that section.

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

Senator Scheible moved that the Senate concur in Assembly Amendment No. 574 to Senate Bill No. 172.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 192.

The following Assembly amendment was read:

Amendment No. 716.

SUMMARY—Revises provisions relating to county hospitals ~~[.]~~ and county hospital districts. (BDR 40-749)

AN ACT relating to ~~[county]~~ hospitals; authorizing the board of trustees of a county hospital district to hold closed meetings under certain circumstances; revising provisions governing meetings of a board of hospital trustees ~~[;]~~ of a county hospital; revising certain provisions related to a hospital advisory board; authorizing a board of hospital trustees or hospital governing board to employ dentists; revises certain exemptions governing unprofessional conduct by a dentist employed by a board of hospital trustees or hospital governing board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a county or group of counties to establish a public hospital. (NRS 450.020) Existing law also: (1) provides for a board of hospital trustees for a public hospital, which has general powers and duties relating to establishing and maintaining a public hospital; (2) authorizes the appointment of a hospital advisory board in counties where the board of county commissioners is the board of hospital trustees; and (3) requires such a hospital advisory board to exercise the powers and duties delegated to it by the board of hospital trustees. (NRS 450.070, 450.150, 450.175) Section 2 of this bill changes the name of a "hospital advisory board" to a "hospital governing board" and requires such a board to adopt bylaws and related policies and procedures.

Existing law requires a board of hospital trustees of a county hospital to hold meetings and authorizes the board of hospital trustees to hold a closed meeting to discuss providing or expanding a health care service or acquiring or expanding a facility. (NRS 450.140) Section ~~[1]~~ 1.5 of this bill also authorizes a board of hospital trustees or a hospital governing board to hold a closed meeting to discuss: (1) privileged or confidential matters before an organized committee of a county hospital in deliberating the character, alleged misconduct, professional competence, or physical or mental health of a provider of health care; and (2) ~~[a report related to the compliance of the county hospital with all laws, regulations and rulemaking guidance of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services or a report related to any conditions of participation in the Medicare or Medicaid programs.]~~ matters related to a medical audit or the quality assurance programs of the county hospital.

Section 1 of this bill authorizes a board of trustees of a county hospital district to hold a closed meeting for the same purposes as a board of hospital trustees of a county hospital. Section 1 also provides that the records of such a closed meeting become public records 5 years after the date of the meeting or when the board of trustees determines that confidentiality is no longer

required, whichever is first, and defines the terms "provider of health care" and "review committee" for purposes of section 1.

Section 3 of this bill makes a conforming change to exempt a closed meeting held pursuant to ~~[section 1]~~ sections 1 and 1.5 from the Open Meeting Law. Sections 2.7 and 2.9 of this bill make conforming changes to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law authorizes a board of hospital trustees of a public hospital to employ physicians and interns on a full-time or part-time basis, and fix their compensations. (NRS 450.180) Section 2.5 of this bill authorizes a board of hospital trustees or any hospital governing board appointed pursuant to section ~~[1]~~ 2 to employ dentists and fix their compensation. Section 3.5 of this bill exempts such a dentist from a prohibition against associating with or being employed by certain unlicensed persons under certain circumstances.

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

Section 1. Chapter 450 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of trustees may hold a closed meeting exempt from the provisions of chapter 241 of NRS to discuss:

(a) Providing a new health care service in the county hospital district or materially expanding a health care service that is currently provided in the county hospital district;

(b) The acquisition of an additional facility by the county hospital district or the material expansion of an existing facility of the county hospital district;

(c) Matters before a review committee to deliberate the character, alleged misconduct, professional competence or physical or mental health of a provider of health care; or

(d) Matters related to a medical audit or the quality assurance programs of the county hospital district.

2. The provisions of subsection 1 must not be construed to:

(a) Authorize the board of trustees to hold a closed meeting to discuss a change of management or ownership or the dissolution of the county hospital district; or

(b) Prohibit the public from obtaining a report that is otherwise available to the public pursuant to state or federal law.

3. Except as otherwise provided in this subsection, minutes of a closed meeting held pursuant to subsection 1, any supporting material and any recording or transcript of the closed meeting become public records 5 years after the date on which the meeting is held or when the board of trustees determines that the matters discussed no longer require confidentiality, whichever occurs first. Minutes of a closed meeting held pursuant to subsection 1, any supporting material and any recording or transcript of the closed meeting that contains privileged information are not public records. Nothing in this section shall be construed to limit the disclosure of information that is discoverable as part of a legal proceeding or pursuant to court order.

4. As used in this section:

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

(b) "Review committee" has the meaning ascribed to it in NRS 49.117.

~~[Section 1.]~~ *Sec. 1.5.* NRS 450.140 is hereby amended to read as follows:

450.140 1. The board of hospital trustees shall hold meetings at least once each month, and shall keep a complete record of all its transactions.

2. Except as otherwise provided in NRS 241.0355:

(a) In counties where three county commissioners are not members of the board, three members of the board constitute a quorum for the transaction of business.

(b) And except as otherwise provided in paragraph (c), in counties where three county commissioners are members of the board, any five of the members constitute a quorum for the transaction of business.

(c) In counties where the board of county commissioners is the board of hospital trustees, a majority of the board constitutes a quorum for the transaction of business.

3. The board of hospital trustees *or any hospital governing board appointed pursuant to NRS 450.175* may hold a closed meeting *exempt from the provisions of chapter 241 of NRS* to discuss:

(a) Providing a new health care service at the county hospital or materially expanding a health care service that is currently provided by the county hospital; ~~[or]~~

(b) The acquisition of an additional facility by the county hospital or the material expansion of an existing facility of the county hospital ~~[.]~~ *;*

(c) Matters before a review committee to deliberate the character, alleged misconduct, professional competence or physical or mental health of a provider of health care; or

(d) ~~*[A report]*~~ *Matters related to* ~~*[:*~~

~~*(1) The compliance of the county hospital with all laws, regulations and rulemaking guidance of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; or*~~

~~*(2) Any conditions of participation in the Medicare or Medicaid programs.]*~~ *a medical audit or the quality assurance programs of the county hospital.*

4. ~~[Subsection]~~ *The provisions of subsection* 3 must not be construed to ~~[authorize]~~ *:*

(a) Authorize the board of hospital trustees *or the hospital governing board* to hold a closed meeting to discuss a change of management or ownership or the dissolution of the county hospital ~~[.]~~ *; or*

(b) Prohibit the public from obtaining a report that is otherwise available to the public pursuant to state or federal law.

5. ~~[Minutes]~~ *Except as otherwise provided in this subsection, minutes* of a closed meeting held pursuant to subsection 3, any supporting material and any

recording or transcript of the closed meeting become public records 5 years after the date on which the meeting is held or when the board of hospital trustees *or hospital governing board, as applicable,* determines that the matters discussed no longer require confidentiality, whichever occurs first. *Minutes of a closed meeting held pursuant to subsection 3, any supporting material and any recording or transcript of the closed meeting that contains privileged information are not public records. Nothing in this section shall be construed to limit the disclosure of information that is discoverable as part of a legal proceeding or pursuant to court order.*

6. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031 . ~~*[; and]*~~

(b) "Review committee" has the meaning ascribed to it in NRS 49.117.

Sec. 2. NRS 450.175 is hereby amended to read as follows:

450.175 1. In counties where the board of county commissioners is the board of hospital trustees, the board of hospital trustees may appoint a hospital ~~[advisory]~~ *governing* board which shall exercise *only the* powers and duties delegated to the ~~[advisory]~~ *governing* board by the board of hospital trustees. *In counties in which the board of hospital trustees appoints a hospital governing board, the governing board is the governing body of the county hospital when exercising powers and duties delegated to the governing board pursuant to this chapter.*

2. Members of a hospital ~~[advisory]~~ *governing* board must be appointed by a majority vote of the board of hospital trustees and shall serve at the pleasure of the board.

3. Members of the hospital ~~[advisory]~~ *governing* board may receive compensation for their services in an amount not to exceed $500 per month.

4. The hospital governing board shall adopt bylaws and related policies and procedures consistent with this chapter and all applicable ordinances.

Sec. 2.5. NRS 450.180 is hereby amended to read as follows:

450.180 The board of hospital trustees *or any hospital governing board appointed pursuant to NRS 450.175* may:

1. Appoint a chief executive officer and necessary assistants, and fix their compensations.

2. Employ physicians , ~~[and]~~ interns ~~[,]~~ *and dentists,* either full-time or part-time, as the board determines necessary, and fix their compensations.

3. Remove those appointees and employees.

4. Control the admission of physicians and interns to the staff by promulgating appropriate rules, regulations and standards governing those appointments.

5. Contract with individual physicians or private medical associations for the provision of certain medical services as may be required by the hospital.

Sec. 2.7. NRS 450.550 is hereby amended to read as follows:

450.550 As used in NRS 450.550 to 450.760, inclusive, *and section 1 of this act,* unless the context otherwise requires:

1. "Board of trustees" means:

(a) A board of hospital trustees:

(1) Elected pursuant to NRS 450.620 and a physician who is appointed pursuant to subsection 1 of NRS 450.640, if applicable; or

(2) Appointed pursuant to NRS 450.625 and a physician who is appointed pursuant to subsection 1 of NRS 450.640, if applicable; or

(b) A board of county commissioners, if that board enacts an ordinance which provides that the board of county commissioners is, ex officio, the board of hospital trustees, and a physician who is appointed pursuant to subsection 1 of NRS 450.640, if applicable.

2. "District hospital" means a hospital constructed, maintained and governed pursuant to NRS 450.550 to 450.760, inclusive.

Sec. 2.9. NRS 450.590 is hereby amended to read as follows:

450.590 1. Except as otherwise provided in subsection 3, if 25 percent or more of the holders of title or evidence of title to lands lying within the proposed district, whose names appear as such upon the last county assessment roll, present a petition to the board of county commissioners of the county in which the land lies, setting forth the exterior boundaries of the proposed district and asking that the district so described be established within a county hospital district pursuant to the provisions of NRS 450.550 to 450.750, inclusive, *and section 1 of this act,* the board of county commissioners shall adopt a resolution declaring the intention of the board to include the territory within a county hospital district, naming the district and describing its exterior boundaries.

2. The resolution must:

(a) Fix a time and place for the hearing of the proposed establishment of the district not less than 30 days after its adoption.

(b) Direct the clerk of the board of county commissioners to publish:

(1) The notice of intention of the board of county commissioners to establish the county hospital district; and

(2) The time and place fixed for the hearing.

(c) Designate that the notice must be published in a newspaper of general circulation published in the county and circulated in the proposed county hospital district, or if there is no newspaper so published and circulated, then in a newspaper of general circulation circulated in the proposed district.

3. The provisions of this section do not apply to a proposed hospital district if it includes territory within more than one county.

Sec. 3. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, *450.140*, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 ~~[,]~~ *and section 1 of this act,* which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 3.5. NRS 631.3465 is hereby amended to read as follows:

631.3465 The following acts, among others, constitute unprofessional conduct:

1. Dividing fees or agreeing to divide fees received for services with any person for bringing or referring a patient, without the knowledge of the patient or his or her legal representative, but licensed dentists are not prohibited from:

(a) Practicing in a partnership and sharing professional fees;

(b) Employing another licensed dentist, dental hygienist or dental therapist; or

(c) Rendering services as a member of a nonprofit professional service corporation.

2. Associating with or lending his or her name to any person engaged in the illegal practice of dentistry or associating with any person, firm or corporation holding himself, herself or itself out in any manner contrary to the provisions of this chapter.

3. Associating with or being employed by a person not licensed pursuant to this chapter if that person exercises control over the services offered by the dentist, owns all or part of the dentist's practice or receives or shares the fees received by the dentist. The provisions of this subsection do not apply to a dentist who ~~[associates]~~ :

(a) Associates with or is employed by a person who owns or controls a dental practice pursuant to NRS 631.385 ~~[,]~~ *; or*

(b) Is employed by a board of hospital trustees or a hospital governing board pursuant to NRS 450.180.

4. Using the name "clinic," "institute," "referral services" or other title or designation that may suggest a public or semipublic activity.

5. Practicing under the name of a dentist who has not been in active practice for more than 1 year.

Sec. 4. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency, or other entity to which the responsibility for enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 5. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change only references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Senator Doñate moved that the Senate concur in Assembly Amendment No. 716 to Senate Bill No. 192.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 249.

The following Assembly amendment was read:

Amendment No. 682.

SUMMARY—Revises provisions relating to cosmetology. (BDR 54-829)

AN ACT relating to cosmetology; revising provisions governing the scope of practice of certain persons licensed and regulated by the State Board of

Cosmetology; establishing procedures to contest certain citations issued by the Board; repealing or removing provisions which provide for the licensure and regulation by the Board of demonstrators of cosmetics and establishments for hair braiding; revising the powers and duties of the Board and the Executive Director of the Board; requiring the Board to adopt certain regulations; revising certain requirements for a person to obtain certain licenses and certificates of registration issued by the Board; revising certain licensing fees; revising provisions concerning the issuance and renewal of certain licenses and certificates of registration issued by the Board; revising provisions relating to cosmetological establishments and schools of cosmetology; revising certain requirements relating to the supervision of certain apprentices; authorizing the Board to issue certain citations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation by the State Board of Cosmetology of persons engaged in various branches of cosmetology and makeup artistry, cosmetological establishments and schools of cosmetology. (Chapter 644A of NRS)

Existing law exempts, with certain exceptions, persons authorized to practice medicine, commissioned medical officers of the United States Army, Navy or Marine Hospital Service and various other persons from the provisions of existing law governing cosmetology. (NRS 644A.150) Section 14 of this bill additionally exempts, with certain exceptions, persons authorized to practice nursing and certain additional members of the Armed Forces of the United States.

Existing law authorizes the Board to issue a citation to a: (1) licensee or registrant for certain violations relating to health or sanitation; and (2) person for certain unlicensed activities. (NRS 644A.865, 644A.955) Section 62 of this bill additionally authorizes the Board to issue a citation to a licensee or registrant for certain additional violations. Section 4 of this bill sets forth a process by which a person may contest certain citations. Section 5 of this bill authorizes the Board to take appropriate legal action to recover the amount of a fine imposed by the Board.

Existing law provides for the licensure and regulation by the Board of persons engaged in the practice of: (1) esthetics, which existing law defines, in general, to include certain practices involving the care of the skin, the application of cosmetics and the removal of superfluous hair; and (2) advanced esthetics, which existing law defines to mean the practice of advanced esthetic procedures in addition to the practice of esthetics. (NRS 644A.014, 644A.075) Existing law designates a person engaged in the practice of esthetics as an esthetician and a person engaged in the practice of advanced esthetics as an advanced esthetician. (NRS 644A.013, 644A.065) Existing law also provides for the licensure and regulation by the Board of cosmetologists, which existing law defines, in general, to mean a person engaged in various practices involving the hair, nails and skin of a person. (NRS 644A.030)

Section 7 of this bill revises the list of procedures that constitute advanced esthetic procedures to: (1) include a medium-depth chemical peel, which section 3 of this bill defines, in general, to mean the removal of certain layers of skin using chemicals; and (2) remove certain procedures. Section 6 of this bill makes a conforming change to indicate the proper placement of section 3 in the Nevada Revised Statutes.

Existing law defines "esthetic medical device" to mean, in general, certain devices used to perform an esthetic medical procedure. (NRS 644A.062) Section 18 of this bill requires the Board to adopt regulations identifying each device that the Board determines to be appropriate for use in the performance of an esthetic medical procedure. Section 10 of this bill revises the definition of "esthetic medical device" to include only those devices that the Board has identified by regulation. Sections 8 and 11 of this bill revise the definitions of "cosmetologist" and "esthetics," respectively, for the purpose of: (1) prohibiting an esthetician or cosmetologist from using certain devices, including an esthetic medical device; and (2) authorizing an esthetician and a cosmetologist to perform certain procedures.

Existing law authorizes an advanced esthetician to perform a nonablative esthetic medical procedure under the supervision of a physician, a physician assistant or an advanced practice registered nurse. (NRS 644A.127) Section 18 requires the Board to adopt regulations identifying each nonablative esthetic medical procedure an advanced esthetician is authorized to perform. Section 13 of this bill revises the definition of "nonablative esthetic medical procedure" for the purpose of authorizing an advanced esthetician to perform only those nonablative medical procedures that the Board has identified by regulation.

Existing law prohibits a provider of health care from using space leased in a cosmetological establishment to provide health care services at the same time a cosmetologist uses that space to engage in the practice of cosmetology. (NRS 644A.615) Section 48 of this bill provides an exemption from that prohibition to authorize a physician, a physician assistant or an advanced practice registered nurse to use such a leased space to provide health care services associated with the supervision of an advanced esthetician.

Existing law sets forth certain powers and duties of the Board. (NRS 644A.230) Section 15 of this bill provides those powers and duties to the Executive Director of the Board. Existing law requires the Board to keep all records and files at the main office of the Board and, with certain exceptions, make the records and files open to public inspection. (NRS 644A.230) Section 15 removes the requirement to keep the records and files at the main office of the Board.

Existing law provides that certain documents and information of the Board relating to the imposition of disciplinary action against a person are confidential unless the person submits to the Board a request that such documents and information be made public records. (NRS 644A.870)

Section 56 of this bill removes provisions authorizing a person to submit such a request.

Sections 39, 42 and 47 of this bill require a licensee or registrant to have paid to the Board any outstanding fees, fines or other balance owed to the Board as a condition for the renewal of a license or certificate of registration. Section 35 of this bill provides that certain fees charged by the Board are nonrefundable.

Existing law requires a makeup artist to register with the Board and provides that such a registration expires on January 1 of each year. (NRS 644A.395) Section 12 of this bill revises the definition of "makeup artistry" to authorize a makeup artist to apply strip eyelashes. (NRS 644A.105) Section 31 of this bill: (1) revises the information that a person must submit to the Board to register as a makeup artist; and (2) provides that a certificate of registration as a makeup artist is valid for 1 year after the date of issuance.

Existing law requires a person who applies to be admitted to an examination for licensure as a cosmetologist, hair designer, esthetician, advanced esthetician or nail technologist to satisfy certain training or experience requirements. Existing law authorizes such requirements to be satisfied by having practiced the applicable occupation for a certain length of time outside of this State. (NRS 644A.300, 644A.315, 644A.328, 644A.330, 644A.345) Sections 20, 22 and 24-26 of this bill revise those training and experience requirements to, among other things, specify that practice outside of this State includes practice in any other state, territory or country. Sections 21 and 23 of this bill provide that an examination for a license as a cosmetologist or hair designer may include practical demonstrations of procedures involving the application of chemicals to the hair. Section 32 of this bill revises certain training requirements for a person to be admitted to examination for a license as an electrologist. Sections 29 and 30 of this bill revise requirements for a person to be admitted to examination for registration as a shampoo technologist and for the content of the examination. Sections 27, 28 and 64 of this bill repeal and revise requirements for a person to be admitted to examination for licensure as a hair braider and for the content of the examination. Sections 36, 54 and 59 of this bill make conforming changes to remove references to certain requirements concerning hair braiders repealed by section 64.

Existing law sets forth separate requirements for a person to be admitted for examination as an instructor depending on whether the person wishes to be licensed as an instructor of cosmetology, hair design, esthetics, advanced esthetics or nail technology. (NRS 644A.420-644A.430) Sections 34 and 64 of this bill: (1) establish, with certain exceptions, the same requirements for each type of instructor; and (2) authorize an instructor to provide instruction only on subject matter that is within the scope of his or her license in the applicable branch of cosmetology. Section 33 of this bill revises the materials that an applicant for a provisional license as an instructor is required to submit to the Board.

Sections 37, 39 and 42 of this bill revise the amount of fees charged to an applicant for examination for licensure as a hair braider and for the issuance and renewal of such a license. Section 41 of this bill : (1) authorizes the Board to defer the expiration of certain licenses or certificates of registration for a person who submits a request and pays a fee ~~.~~ ; and (2) requires the Board to provide certain notice to a licensee or holder of a certificate of registration before the expiration of his or her license or certificate of registration.

Existing law requires a person who holds a license or certificate of registration to practice any branch of cosmetology to display the license or certificate or a duplicate of the license or certificate at the position where the holder of the license or certificate performs his or her work. (NRS 644A.530) Section 44 of this bill requires such a person to display the license or certificate or a duplicate of the license or certificate at each workstation where he or she performs his or her work on the public.

Existing law establishes requirements for the licensure and operation of a cosmetological establishment or a school of cosmetology. (NRS 644A.600-644A.630, 644A.700-644A.755) Section 46 of this bill revises procedures for the issuance of a license for a cosmetological establishment. Sections 51 and 52 of this bill revise requirements for the: (1) supervision by a licensed instructor of a school of cosmetology; (2) attendance of a student for instruction in theory; and (3) advertisement of student work to the public. Section 57 of this bill revises the circumstances under which certain apprentices may engage in certain practices at a cosmetological establishment. Section 50 of this bill requires a cosmetological establishment to display a sign under certain circumstances indicating when no cosmetological services will be provided.

Existing law requires a person who engages in the practice of threading or the owner or operator of certain facilities in which a person engages in the practice of threading to register with the Board. (NRS 644A.550) Sections 17 and 45 of this bill: (1) require the Board to keep certain records relating to a person who engages in the practice of threading; (2) provide that a certificate of registration to engage in the practice of threading expires 1 year after issuance; and (3) authorize a licensed cosmetologist or esthetician to engage in the practice of threading without registering with the Board.

Existing law provides for the licensure and regulation of establishments for hair braiding, which existing law defines to mean, in general, any premises, mobile unit or building where hair braiding is practiced, other than a cosmetological establishment. (NRS 644A.060) Sections 16-19, 42, 53-55, 57, 60, 61 and 64 of this bill remove or repeal provisions which provide for the licensure and regulation of establishments for hair braiding, thereby requiring any establishment where hair braiding is practiced to be licensed as a cosmetological establishment. Section 63 of this bill deems any person who, on October 1, 2023, holds a license for an establishment for hair braiding to hold a license for a cosmetological establishment.

Existing law provides for the licensure and regulation by the Board of demonstrators of cosmetics, which existing law defines to mean, in general, a person who demonstrates cosmetics under certain circumstances. (NRS 644A.045) Sections 9, 17, 38-43, 48, 49, 54 and 64 of this bill repeal or remove all references to demonstrators of cosmetics in the provisions of existing law governing cosmetology for the purpose of no longer subjecting a demonstrator of cosmetics to licensure or regulation by the Board.

Existing law prohibits: (1) the use of an x-ray machine to treat the scalp or remove hair; and (2) the local application of corrosive substances for the purpose of peeling skin. (NRS 644A.925) Section 58 of this bill: (1) eliminates the prohibition on the use of an x-ray machine to treat the scalp or remove hair; and (2) revises the prohibition on the use of corrosive substances to peel skin to allow for the application of certain substances by a cosmetologist, esthetician or advanced esthetician for certain purposes.

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 644A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *"Medium-depth chemical peel" means the removal of skin from the epidermis and papillary dermis layers using chemicals applied directly to the skin.*

Sec. 4. *1. If a person is issued a citation pursuant to NRS 644A.955, the person may request a hearing before the Board to contest the citation by filing a written request with the Board:*

(a) Not later than 30 days after the date on which the citation is received by the person; or

(b) If the Board, for good cause shown, extends the time allowed to file a written request for a hearing to contest the citation, on or before the later date specified by the Board.

2. If the person files a written request for a hearing to contest the citation within the time allowed pursuant to this section, the Board shall provide notice of and conduct the hearing in the same manner as other disciplinary proceedings.

3. If the person does not file a written request for a hearing to contest the citation within the time allowed pursuant to this section, the citation shall be deemed a final order of the Board.

4. For the purposes of this section, a citation shall be deemed to have been received by a person:

(a) On the date on which the citation is personally delivered to the person;

(b) For a citation issued to a licensee or registrant which is sent by electronic mail, the date on which the citation is sent by electronic mail to the electronic mail address of the licensee or registrant on file with the Board; or

(c) If the citation is mailed, 7 days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 5. *The Board may cause appropriate legal action to be taken in any court of competent jurisdiction to recover a fine imposed by the Board pursuant to this chapter.*

Sec. 6. NRS 644A.010 is hereby amended to read as follows:

644A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644A.011 to 644A.140, inclusive, *and section 3 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 644A.012 is hereby amended to read as follows:

644A.012 "Advanced esthetic procedure" means any of the following procedures performed for esthetic purposes and not for the treatment of a medical, physical or mental ailment:

1. ~~[Exfoliation;~~
~~2. Microdermabrasion and related services;~~
~~3.]~~ Microneedling;
~~[4. Dermaplaning;~~
~~5. Extraction;~~
~~6. Hydrotherapy;~~
~~7.]~~ *2. Medium-depth chemical peel;*
3. A nonablative esthetic medical procedure; or
~~[8.]~~ *4.* Other similar esthetic preparations or procedures with the use of the hands or a mechanical or electronic apparatus.

Sec. 8. NRS 644A.030 is hereby amended to read as follows:

644A.030 1. "Cosmetologist" means a person who engages in the practices of:

(a) Cleansing, stimulating or massaging the scalp or cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(b) Cutting, trimming or shaping the hair.

(c) Arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring or straightening the hair of any person with the hands, mechanical or electrical apparatus or appliances, or by other means, or similar work incident to or necessary for the proper carrying on of the practice or occupation provided by the terms of this chapter.

(d) Removing superfluous hair from the surface of the body of any person by the use of depilatories, waxing, tweezers or sugaring, except for the *removal of hair with lasers or the* permanent removal of hair with needles.

(e) Manicuring the nails of any person.

(f) Beautifying, massaging, stimulating or cleansing the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or any device ~~[, electrical or otherwise,]~~ for the care of the skin ~~[.]~~ *that is noninvasive and is not an esthetic medical device or otherwise prohibited by the Board.*

(g) Giving facials or skin care or applying cosmetics or eyelashes to any person.

(h) Performing any of the following procedures for esthetic purposes and not for the treatment of a medical, physical or mental ailment:

(1) Extraction;

(2) Hydrotherapy; or

(3) Exfoliation which does not remove any skin below the stratum corneum, including, without limitation, by the use of manual exfoliation, microdermabrasion or dermaplaning.

2. ~~[As used in this section, "depilatories" does not include the practice of threading.]~~ *The term does not include a person who engages in the practice of advanced esthetics.*

Sec. 9. NRS 644A.040 is hereby amended to read as follows:

644A.040 "Cosmetology" includes the occupations of a cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider ~~[, demonstrator of cosmetics]~~ and nail technologist. The term does not include the occupation of a makeup artist.

Sec. 10. NRS 644A.062 is hereby amended to read as follows:

644A.062 "Esthetic medical device" means a device, as defined in 21 U.S.C. § 321, ~~[used to perform]~~ *which the Board, by regulation, has determined to be appropriate for use in the performance of* an esthetic medical procedure . ~~[, including, without limitation, a laser, a radial shockwave device, a cryotherapy device and a device that emits radio frequencies, plasma, intense pulsed light, ultrasound, microwaves or other similar energies.]~~

Sec. 11. NRS 644A.075 is hereby amended to read as follows:

644A.075 ~~[1.]~~ "Esthetics" means the practices of:

~~[(a)]~~ *1.* Beautifying, massaging, cleansing or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device ~~[, electrical or otherwise,]~~ for the care of the skin ~~[;~~

~~(b)]~~ *that is noninvasive and is not an esthetic medical device or otherwise prohibited by the Board;*

2. Applying cosmetics, eyelash extensions or eyelashes to any person, tinting eyelashes and eyebrows, eyelash perming and lightening hair on the body; ~~[and~~

~~(c)]~~ *3.* Removing superfluous hair from the body of any person by the use of depilatories, waxing, tweezers or sugaring ~~[.]~~ *; and*

4. Performing any of the following procedures for esthetic purposes and not for the treatment of a medical, physical or mental ailment:

(a) Extraction;

(b) Hydrotherapy; or

(c) Exfoliation which does not remove any skin below the stratum corneum, including, without limitation, by the use of manual exfoliation, microdermabrasion or dermaplaning,

➥ but does not include the branches of cosmetology of a cosmetologist, *advanced esthetician,* hair designer, shampoo technologist, hair braider, electrologist or nail technologist.

~~[2. As used in this section, "depilatories" does not include the practice of threading.]~~

Sec. 12. NRS 644A.110 is hereby amended to read as follows:

644A.110 1. "Makeup artistry" means the practice of applying makeup *, strip eyelashes* or prosthetics for:

(a) Theatrical, television, film and other similar productions;

(b) All aspects of the modeling and fashion industry, including, without limitation, photography for magazines; and

(c) Weddings.

2. The term includes the practice of applying makeup *, strip eyelashes* or prosthetics at:

(a) Licensed cosmetological establishments; and

(b) Retail establishments, unless the practice is limited to the demonstration of cosmetics by a retailer in the manner described in paragraph (d) of subsection 1 of NRS 644A.150.

Sec. 13. NRS 644A.127 is hereby amended to read as follows:

644A.127 "Nonablative esthetic medical procedure" means an esthetic medical procedure that is not expected to excise, vaporize, disintegrate or remove living tissue ~~[.]~~ *, and which the Board has, by regulation, authorized to be performed by an advanced esthetician.*

Sec. 14. NRS 644A.150 is hereby amended to read as follows:

644A.150 1. The following persons are exempt from the provisions of this chapter:

(a) Except for those provisions relating to advanced estheticians, all persons authorized by the laws of this State to practice *nursing,* medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the *Armed Forces of the* United States ~~[Army, Navy, or Marine Hospital Service]~~ when engaged in the actual performance of their official duties, and attendants attached to ~~[those services.]~~ *a unit in a branch of the Armed Forces of the United States that provides medical services.*

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a service relating to the practice of cosmetology except cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his or her employee does not advertise cosmetological services or the practice of makeup artistry and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the Department of Corrections or the Caliente Youth Center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644A.740.

(b) Notwithstanding the provisions of NRS 644A.735, shall maintain a staff of at least one licensed instructor.

3. Any health care professional, as defined in NRS 453C.030, is exempt from the provisions of this chapter relating to advanced estheticians.

Sec. 15. NRS 644A.230 is hereby amended to read as follows:

644A.230 The *Executive Director of the* Board:

1. Shall prescribe the duties of ~~[its]~~ *the* officers, examiners and employees ~~[,]~~ *of the Board*, and fix the compensation of those employees.

2. May *, with the approval of the Board,* establish offices in as many ~~[localities]~~ *locations* in the State as ~~[it]~~ *the Executive Director* finds necessary to carry out the provisions of this chapter. ~~[All records and files of the Board must be kept at the main office of the Board and, except as otherwise provided in NRS 644A.870, be open to public inspection at all reasonable hours.]~~

3. May adopt a seal.

4. May issue subpoenas to compel the attendance of witnesses and the production of books and papers.

Sec. 16. NRS 644A.250 is hereby amended to read as follows:

644A.250 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license or certificate of registration, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. Issue certificates of registration to such applicants as may be entitled thereto.

4. License ~~[establishments for hair braiding,]~~ cosmetological establishments and schools of cosmetology.

5. Report to the proper prosecuting officer or law enforcement agency each violation of this chapter coming within its knowledge.

6. Inspect schools of cosmetology, ~~[establishments for hair braiding,]~~ cosmetological establishments and any facility in this State in which threading is conducted to ensure compliance with the statutory requirements and adopted

regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 17. NRS 644A.260 is hereby amended to read as follows:

644A.260 1. The Board shall keep a record containing the name, known place or places of business, electronic mail address, personal mailing address, telephone number and the date and number of the license or certificate of registration, as applicable, of every nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, ~~[demonstrator of cosmetics,]~~ *person engaged in the practice of threading registered pursuant to NRS 644A.550,* makeup artist registered pursuant to NRS 644A.395 and cosmetologist, together with the names and addresses of all ~~[establishments for hair braiding,]~~ cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure or registration.

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee or registrant.

(b) A member of the general public, except information concerning the personal mailing address, work address, electronic mail address and telephone number of a licensee or registrant.

Sec. 18. NRS 644A.275 is hereby amended to read as follows:

644A.275 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses and certificates of registration.

3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body.

6. For governing the conduct of cosmetological establishments.

7. ~~[As the Board determines are necessary for governing the conduct of establishments for hair braiding.]~~ *Identifying each nonablative esthetic medical procedure that an advanced esthetician is authorized to perform pursuant to this chapter.*

8. Identifying each device that the Board determines to be appropriate for use in the performance of an esthetic medical procedure. Such devices may include, without limitation, a laser, a radial shockwave device, a cryotherapy device and a device that emits radio frequencies, plasma, intense pulsed light, ultrasound, microwaves or other similar energies.

Sec. 19. NRS 644A.280 is hereby amended to read as follows:

644A.280 1. The Board may adopt such regulations governing sanitary conditions as it deems necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases in the practice of hair braiding, ~~[in establishments for hair braiding,]~~ in the practice of a cosmetologist, in cosmetological establishments or schools of cosmetology, in the practice of threading and in any facility in this State in which threading is conducted.

2. No regulation governing sanitary conditions thus adopted has any effect until it has been approved by the State Board of Health.

3. A copy of all regulations governing sanitary conditions which are adopted must be furnished to each person to whom a license is issued for the conduct of a cosmetological establishment, ~~[establishment for hair braiding,]~~ school of cosmetology, practice of cosmetology or facility in this State in which threading is conducted.

Sec. 20. NRS 644A.300 is hereby amended to read as follows:

644A.300 The Board shall admit to examination for a license as a cosmetologist any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

4. Has had any one of the following:

(a) Training of at least 1,600 hours ~~[, extending over a school term of 10 months,]~~ in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of *at least* 4 years outside this State ~~[.]~~ *, including, without limitation, in any other state, territory or country, which has been documented and which the Board or its designee deems acceptable.*

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 600 hours of specialized training approved by the Board.

(d) At least 3,200 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed

during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644A.310.

Sec. 21. NRS 644A.305 is hereby amended to read as follows:

644A.305 Examinations for licensure as a cosmetologist may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, nail technology, cosmetics, thermal curling, marcelling, facial massage, massage of the scalp with the hands, *procedures involving the application of chemicals to hair,* and cutting, trimming or shaping hair;

2. Written or oral tests on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity as applicable to the practice of a cosmetologist; and

(c) The laws of Nevada and the regulations of the Board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the Board may require.

Sec. 22. NRS 644A.315 is hereby amended to read as follows:

644A.315 The Board shall admit to examination for a license as a hair designer each person who has applied to the Board in proper form and paid the fee, and who:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

4. Satisfies at least one of the following:

(a) Is a barber registered pursuant to chapter 643 of NRS.

(b) Has had training of at least 1,000 hours ~~[, extending over a period of 7 consecutive months,]~~ in a school of cosmetology approved by the Board.

(c) Has had practice of the occupation of hair designing for at least 4 years outside this State ~~[.]~~ *, including, without limitation, in any other state, territory or country, which has been documented and which the Board or its designee deems acceptable.*

(d) Has had at least 2,000 hours of service as a hair designer's apprentice in a licensed cosmetological establishment in which hair design is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a hair designer's apprentice issued to the person pursuant to NRS 644A.325.

Sec. 23. NRS 644A.320 is hereby amended to read as follows:

644A.320 The examination for licensure as a hair designer may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, thermal curling, marcelling, massage of the scalp with the hands, *procedures involving the application of chemicals to hair,* and cutting, trimming or shaping the hair;

2. Written or oral tests, or both written and oral tests, on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity as applicable to the practice of a hair designer; and

(c) The laws of this State and the regulations of the Board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the Board may require.

Sec. 24. NRS 644A.328 is hereby amended to read as follows:

644A.328 The Board shall admit to examination for a license as an advanced esthetician any person who has made the application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;

2. Is of good moral character;

3. Has successfully completed the 10th grade in school or its equivalent; and

4. Satisfies at least one of the following:

(a) The person has completed at least 900 hours of training in a licensed school of cosmetology in a curriculum prescribed by the Board pursuant to NRS 644A.277;

(b) The person is a licensed esthetician and has additionally completed at least 300 hours of training in a licensed school of cosmetology in a curriculum prescribed by the Board pursuant to NRS 644A.277; or

(c) The person has ~~[practiced]~~ *practice* as ~~[a full-time licensed]~~ *an* advanced esthetician for at least ~~[1 year.]~~ *4 years outside this State, including, without limitation, in any other state, territory or country, which has been documented and which the Board or its designee deems acceptable.*

Sec. 25. NRS 644A.330 is hereby amended to read as follows:

644A.330 The Board shall admit to examination for a license as an esthetician any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;

2. Is of good moral character;

3. Has successfully completed the 10th grade in school or its equivalent; and

4. Has had any one of the following:

(a) A minimum of 600 hours of training, which includes theory ~~[, modeling]~~ and practice, in a licensed school of cosmetology.

(b) Practice as ~~[a full-time licensed]~~ *an* esthetician for at least ~~[1 year.]~~ *4 years outside this State, including, without limitation, in another state, territory or country, which has been documented and which the Board or its designee deems acceptable.*

(c) At least 1,200 hours of service as an esthetician's apprentice in a licensed cosmetological establishment in which esthetics is practiced. The required hours must have been completed during the period of validity of the certificate of registration as an esthetician's apprentice issued to the person pursuant to NRS 644A.340.

Sec. 26. NRS 644A.345 is hereby amended to read as follows:

644A.345 The Board shall admit to examination for a license as a nail technologist any person who has made application to the Board in proper form, paid the fee and who, before or on the date of the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. Has successfully completed the 10th grade in school or its equivalent.
4. Has had any one of the following:

(a) Practical training of at least 600 hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.

(b) Practice as a ~~[full-time licensed]~~ nail technologist for ~~[1 year]~~ *at least 4 years* outside ~~[the State of Nevada.]~~ *this State, including, without limitation, in another state, territory or country, which has been documented and which the Board or its designee deems acceptable.*

(c) At least 1,200 hours of service as a nail technologist's apprentice in a licensed cosmetological establishment in which nail technology is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a nail technologist's apprentice issued to the person pursuant to NRS 644A.355.

Sec. 27. NRS 644A.360 is hereby amended to read as follows:

644A.360 ~~[1. Except as otherwise provided in NRS 644A.365, the]~~ *The* Board shall admit to examination as a hair braider each person who has applied to the Board in proper form and paid the fee, and who:

~~[(a)]~~ *1.* Is not less than 18 years of age.

~~[(b)]~~ *2.* Is of good moral character.

~~[(c)]~~ *3.* Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

~~[(d) If the person has not practiced hair braiding previously:~~

~~(1) Has completed a minimum of 250 hours of training and education as follows:~~

~~(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;~~

~~(II) Seventy-five hours concerning infection control and prevention and sanitation;~~

~~(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and~~

~~(IV) Fifty hours of clinical practice; and~~

~~(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.~~

~~(e) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:~~

~~(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and~~

~~(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.~~

~~2. The application submitted pursuant to subsection 1 must be accompanied by:~~

~~(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.~~

~~(b) A copy of one of the following documents as proof of the age of the applicant:~~

~~(1) A driver's license, identification card or permanent resident card issued to the applicant by this State or another state, the District of Columbia, the United States or any territory of the United States or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;~~

~~(2) The birth certificate of the applicant; or~~

~~(3) The current passport issued to the applicant.]~~

Sec. 28. NRS 644A.370 is hereby amended to read as follows:

644A.370 ~~[1.]~~ The examination for licensure as a hair braider pursuant to ~~[paragraph (d) of subsection 1 of]~~ NRS ~~[644A.365 must]~~ *644A.360 may* include:

~~[(a)]~~ *1.* A written test on antisepsis, sterilization and sanitation;

~~[(b)]~~ *2.* A written test on the laws of Nevada and the regulations of the Board relating to cosmetology; ~~[and~~

~~(c)]~~ *3. A practical demonstration in hair braiding; and*

4. Such other tests or examinations as the Board deems necessary.

~~[2. The examination for licensure as a hair braider pursuant to NRS 644A.360 or paragraph (e) of subsection 1 of NRS 644A.365 must include:~~

~~(a) The written tests and such other tests or examinations described in subsection 1; and~~

~~(b) A practical demonstration in hair braiding.]~~

Sec. 29. NRS 644A.375 is hereby amended to read as follows:

644A.375 1. The Board shall admit to examination for a certificate of registration as a shampoo technologist, any person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 16 years of age.

(b) Is of good moral character.

(c) Has successfully completed the 10th grade in school or its equivalent.

(d) Satisfies at least one of the following:

(1) Training of at least 50 hours in a licensed school of cosmetology as a student of the occupation of a cosmetologist or hair designer;

(2) Training of at least 50 hours in a licensed school of cosmetology in a curriculum prescribed by the Board by regulation; *or*

(3) Training of at least 50 hours which is administered online by the Board in a curriculum prescribed by the Board by regulation . ~~[; or~~

~~(4) Has had practice as a full-time licensed shampoo technologist for 1 year outside this State.]~~

2. The Board may charge a fee of not more than $50 to administer the training described in subparagraph (3) of paragraph (d) of subsection 1.

~~[3. A certificate of registration as a shampoo technologist is valid for 2 years after the date on which it is issued and may be renewed by the Board upon good cause shown.]~~

Sec. 30. NRS 644A.380 is hereby amended to read as follows:

644A.380 The examination for a certificate of registration as a shampoo technologist must include:

1. ~~[Practical demonstrations in shampooing and rinsing the hair which are approved and conducted by the Board or a licensed school of cosmetology;~~

~~2.]~~ A written test on the laws of Nevada and the regulations of the Board relating to cosmetology; and

~~[3.]~~ *2.* Such ~~[other]~~ demonstrations and *other* tests as the Board requires.

Sec. 31. NRS 644A.395 is hereby amended to read as follows:

644A.395 1. Each makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment shall ~~[, on or before January 1 of each year,]~~ register with the Board on a form prescribed by the Board. The registration must:

(a) Include:

(1) The name, address, electronic mail address and telephone number of the makeup artist; and

(2) The name and license number of each cosmetological establishment in which the makeup artist will be practicing makeup artistry.

(b) Be accompanied by ~~[:~~

~~(1) A]~~ *a* notarized statement indicating that the makeup artist:

~~[(I)]~~ *(1)* Is 18 years of age or older;

~~[(II)]~~ *(2)* Is of good moral character; and

~~[(III)]~~ *(3)* Has completed at least 2 years of high school . ~~[; and~~

~~(2) Two current photographs of the makeup artist which are 2 by 2 inches.]~~

2. The Board shall charge a fee of not more than $25 for registering a makeup artist pursuant to this section.

3. A makeup artist shall not practice makeup artistry in a licensed cosmetological establishment without first obtaining a certificate of registration.

4. A makeup artist, other than a makeup artist required to be registered pursuant to subsection 1, shall not engage in the practice of makeup artistry in this State unless he or she:

(a) Is 18 years of age or older;

(b) Is of good moral character; and

(c) Has completed at least 2 years of high school.

5. A certificate of registration as a makeup artist is valid for 1 year after the date on which it is issued.

Sec. 32. NRS 644A.400 is hereby amended to read as follows:

644A.400 The Board shall admit to examination for a license as an electrologist any person who has made application to the Board in the proper form and paid the fee, and who before or on the date set for the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. Has successfully completed the 12th grade in school or its equivalent.
4. Has or has completed any one of the following:

(a) A minimum training of 500 hours under the immediate supervision of an approved electrologist in an approved school in which the practice is taught.

(b) Study of the practice for at least 1,000 hours extending over a period of ~~[5]~~ *8* consecutive months, under an electrologist licensed pursuant to this chapter, in an approved program for electrologist's apprentices.

(c) A valid electrologist's license issued by a state whose licensing requirements are equal to or greater than those of this State.

(d) Either training or practice, or a combination of training and practice, in electrology outside this State for a period specified by regulations of the Board.

Sec. 33. NRS 644A.415 is hereby amended to read as follows:

644A.415 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent;

(b) Has practiced as a full-time licensed cosmetologist, hair designer, ~~[hair braider,]~~ esthetician, advanced esthetician or nail technologist for 1 year and submits written verification of his or her experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits ~~[two]~~ *a* current ~~[photographs]~~ *photograph* of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than $40 and not more than $75 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 34. NRS 644A.420 is hereby amended to read as follows:

644A.420 1. The Board shall admit to examination for a license as an instructor of cosmetology *, hair design, esthetics, advanced esthetics or nail*

technology any person who has applied to the Board in proper form, paid the fee and:

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) Has successfully completed the 12th grade in school or its equivalent;

(d) Has received a minimum of 700 hours of training as a student instructor or 500 hours of training as an instructor or as a licensed provisional instructor in a licensed school of cosmetology; ~~[and]~~

(e) Is licensed as a cosmetologist *, hair designer, esthetician, advanced esthetician or nail technologist* pursuant to this chapter ~~[.]~~ *; and*

(f) If the applicant is licensed as a hair designer, esthetician, advanced esthetician or nail technologist, has practiced as a full-time licensed hair designer, esthetician, advanced esthetician or nail designer, as applicable, or as a licensed student instructor.

2. Each instructor shall pay an initial fee for a license of not less than $60 and not more than $90.

3. An instructor of cosmetology *, hair design, esthetics, advanced esthetics or nail technology* shall complete at least the number of hours of continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained in courses approved by the Board during each 2-year period of his or her license.

4. An instructor of cosmetology, hair design, esthetics, advanced esthetics or nail technology may only provide instruction on subject matter that is within the scope of his or her license as a cosmetologist, hair designer, esthetician, advanced esthetician or nail technologist.

Sec. 35. NRS 644A.450 is hereby amended to read as follows:

644A.450 1. An application for admission to examination or for a license in any branch of cosmetology, or for a certificate of registration as a shampoo technologist, esthetician's apprentice, cosmetologist's apprentice, hair designer's apprentice or nail technologist's apprentice must be made in writing on forms furnished by the Board and must be submitted within the period designated by the Board. The Board shall charge a *nonrefundable* fee of $15 for furnishing the forms.

2. An application must contain proof of the qualifications of the applicant for examination, licensure or registration. The applicant must certify that all the information contained in the application is truthful and accurate.

Sec. 36. NRS 644A.460 is hereby amended to read as follows:

644A.460 ~~[Except as otherwise provided in NRS 644A.365, upon]~~ *Upon* application to the Board, accompanied by a fee of $200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a

license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Is currently licensed in another state or territory or the District of Columbia.

Sec. 37. NRS 644A.470 is hereby amended to read as follows:

644A.470 1. In addition to the fee for an application, the fees for examination are:

(a) For examination as a cosmetologist, not less than $75 and not more than $200.

(b) For examination as an electrologist, not less than $75 and not more than $200.

(c) For examination as a hair designer, not less than $75 and not more than $200.

(d) For examination as a shampoo technologist, not less than $50 and not more than $100.

(e) For examination as a hair braider, ~~[$110.]~~ *not less than $75 and not more than $200.*

(f) For examination as a nail technologist, not less than $75 and not more than $200.

(g) For examination as an esthetician, not less than $75 and not more than $200.

(h) For examination as an advanced esthetician, not less than $75 and not more than $200.

(i) For examination as an instructor of estheticians, advanced estheticians, hair designers, cosmetology or nail technology, not less than $75 and not more than $200.

2. ~~[Except as otherwise provided in this subsection, the]~~ *The* fee for each reexamination is not less than $75 and not more than $200. ~~[The fee for reexamination as a hair braider is $110.]~~

3. ~~[In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is $75.~~

~~4.]~~ Each applicant referred to in ~~[subsections]~~ *subsection* 1 ~~[and 3]~~ shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 38. NRS 644A.480 is hereby amended to read as follows:

644A.480 1. The Board:

(a) Shall provide examinations for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ *or* nail technologist ~~[or demonstrator of cosmetics]~~ in English and, upon the request of an applicant for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ *or* nail technologist , ~~[or demonstrator of cosmetics,]~~ in Spanish; and

(b) May provide examinations for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ *or* nail technologist , ~~[or demonstrator of cosmetics,]~~ in any other language upon the request of an applicant, if the Board determines that providing the examination in that language is in the best interests of the public.

2. A request for an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ *or* nail technologist ~~[or demonstrator of cosmetics]~~ to be translated into a language other than English or Spanish must be filed with the Board by the applicant making the request at least 90 days before the scheduled examination. The Board shall keep all such requests on file.

3. The Board shall impose a fee upon the applicants who file requests for an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ *or* nail technologist ~~[or demonstrator of cosmetics]~~ to be translated into a language other than English or Spanish. The fee must be sufficient to ensure that the applicants bear the full cost for the development, preparation, administration, grading and evaluation of the translated examination. The fee is in addition to all other fees that must be paid by applicants for the examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ *or* nail technologist . ~~[or demonstrator of cosmetics.]~~

4. In determining whether it is in the best interests of the public to translate an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ *or* nail technologist ~~[or demonstrator of cosmetics]~~ into a language other than English or Spanish, the Board shall consider the percentage of the population within this State whose native language is the language for which the translated examination is sought.

Sec. 39. NRS 644A.490 is hereby amended to read as follows:

644A.490 1. The Board shall issue a license or certificate of registration, as applicable, as a cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist ~~[, demonstrator of cosmetics]~~ or instructor to each applicant who:

(a) Except as otherwise provided in NRS ~~[644A.380 and]~~ 644A.455, passes a satisfactory examination, conducted by the Board to determine his or her fitness to practice that occupation of cosmetology; ~~[and]~~

(b) Complies with such other requirements as are prescribed in this chapter for the issuance of the license or certificate of registration ~~[.]~~ *; and*

(c) Has paid any required fees, fines or outstanding balances as required by the Board.

2. The fees for issuance of an initial license or certificate of registration, as applicable, are:

(a) For nail technologists, electrologists, estheticians, advanced estheticians, hair designers, *hair braiders,* shampoo technologists ~~[,~~ ~~demonstrators of cosmetics]~~ and cosmetologists:

(1) For 2 years, not less than $50 and not more than $100.

(2) For 4 years, not less than $100 and not more than $200.

(b) ~~[For hair braiders:~~

~~(1) For 2 years, $70.~~

~~(2) For 4 years, $140.~~

~~(c)]~~ For instructors:

(1) For 2 years, not less than $60 and not more than $100.

(2) For 4 years, not less than $120 and not more than $200.

Sec. 40. NRS 644A.510 is hereby amended to read as follows:

644A.510 Every licensed or registered nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[, demonstrator of cosmetics]~~ or cosmetologist shall, within 30 days after changing his or her place of business or personal mailing address, as designated in the records of the Board, notify the Board of the new place of business or personal mailing address. Upon receipt of the notification, the Board shall make the necessary change in the records.

Sec. 41. NRS 644A.515 is hereby amended to read as follows:

644A.515 1. The license or certificate of registration, as applicable, of every cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist ~~[, demonstrator of cosmetics]~~ and instructor expires on either:

(a) The second anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license or certificate of registration, restored license or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license or certificate of registration, from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal; or

(b) The fourth anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license or certificate of registration, restored license or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license or certificate of registration from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal.

2. The Board may, by regulation, defer the expiration of a license or certificate of registration, as applicable, of a person who is on active duty in *any branch of* the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Board may similarly defer the expiration of the license or certificate of registration, as applicable, of the spouse or dependent child of that person if the spouse or child is residing with the person.

3. *The Board may, by regulation, defer the expiration of a license or certificate of registration, as applicable, of a person who:*

(a) Submits to the Board, on a form prescribed by the Board, a request for his or her license or certificate of registration to be placed on inactive or retirement status; and

(b) Pays a fee in an amount established by the Board by regulation.

4. For the purposes of this section, any licensee or holder of a certificate of registration whose date of birth occurs on February 29 in a leap year shall be deemed to have a birthdate of February 28.

5. The Board shall send written notice to a licensee or holder of a certificate of registration identifying the date of the expiration of his or her license or certificate of registration, as applicable, at least:

(a) Ninety days before the license or certificate of registration expires; and

(b) Once each month following the month in which notice is sent pursuant to paragraph (a) until the month in which the license or certificate of registration expires.

Sec. 42. NRS 644A.520 is hereby amended to read as follows:

644A.520 1. An application for renewal of any license or certificate of registration issued pursuant to this chapter must be:

(a) Made on a form prescribed and furnished by the Board;

(b) Made on or before the date for renewal specified by the Board;

(c) Accompanied by the applicable fee for renewal; and

(d) Accompanied by all information required to complete the renewal.

2. The fees for renewal of a license or a certificate of registration, as applicable, are:

(a) For nail technologists, electrologists, estheticians, advanced estheticians, hair designers, *hair braiders,* shampoo technologists ~~[, demonstrators of cosmetics]~~ and cosmetologists:

(1) For 2 years, not less than $50 and not more than $100.

(2) For 4 years, not less than $100 and not more than $200.

(b) ~~[For hair braiders:~~

~~(1) For 2 years, $70.~~

~~(2) For 4 years, $140.~~

~~(c)]~~ For instructors:

(1) For 2 years, not less than $60 and not more than $100.

(2) For 4 years, not less than $120 and not more than $200.

~~[(d)]~~ *(c)* For cosmetological establishments:

(1) For 2 years, not less than $100 and not more than $200.

(2) For 4 years, not less than $200 and not more than $400.

~~[(e) For establishments for hair braiding:~~

~~(1) For 2 years, $70.~~

~~(2) For 4 years, $140.~~

~~(f)]~~ *(d)* For schools of cosmetology:

(1) For 2 years, not less than $500 and not more than $800.

(2) For 4 years, not less than $1,000 and not more than $1,600.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license or a certificate of registration as a shampoo

technologist is not renewed, there must be assessed and collected at the time of renewal a penalty of $50 for a school of cosmetology and $20 for ~~[an establishment for hair braiding,]~~ a cosmetological establishment, all persons licensed pursuant to this chapter and persons registered as a shampoo technologist.

4. An application for the renewal of a license or a certificate of registration, as applicable, as a cosmetologist, hair designer, shampoo technologist, hair braider, esthetician, advanced esthetician, electrologist, nail technologist ~~[, demonstrator of cosmetics]~~ or instructor must be:

(a) Accompanied by ~~[two]~~ *a* current ~~[photographs]~~ *photograph* of the applicant *;* ~~[which are 2 by 2 inches and have the name of the applicant written on the back of each photograph;]~~ or

(b) If the application for the renewal of the license or certificate of registration, as applicable, is made online, accompanied by a current photograph of the applicant which is ~~[2 by 2 inches and is]~~ electronically attached to the application for renewal.

5. Before a person applies for the renewal of a license or certificate of registration, as applicable, as a cosmetologist, hair designer, shampoo technologist, hair braider, esthetician, advanced esthetician, electrologist ~~[,]~~ *or* nail technologist *,* ~~[or demonstrator of cosmetics,]~~ the person must ~~[complete]~~*:*

(a) Complete at least 4 hours of instruction relating to infection control and prevention in a professional course or seminar approved by the Board ~~[.]~~ *; and*

(b) Pay any outstanding fee, fine or other balance owed to the Board.

Sec. 43. NRS 644A.525 is hereby amended to read as follows:

644A.525 1. A nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~[, demonstrator of cosmetics]~~ or instructor whose license or certificate of registration, as applicable, has expired may have his or her license or certificate of registration renewed only upon payment of all applicable required fees and submission of all information required to complete the renewal.

2. Any nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~[, demonstrator of cosmetics]~~ or instructor who retires from practice for more than 1 year may have his or her license or certificate of registration, as applicable, restored only upon payment of all required fees and submission of all information required to complete the restoration.

3. No nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~[, demonstrator of cosmetics]~~ or instructor who has retired from practice for more than 4 years may have his or her license or certificate of registration, as applicable, restored without examination and must comply with any additional requirements established in regulations adopted by the Board.

Sec. 44. NRS 644A.530 is hereby amended to read as follows:

644A.530 1. The holder of a license or certificate of registration issued by the Board to practice any branch of cosmetology must display his or her

current license or certificate or a duplicate of the license or certificate in plain view of the public at the ~~[position]~~ *workstation* where the holder of the license or certificate performs his or her work ~~[.]~~ *on the public.*

2. If a person practices cosmetology in more than one place, the person shall display the license or certificate or a duplicate of the license or certificate wherever he or she is actually working ~~[.]~~ *on the public.*

Sec. 45. NRS 644A.550 is hereby amended to read as follows:

644A.550 1. Each natural person who engages in the practice of threading and each owner or operator of a kiosk or other stand-alone facility in which a natural person engages in the practice of threading shall ~~[, on or before January 1 of each year,]~~ register with the Board on a form prescribed by the Board. The registration must be accompanied by a fee of not more than $25 and must include:

(a) The name, address, electronic mail address and telephone number of the person, owner or operator; and

(b) Any other information relating to the practice of the person or the operation of the kiosk or other facility required by the Board.

2. The Board shall, during regular business hours, inspect each facility in this State in which threading is conducted . ~~[not later than 90 days after the date on which the registration is activated.]~~

3. The fee required by subsection 1 must be established by regulation of the Board.

4. A certificate of registration to engage in the practice of threading is valid for 1 year after the date on which it is issued.

5. A person who is registered with the Board pursuant to subsection 1 is not required to obtain any other license or certificate of registration pursuant to this chapter to engage in the practice of threading.

6. A licensed cosmetologist or esthetician is not required to register with the Board pursuant to subsection 1 to engage in the practice of threading.

Sec. 46. NRS 644A.600 is hereby amended to read as follows:

644A.600 1. Any person wishing to operate a cosmetological establishment in which any one or a combination of the occupations of cosmetology are practiced must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed cosmetological establishment and proof of the particular requisites for a license provided for in this chapter. The applicant must certify that all the information contained in the application is truthful and accurate.

2. The applicant must submit the application accompanied by the applicable required fees for inspection and licensing. ~~[Upon receipt of the application, the]~~ *Before issuing a license for a cosmetological establishment, the* Board shall ~~[contact the applicant to arrange a date and time to]~~ conduct ~~[the on site]~~ *an opening* inspection ~~[and]~~ *of the proposed cosmetological establishment* to *ensure that the minimum requirements for operating a cosmetological establishment pursuant to this chapter are met. After the Board*

has conducted an inspection pursuant to this subsection and determined that such minimum requirements are met, the Board or its designee shall issue ~~[and activate]~~ the license. ~~[A license issued pursuant to this subsection is not valid until it is activated.]~~

3. The fee for issuance of a license for a cosmetological establishment is:

(a) For 2 years, $200.

(b) For 4 years, $400.

4. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 47. NRS 644A.610 is hereby amended to read as follows:

644A.610 1. The license of every cosmetological establishment:

(a) Expires 2 years after the date of issuance or renewal of a license that was issued or renewed for a 2-year period.

(b) Expires 4 years after the date of issuance or renewal of a license that was issued or renewed for a 4-year period.

2. If a cosmetological establishment fails to pay the applicable required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

3. Before the license of a cosmetological establishment may be renewed, the holder of the license must pay any outstanding fee, fine or other balance owed to the Board.

Sec. 48. NRS 644A.615 is hereby amended to read as follows:

644A.615 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display in plain view of members of the general public:

(a) In the principal office or place of business of the holder, the license or a duplicate of the license; and

(b) At each cosmetological establishment operated by the holder, a sign of sufficient size to be legible to members of the general public stating that the establishment is not a medical facility.

2. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only licensed or registered, as applicable, nail technologists, electrologists, estheticians, advanced estheticians, hair designers, shampoo technologists, hair braiders ~~[,~~ ~~demonstrators of cosmetics]~~ and cosmetologists at the establishment to provide services relating to the practice of cosmetology. This subsection does not prohibit an operator of a cosmetological establishment from:

(a) Leasing space to or employing a barber. Such a barber remains under the jurisdiction of the State Barbers' Health and Sanitation Board and remains subject to the laws and regulations of this State applicable to his or her business or profession.

(b) Leasing space to any other professional, including, without limitation, a provider of health care pursuant to subsection 3. Each such professional remains under the jurisdiction of the regulatory body which governs his or her

business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.

3. The operator of a cosmetological establishment may lease space at the cosmetological establishment to a provider of health care for the purpose of providing health care within the scope of his or her practice. [~~The~~] *Except as otherwise provided in subsection 4, the* provider of health care shall not use the leased space to provide such health care at the same time a cosmetologist uses that space to engage in the practice of cosmetology. A provider of health care who leases space at a cosmetological establishment pursuant to this subsection remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.

4. *A provider of health care who is a health care professional may use leased space at a cosmetological establishment to provide health care associated with the supervision of an advanced esthetician pursuant to NRS 644A.545 at the same time as a cosmetologist uses that space to engage in the practice of cosmetology.*

5. As used in this section:

(a) *"Health care professional" has the meaning ascribed to it in NRS 453C.030.*

(b) "Provider of health care" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

[~~(b)~~] *(c)* "Space" includes, without limitation, a separate room in the cosmetological establishment.

Sec. 49. NRS 644A.620 is hereby amended to read as follows:

644A.620 Cosmetology and threading may be practiced in a cosmetological establishment by licensed or registered, as applicable, cosmetologists, estheticians, advanced estheticians, electrologists, hair designers, shampoo technologists, hair braiders, [~~demonstrators of cosmetics,~~] nail technologists and natural persons who engage in the practice of threading, as appropriate, who are:

1. Employees of the owner of the enterprise; or

2. Lessees of space from the owner of the enterprise.

Sec. 50. NRS 644A.625 is hereby amended to read as follows:

644A.625 1. A cosmetological establishment must, at all times, be under the immediate supervision of a person who is licensed in the branch of cosmetology or a combination of branches of cosmetology of any service relating to the practice of cosmetology provided at the cosmetological establishment at the time the service is provided.

2. If the operator of a cosmetological establishment leases space to a licensed or registered, as applicable, nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider [~~, demonstrator of cosmetics~~] or cosmetologist pursuant to

NRS 644A.615, the lessee must provide supervision for that branch of cosmetology in the manner required by subsection 1.

3. If a cosmetological establishment is open to the public at any time during which no licensed or registered, as applicable, nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider or cosmetologist is physically present in the establishment, the cosmetological establishment must display conspicuously a sign indicating that no cosmetological services are being offered at that time.

Sec. 51. NRS 644A.740 is hereby amended to read as follows:

644A.740 1. A school of cosmetology must at all times be under the immediate supervision of a licensed instructor . ~~[who has had practical experience in an established place of business for at least 1 year in the practice of a majority of the branches of cosmetology taught at the school of cosmetology.]~~

2. A school of cosmetology shall:

(a) Except as otherwise provided in subsection 6, maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in each branch of cosmetology taught at the school of cosmetology.

(b) Maintain apparatus and equipment sufficient to teach all the subjects of its curriculum.

(c) Keep a daily record of the attendance of each student, a record devoted to the different practices, establish grades and hold examinations before issuing diplomas. These records must be submitted to the Board pursuant to its regulations.

(d) Include in its curriculum a course of deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

(e) Arrange the courses devoted to each branch or practice of cosmetology as the Board may from time to time adopt as the course to be followed by the schools.

(f) Not allow any student to perform services on the public for more than 7 hours in any day.

(g) *Not allow any student to attend school for more than:*

(1) Forty regularly scheduled school hours in each week; ~~*[or]*~~

(2) Ten regularly scheduled school hours in any day ~~*[.]*~~ *; or*

(3) Ten hours in a week to make up for regularly scheduled school hours that the student missed.

(h) Conduct at least 5 hours of instruction in theory in each 40-hour week , ~~[or 6 hours of instruction in theory in each 48-hour week,]~~ which must be ~~[attended]~~ *completed* by all registered students ~~[.~~

~~(h)]~~ *either through in-person instruction or, subject to paragraph (i), through an alternative form of instruction that has been approved by the Board, including, without limitation, instruction that is provided through distance education.*

(i) Not allow any student to complete more than 10 percent of his or her required hours of instruction in theory in a manner other than through in-person instruction.

(j) Require that all work by students be done on the basis of rotation.

3. Except as otherwise provided in subsection 4, the Board may, upon request, authorize a school of cosmetology to offer, in addition to courses which are included in any curriculum required for licensure or registration in each branch of cosmetology taught at the school of cosmetology, any other course.

4. The Board shall, upon request, authorize a school of cosmetology to offer a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy, reflexology or structural integration if:

(a) The school of cosmetology has obtained all licenses, authorizations and approvals required by state and local law to offer such a course or program; and

(b) With regard to that portion of the premises where the school of cosmetology offers courses included in the cosmetological curriculum, the school of cosmetology continues to comply with the provisions of this chapter and any regulations adopted pursuant thereto.

5. Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy, reflexology or structural integration:

(a) The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and

(b) The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program.

6. A school of cosmetology is not required to maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in any branch of cosmetology if the school of cosmetology provides its students with a disclaimer, in at least 14-point bold type, indicating that completion of the instruction provided at the school of cosmetology does not:

(a) Qualify the student for a license or certificate of registration in any branch of cosmetology; or

(b) Prepare the student for an examination in any branch of cosmetology.

7. As used in this section, "distance education" means instruction delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated geographically.

Sec. 52. NRS 644A.750 is hereby amended to read as follows:

644A.750 No school of cosmetology *or student of cosmetology* may advertise student work to the public for pay through any medium, including

radio, unless the work advertised is ~~[expressly]~~ *:*

1. Expressly designated as student's work ~~[.]~~ *;*

2. Performed within the school of cosmetology; and

3. Performed under the supervision of a licensed instructor of the school of cosmetology.

Sec. 53. NRS 644A.800 is hereby amended to read as follows:

644A.800 1. Except as otherwise provided in subsection 2, an advertisement for services relating to the practice of cosmetology must list:

(a) The name, as it appears on the license, and license number of the cosmetological establishment ~~[or establishment for hair braiding]~~ where the services will be provided; and

(b) The name and number of the license or certificate of registration of any licensee or registrant mentioned in the advertisement.

2. An advertisement for services relating to the practice of cosmetology to be provided at a school of cosmetology must list the name, as it appears on the license, and license number of the school of cosmetology where the services will be provided.

Sec. 54. NRS 644A.850 is hereby amended to read as follows:

644A.850 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of ~~[an establishment for hair braiding,]~~ a cosmetological establishment, a licensed or registered, as applicable, esthetician, advanced esthetician, cosmetologist, hair designer, shampoo technologist, hair braider, electrologist, instructor, nail technologist, ~~[demonstrator of cosmetics,]~~ makeup artist or school of cosmetology to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Failure of a cosmetologist's apprentice, electrologist's apprentice, esthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(c) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(g) Advertising in violation of any of the provisions of NRS 644A.800 or 644A.935.

(h) Permitting a license or certificate of registration to be used where the holder thereof is not personally, actively and continuously engaged in business.

(i) Failure to display the license or certificate of registration or a duplicate of the license or certificate of registration as provided in NRS 644A.530, 644A.535, 644A.615 ~~[, 644A.665]~~ and 644A.710.

(j) Failure to display the sign as provided in paragraph (b) of subsection 1 of NRS 644A.615.

(k) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(l) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(m) Engaging in prostitution or solicitation for prostitution in violation of NRS 201.353 or 201.354 by the owner of a cosmetological establishment ~~[, an establishment for hair braiding]~~ or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.

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

(o) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license or certificate of registration;

(b) Revoke or suspend a license or certificate of registration;

(c) Place the licensee or holder of a certificate of registration on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

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

Sec. 55. NRS 644A.855 is hereby amended to read as follows:

644A.855 1. If the holder of a license or certificate of registration to operate a cosmetological establishment ~~[, an establishment for hair braiding]~~ or a facility in which threading is conducted or any other licensee or a holder of a certificate of registration issued pursuant to this chapter is charged with or cited for prostitution in violation of NRS 201.353 or 201.354 or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director of the Board. Upon receiving such a report, the Executive Director shall immediately forward the report to the Board or the Chair of the Board. The Board must meet as soon as practicable to consider the report. If the Board finds that the health, safety or welfare of the public imperatively require emergency action and issues a cease and desist order, the Executive Director shall immediately send the cease and desist order by certified mail to the licensee or holder of the certificate of registration. The temporary suspension of the license or certificate of registration is effective immediately after the licensee or holder of the certificate of registration receives notice of the cease and desist order and must not exceed 15 business days. The licensee or holder of the certificate of registration may file a written

request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the Executive Director mails the cease and desist order. If the licensee or holder of the certificate of registration:

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the licensee or holder of the certificate of registration immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Executive Director mails the cease and desist order. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. For purposes of this section, a person is deemed to have notice of a temporary suspension of his or her license or certificate of registration:

(a) On the date on which the notice is personally delivered to the person; or

(b) If the notice is mailed, 3 days after the date on which the notice is mailed by certified mail to the last known business or residential address of the person.

Sec. 56. NRS 644A.870 is hereby amended to read as follows:

644A.870 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential . ~~[, unless the person submits a written statement to the Board requesting that such documents and information be made public records.]~~

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 57. NRS 644A.900 is hereby amended to read as follows:

644A.900 1. It is unlawful for any person to conduct or operate a cosmetological establishment, ~~[an establishment for hair braiding,]~~ a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in subsections 4 and 5, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the person is licensed or registered in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644A.415 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of services relating to the practice of cosmetology by a person who is licensed or registered in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist ~~[.]~~ *who is approved to supervise the apprentice.*

(f) A registered shampoo technologist from engaging in the practice of shampoo technology under the immediate supervision of a licensed cosmetologist or hair designer.

(g) A registered esthetician's apprentice from engaging in the practice of esthetics under the immediate supervision of a licensed esthetician or licensed cosmetologist ~~[.]~~ *who is approved to supervise the apprentice.*

(h) A registered hair designer's apprentice from engaging in the practice of hair design under the immediate supervision of a licensed hair designer or licensed cosmetologist ~~[.]~~ *who is approved to supervise the apprentice.*

(i) A registered nail technologist's apprentice from engaging in the practice of nail technology under the immediate supervision of a licensed nail technologist or licensed cosmetologist ~~[.]~~ *who is approved to supervise the apprentice.*

(j) A makeup artist registered pursuant to NRS 644A.395 from engaging in the practice of makeup artistry for compensation or otherwise in a licensed cosmetological establishment.

4. A person employed to render services relating to the practice of cosmetology in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing or registration requirements of this chapter if he or she renders those services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 58. NRS 644A.925 is hereby amended to read as follows:

644A.925 Nothing in this chapter ~~[:]~~ *permits:*

1. ~~[Authorizes the use of any X-ray machine in the treatment of the scalp or in the removal of superfluous hair; or~~

~~2. Permits the]~~ *The* local application of ~~[carbolic acid or corrosive sublimates or their derivatives or compounds, salicylic acid, resorcinol, or]~~ any ~~[other corrosive]~~ substance for the purpose of peeling skin ~~[. Any]~~ *that is not intended for use by:*

(a) A cosmetologist or esthetician for the purposes of peeling skin at or above the stratum corneum; or

(b) An advanced esthetician for the purposes of performing a medium-depth chemical peel; or

2. The implantation of permanent pigment into the skin . ~~[is prohibited.]~~

➥ A violation of the provisions of this section constitutes a misdemeanor.

Sec. 59. NRS 644A.930 is hereby amended to read as follows:

644A.930 1. It is unlawful for a person to alter a license or certificate of registration issued pursuant to this chapter.

2. It is unlawful for a person to reproduce mechanically or otherwise duplicate a license or certificate of registration issued pursuant to this chapter for purposes of fraud, deception, misrepresentation or other illegal purposes. A person may duplicate a license or certificate of registration issued pursuant to this chapter for a lawful purpose, including, without limitation, for purposes of displaying a duplicate license or certificate of registration pursuant to NRS 644A.530, 644A.535, 644A.615 ~~[, 644A.665]~~ or 644A.710.

Sec. 60. NRS 644A.935 is hereby amended to read as follows:

644A.935 With regard to advertising relating to the education, licensing, registration or practice of cosmetology or threading:

1. It is unlawful to advertise in any manner that is misleading or inaccurate with respect to any services relating to the practice of cosmetology offered by a licensee, registrant or other natural person.

2. An advertisement must not state or imply favorable consideration by the Board except that an advertisement may state that a cosmetological establishment, ~~[establishment for hair braiding,]~~ school of cosmetology, licensee or registrant is licensed or registered by the Board.

Sec. 61. NRS 644A.940 is hereby amended to read as follows:

644A.940 1. Except as otherwise provided in subsection 2, it is unlawful for any animal to be on the premises of a licensed ~~[establishment for hair braiding or]~~ cosmetological establishment.

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

(a) An aquarium maintained on the premises of a licensed ~~[establishment for hair braiding or]~~ cosmetological establishment; or

(b) A service animal or service animal in training.

3. As used in this section:

(a) "Service animal" includes only a dog that has been trained and meets the qualifications set forth in 28 C.F.R. § 36.104, and a miniature horse that has been trained and meets the qualifications set forth in 28 C.F.R. § 36.302.

(b) "Service animal in training" includes only a dog or miniature horse that is being trained for the purposes of 28 C.F.R. § 36.104 or 36.302, as applicable.

Sec. 62. NRS 644A.955 is hereby amended to read as follows:

644A.955 1. In addition to any other penalty ~~[:~~

~~(a) The]~~ *, the* Board may issue a citation to ~~[a]~~ *:*

(a) A person who violates the provisions of NRS 644A.900.

(b) A licensee or registrant who violates the provisions of NRS 644A.850.

2. A citation issued pursuant to ~~[this paragraph]~~ *subsection 1* must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of ~~[subsection 2.]~~ *section 4 of this act.* A separate citation must be issued for each violation. ~~[If appropriate, the]~~ *The* citation may ~~[contain an]~~ *include, without limitation:*

(a) An order to cease and desist ~~[.]~~ *, if appropriate; and*

(b) ~~[Upon finding that a person has violated]~~ *An order to pay an administrative fine for each violation.*

3. If the citation is issued to a licensee or registrant and includes an order to pay an administrative fine for one or more violations of the provisions of NRS 644A.850, the amount of the administrative fine must not exceed the maximum amount authorized by NRS 644A.850.

4. If the citation is issued to a person and includes an order to pay an administrative fine for one or more violations of the provisions of NRS 644A.900, the ~~[Board shall assess an administrative fine of:]~~ *amount of the administrative fine must be:*

(1) For ~~[the]~~ *a* first violation, $1,000.

(2) For ~~[the]~~ *a* second violation, $1,500.

(3) For ~~[the]~~ *a* third or subsequent violation, $2,000.

~~[2. To appeal a finding of a violation of NRS 644A.900, the person must request a hearing by written notice of appeal to]~~

5. The provisions of this section and section 4 of this act do not apply to the issuance of a citation by any inspector of the Board ~~[within 30 days after the date on which the]~~ *pursuant to subsection 3 of NRS 644A.865 and do not limit the authority of an inspector of the Board to issue such a* citation . ~~[is issued.]~~

Sec. 63. A person who, on October 1, 2023, is the holder of a valid license to operate an establishment for hair braiding issued pursuant to NRS 644A.650 and who is otherwise qualified to hold such a license on that date shall be deemed to hold a license to operate a cosmetological establishment issued pursuant to NRS 644A.600, as amended by section 46 of this act.

Sec. 64. NRS 644A.045, 644A.060, 644A.365, 644A.385, 644A.390, 644A.423, 644A.425, 644A.430, 644A.650, 644A.655, 644A.660, 644A.665, 644A.670, 644A.675, 644A.680 and 644A.720 are hereby repealed.

Sec. 65. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 64, inclusive, of this act become effective:

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

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

LEADLINES OF REPEALED SECTIONS

644A.045 "Demonstrator of cosmetics" defined.

644A.060 "Establishment for hair braiding" defined.

644A.365 Qualifications for examination for person who has practiced hair braiding in another state.

644A.385 Qualifications for examination.

644A.390 Scope of examination.

644A.423 Instructors of advanced estheticians: Qualifications for examination for license; continuing education.

644A.425 Instructors of estheticians: Qualifications for examination for license; continuing education.

644A.430 Instructors in nail technology: Qualifications for examination for license; continuing education.

644A.650 Application for license; verbal review; issuance and activation of license; on-site inspection; fees.

644A.655 Notice of change of ownership, name, services offered or location; new license required for operation after change; approval of changes in physical structure of establishment by Board.

644A.660 Expiration of license; effect of failure to timely pay renewal fee.

644A.665 Display of license.

644A.670 Practice of hair braiding by certain licensees.

644A.675 Supervision by licensed person.

644A.680 Food and beverage sales.

644A.720 Surety bonds; payment plans; regulations.

Senator Spearman moved that the Senate concur in Assembly Amendment No. 682 to Senate Bill No. 249.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 269.

The following Assembly amendment was read:

Amendment No. 667.

SUMMARY—Revises provisions related to animal cruelty. (BDR 50-246)

AN ACT relating to cruelty to animals; ~~[prohibiting a person from restraining a dog during any time in which a heat advisory, excessive heat warning, wind chill warning or winter storm warning has been issued for the area; eliminating from provisions relating to animal cruelty]~~ revising certain prohibitions on restraining a dog; revising certain exemptions that authorize a dog to be restrained in a certain manner or maintained in certain enclosures; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, with certain exceptions, a person from restraining a dog: (1) using certain tethers, chains, ties, trolleys or pulley systems or other devices; (2) using a prong, pinch or choke collar or similar restraint; or (3) for more than 14 hours during a 24-hour period. (NRS 574.100) Section 1 of this bill prohibits a person from ~~[also]~~ restraining a dog ~~[outdoors during any time in which a heat advisory, excessive heat warning, wind chill warning or winter storm warning has been issued for the area by the National Weather Service.]~~ for more than 10 hours during a 24-hour period.

In addition to the prohibitions on restraining a dog, existing law requires that any pen or other outdoor enclosure that is used to maintain a dog be appropriate for the size and breed of the dog. Existing law exempts from the limitations on restraining a dog or maintaining a dog in such enclosures circumstances where a dog is: (1) being used lawfully to hunt a species of wildlife in this State during the hunting season for that species; (2) receiving training to hunt a species of wildlife in this State; (3) being kept in a shelter or boarding facility or temporarily in a camping area; (4) temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes; or (5) with a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour. Existing law sets forth graduated criminal penalties depending on whether the offense is a first, second or third and subsequent offense for a violation of certain provisions relating to animal cruelty. (NRS 574.100) Section 1 eliminates ~~[these exemptions]~~ the exemption where a dog is being ~~[used lawfully to hunt a species of wildlife in this State during the hunting season for that species, receiving training to hunt a species of wildlife in this State and temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes]~~ kept in a boarding facility so that: (1) the limitations on the restraint and use of outdoor enclosures apply to a dog in such circumstances; and (2) the graduated criminal penalties also apply to such circumstances. Section 1 further ~~[exempts]~~ : (1) exempts from the limitations where a dog is ~~[: (1)]~~ being processed into an animal shelter; ~~[or]~~ and (2) ~~[under the direct custody or control of a person, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour, provided a heat advisory, excessive heat~~

~~warning, wind chill warning or winter storm warning has not been issued for the area by the National Weather Service.]~~ limits the exemptions where a dog is temporarily being cared for as part of a rescue operation in conjunction with an animal rescue operation or staying in a camping area to a period of less than 1 month.

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

Section 1. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110. The provisions of this paragraph do not apply to a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, "feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) ~~*[Outdoors, during any time in which a heat advisory or excessive heat warning has been issued for the area by the National Weather Service;*~~

~~*(d) Outdoors, during any time in which a wind chill warning or winter storm warning has been issued for the area by the National Weather Service; or*~~

~~*(e)]*~~ For more than ~~[14]~~ *10* hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined; ~~*[or]*~~

(e) ~~*[(c)]*~~ Being ~~[kept in a]~~ *processed into an animal* shelter *;* ~~[or boarding facility or temporarily in a camping area;]~~

(f) Temporarily ~~[being]~~ *for a period of less than 1 month:*

(1) Being cared for as part of a rescue operation ~~[or in any other manner]~~ in conjunction with ~~[a bona fide nonprofit]~~ *an animal rescue* organization ~~[formed for animal welfare purposes;]~~ *; or*

(2) Staying in a camping area;

(g) ~~*[(d)]*~~ Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; ~~[or]~~

(h) ~~[With~~

~~*(e)]*~~ *Under the direct custody or control of* a person , ~~[having custody or control of the dog,]~~ if the person is engaged in a temporary task or activity with the dog for not more than 1 hour ~~[*, provided that a heat advisory, excessive heat warning, wind chill warning or winter storm warning has not been issued for the area by the National Weather Service.]*~~ *; or*

(i) Being walked by a person using a leash.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. Except as otherwise provided in subsection 6, a person who violates subsection 1, 2, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

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

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

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

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

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.

10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.

11. As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally

trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

(a) Tripping such an animal to provide medical or other health care for the animal; or

(b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 667 to Senate Bill No. 269.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 422.

The following Assembly amendment was read:

Amendment No. 547.

SUMMARY—Revises provisions relating to public safety. (BDR 43-663)

AN ACT relating to public safety; establishing provisions governing the operation of a personal delivery device; imposing certain requirements on a personal delivery device operator; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides pedestrians on or near a highway with certain rights and imposes certain duties. (NRS 484B.280-484B.297) Existing law authorizes the operation of a mobile carrying device on sidewalks and in crosswalks and provides that such a device has, in general, the rights and duties of a pedestrian. (NRS 484B.790)

Section 3 of this bill defines the term "personal delivery device" to mean an electrically powered device that: (1) is intended primarily to transport cargo on sidewalks, crosswalks and other pedestrian areas; and (2) ~~[is not intended to carry passengers; and (3)]~~ is equipped with technology that allows navigation with or without the active control or monitoring of a natural person. Section 1 of this bill provides that a personal delivery device is not a "vehicle" for purposes of existing law governing travel on public highways. (NRS 482.135) Section 5 of this bill ~~[:]~~ provides that a personal delivery device may only be operated at an institution within the Nevada System of Higher Education or on a sidewalk or crosswalk directly adjacent to such an institution while servicing the institution. Section 5: (1) authorizes a personal delivery device to operate ~~[on sidewalks, in crosswalks and]~~ on highways only if crossing at an intersection ~~[;]~~ or within a crosswalk; (2) prohibits such a device from transporting hazardous material, transporting a person or unreasonably interfering with pedestrians or vehicle traffic; and (3) provides that such a device has, in general, the rights and duties of a pedestrian. Section 5 also requires a personal delivery device to include a unique identifying number and a means of identifying and contacting the personal delivery device operator. Section 4 of this bill defines the term "personal delivery device operator" to

mean a person or entity that exercises control or monitoring over the operation and navigation of a personal delivery device, not including a person who solely: (1) requests or receives a delivery; (2) arranges for or dispatches a delivery; or (3) stores, charges or maintains a personal delivery device. Section 6 of this bill requires a personal delivery device operator to maintain a policy of general liability insurance to cover any damages caused by the operation of personal delivery devices under the control of the operator. Section 8 of this bill provides that a violation of the provisions of section 5 or 6 is a civil infraction. Section 7 of this bill makes a conforming change to indicate the proper placement of sections 3 and 4 in the Nevada Revised Statutes.

Existing law authorizes the governing body of a county or city, respectively, to enact ordinances which regulate the time, place and manner of operation of mobile carrying devices. (NRS 244.3565, 268.41015) Sections 9 and 10 of this bill create similar authority for personal delivery devices.

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

Section 1. NRS 482.135 is hereby amended to read as follows:

482.135 Except as otherwise provided in NRS 482.36348, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway. The term does not include:

1. Devices moved by human power or used exclusively upon stationary rails or tracks;
2. Mobile homes or commercial coaches as defined in chapter 489 of NRS;
3. Electric bicycles;
4. Electric personal assistive mobility devices;
5. Electric scooters; ~~[or]~~
6. A mobile carrying device as that term is defined in NRS 484B.029 ~~[.]~~ *; or*
7. A personal delivery device as that term is defined in section 3 of this act.

Sec. 2. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. *1. "Personal delivery device" means an electrically powered device that:*

(a) Is designed to operate autonomously, semi-autonomously or remotely by a personal delivery device operator;

(b) Is equipped with technology that allows navigation with or without the active control or monitoring of a natural person;

(c) Is intended primarily to transport cargo on sidewalks, crosswalks and other pedestrian areas;

(d) Weighs less than 150 pounds when empty; and

(e) Has a maximum speed of 10 miles per hour.

2. The term does not include a mobile carrying device.

Sec. 4. *"Personal delivery device operator" means a person or entity that exercises control or monitoring over the operation and navigation of a personal delivery device. The term does not include a person or entity who solely:*

1. Requests or receives the delivery or services of a personal delivery device;

2. Arranges for or dispatches the requested services of a personal delivery device; or

3. Stores, charges or maintains a personal delivery device.

Sec. 5. *1. ~~[Except as otherwise provided in NRS 244.3565 or 268.41015, a]~~ A personal delivery device may only be operated ~~[on a sidewalk or crosswalk, including, without limitation, at]~~ :*

(a) At an institution within the Nevada System of Higher Education ~~[, if:~~ ~~(a)]~~ or upon a sidewalk or crosswalk directly adjacent to an institution within the Nevada System of Higher Education while servicing such an institution.

(b) If:

(1) The operator of the personal delivery device is capable of actively monitoring and remotely controlling the navigation and movement of the personal delivery device;

~~[(b)]~~ (2) The personal delivery device is equipped with a braking device that enables the personal delivery device to come to a controlled stop;

~~[(c)]~~ (3) The personal delivery device includes a unique identifying number and a means of identifying and contacting the personal delivery device operator; and

~~[(d)]~~ (4) The personal delivery device is operated in accordance with any requirements imposed by this section.

2. A personal delivery device operator may not allow a personal delivery device to:

(a) Operate on the highways of this State except when crossing at an intersection or within a crosswalk;

(b) Fail to comply with any traffic-control signal or devices that a pedestrian is obligated to comply with;

(c) Unreasonably interfere with pedestrians or vehicle traffic;

(d) Transport hazardous material as that term is defined in NRS 459.7024; or

(e) Transport a person.

3. A personal delivery device has all the rights and duties of a pedestrian except those which by their nature can have no application or as otherwise provided in this section.

4. A violation of this section:

(a) Is not a misdemeanor;

(b) Shall not be deemed a moving traffic violation; and

(c) Is punishable by the imposition of a civil penalty of $250.

5. As used in this section, "institution within the Nevada System of Higher Education" means any institution, branch, facility, department, office or housing of, or used by or for the benefit of, the Nevada System of Higher Education ~~[.]~~ or students or faculty of the System. The term includes, without limitation, campuses, offices, facilities and housing for students or faculty, whether owned or not owned by the System ~~[.]~~ , and property which is directly adjacent to property that is owned and managed by the System.

Sec. 6. *A personal delivery device operator shall maintain an insurance policy that provides general liability coverage of not less than $500,000 for any damages arising from the combined operations of any personal delivery devices under the control of the personal delivery device operator.*

Sec. 7. NRS 484B.003 is hereby amended to read as follows:

484B.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484B.007 to 484B.077, inclusive, *and sections 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.790, inclusive ~~[.]~~ *and sections 5 and 6 of this act.*

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles, electric bicycles and electric scooters apply whenever a bicycle, an electric bicycle or an electric scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles, electric bicycles and electric scooters subject to those exceptions stated herein.

Sec. 9. NRS 244.3565 is hereby amended to read as follows:

244.3565 1. Except as otherwise provided in ~~[subsection 2,]~~ *this section,* the board of commissioners of each county in this State may, to protect the health and safety of the public, enact an ordinance which ~~[regulates]~~ *:*

(a) Regulates the time, place and manner of the operation of a mobile carrying device *or personal delivery device* in the unincorporated areas of the county, including, without limitation, by prohibiting the use of a mobile carrying device *or personal delivery device* in a specified area of the county ~~[.]~~ *; and*

(b) Establishes additional standards for the safe operation of a personal delivery device.

2. A board of county commissioners, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in the county that is more than 36 inches wide.

3. *The board of county commissioners of each county in this State may not enact an ordinance which regulates:*

(a) The design, manufacture, maintenance, taxation or assessment of a personal delivery device; or

(b) The types of property, other than alcohol and cannabis, that may be transported by a personal delivery device.

4. Nothing in this section shall be construed to prohibit a board of county commissioners from requiring a personal delivery device operator to obtain from the county a business license or pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the board of county commissioners.

5. As used in this section ~~[, "mobile]~~ *:*

(a) "Mobile carrying device" has the meaning ascribed to it in NRS 484B.029.

(b) "Personal delivery device" has the meaning ascribed to it in section 3 of this act.

(c) "Personal delivery device operator" has the meaning ascribed to it in section 4 of this act.

Sec. 10. NRS 268.41015 is hereby amended to read as follows:

268.41015 1. Except as otherwise provided in ~~[subsection 2,]~~ *this section,* the city council or other governing body of each incorporated city in this State, whether or not organized under general law or special charter, may, to protect the health and safety of the public, enact an ordinance which ~~[regulates]~~ *:*

(a) Regulates the time, place and manner of the operation of a mobile carrying device *or personal delivery device* in the city, including, without limitation, by prohibiting the use of a mobile carrying device *or personal delivery device* in a specified area of the city ~~[.]~~ *; and*

(b) Establishes additional standards for the safe operation of a personal delivery device.

2. A city council or governing body, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in the city that is more than 36 inches wide.

3. *The city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may not enact an ordinance which regulates:*

(a) The design, manufacture, maintenance, taxation or assessment of a personal delivery device; or

(b) The types of property, other than alcohol and cannabis, that may be transported by a personal delivery device.

4. Nothing in this section shall be construed to prohibit a city council or governing body from requiring a personal delivery device operator to obtain from the city a business license or pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the city council or governing body.

5. As used in this section ~~[, "mobile]~~ *:*

(a) "Mobile carrying device" has the meaning ascribed to it in NRS 484B.029.

(b) "Personal delivery device" has the meaning ascribed to it in section 3 of this act.

(c) "Personal delivery device operator" has the meaning ascribed to it in section 4 of this act.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Harris moved that the Senate concur in Assembly Amendment No. 547 to Senate Bill No. 422.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 423.

The following Assembly amendment was read:

Amendment No. 592.

SUMMARY—Revises provisions relating to motorcycles. (BDR 43-662)

AN ACT relating to motorcycles; revising provisions relating to penalties for driving without a motorcycle driver's license, motorcycle endorsement or permit to operate a motorcycle; ~~[establishing certain requirements for the renewal of a motorcycle endorsement to a driver's license;]~~ revising certain requirements for instructors for the Program for the Education of Motorcycle Riders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a resident of this State from driving a motorcycle upon a highway unless that person holds a valid motorcycle driver's license, a driver's license with a motorcycle endorsement or a permit to operate a motorcycle. (NRS 486.061) Existing law also provides that any person who violates this requirement is guilty of a misdemeanor. (NRS 486.381) Section 3 of this bill provides that a court must allow such a person to complete a course of motorcycle safety in lieu of imposing a fine for such a violation which must be completed within 9 months of the issuance of the final order.

~~[Existing law provides that a motorcycle endorsement to a driver's license expires simultaneously with the expiration of the driver's license. (NRS 486.161) Existing regulations provide that a driver's license expires on the eighth anniversary of the birthday of the licensee, measured from the birthday of the licensee nearest the date of issuance or renewal. (NAC 483.043) Section 4 of this bill requires that an applicant for the renewal of a motorcycle endorsement, except for the first renewal of the motorcycle endorsement, provide proof that the applicant has successfully completed a course of motorcycle safety in the immediately preceding 12 months before the applicant~~

~~may renew the motorcycle endorsement. Section 4 also provides that an applicant who submits such proof is not required to submit such proof again at any subsequent renewal that occurs within 7 years after such submission. Section 7 of this bill provides that this requirement does not take effect until January 1, 2032.]~~

Existing law requires the Director of the Department of Motor Vehicles to establish the Program for the Education of Motorcycle Riders and sets forth certain eligibility requirements for instructors of the Program. (NRS 486.372, 486.375) Section 6 of this bill removes the eligibility requirements that a Program instructor: (1) be a resident of this State or a member of the Armed Forces of the United States stationed at a military installation located in Nevada; and (2) has held a motorcycle driver's license or endorsement for at least 2 years.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 486.061 is hereby amended to read as follows:

486.061 *1.* Except for a nonresident who is at least 16 years of age and is authorized by the person's state of residency to drive a motorcycle, a person shall not drive:

~~[1.]~~ *(a)* A motorcycle, except a trimobile, upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, a driver's license issued pursuant to chapter 483 of NRS endorsed to authorize the holder to drive a motorcycle or a permit issued pursuant to subsection 4 or 5 of NRS 483.280.

~~[2.]~~ *(b)* A trimobile upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, or a driver's license issued pursuant to chapter 483 of NRS.

2. If, pursuant to NRS 486.381, a court of competent jurisdiction finds that a person has violated the requirement of paragraph (a) of subsection 1, the court shall permit the person to complete a course of motorcycle safety in lieu of assessing a fine for the violation. The course of motorcycle safety must be completed within 9 months after the date of the final order of the court and proof of successful completion of the course must be filed with the court.

Sec. 4. ~~[NRS 486.161 is hereby amended to read as follows:~~

~~486.161 1. Every motorcycle driver's license expires as prescribed by regulation.~~

~~2. The Department shall adopt regulations prescribing when a motorcycle driver's license expires.~~

~~3. Every *motorcycle driver's* license is renewable at any time before its expiration upon application, submission of the statement required pursuant to NRS 486.084 and payment of the required fee.~~

~~*4. Every motorcycle endorsement to a driver's license issued on or after January 1, 1972, expires simultaneously with the expiration of the driver's license.*~~

~~*5. Except for the initial renewal of a motorcycle endorsement to a driver's license, an applicant for the renewal of a motorcycle endorsement after the first renewal must submit proof of the successful completion by the applicant of a course of motorcycle safety approved by the Department, in consultation with the Administrator of the Program, in the immediately preceding 12 months, except that an applicant who has submitted proof of the successful completion of a course of motorcycle safety is not required to submit such proof at any subsequent renewal that occurs within 7 years after such submission of proof.*~~

~~[4.] *6.* Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal must appear before an examiner for a driver's license and successfully pass a test of the applicant's eyesight.]~~ (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 486.375 is hereby amended to read as follows:

486.375 1. A person who:

(a) ~~[Is a resident of this State or is a member of the Armed Forces of the United States stationed at a military installation located in Nevada;~~

~~(b)]~~ Is at least 21 years old;

~~[(c)]~~ *(b)* Holds a motorcycle driver's license or a motorcycle endorsement to a driver's license issued by the Department;

~~[(d) Has held a motorcycle driver's license or endorsement for at least 2 years; and~~

~~(e)]~~ *and*

(c) Is certified as an instructor of motorcycle riders by a nationally recognized public or private organization which is approved by the Director,

➥ may apply to the Department for a license as an instructor for the Program.

2. The Department shall not license a person as an instructor if, within 2 years before the person submits an application for a license:

(a) The person has accumulated three or more demerit points pursuant to the uniform system of demerit points established pursuant to NRS 483.473, or has been convicted of, or found to have committed, traffic violations of comparable number and severity in another jurisdiction; or

(b) The person's driver's license was suspended or revoked in any jurisdiction.

3. The Director shall adopt standards and procedures for the licensing of instructors for the Program.

Sec. 6.5. (Deleted by amendment.)

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2, 5, 6 and 6.5 of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

3. Section 3 of this act becomes effective:

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

(b) On January 1, 2025, for all other purposes.

4. Section 4 of this act becomes effective:

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

(b) On January 1, 2032, for all other purposes.

Senator Harris moved that the Senate concur in Assembly Amendment No. 592 to Senate Bill No. 423.

Motion carried by a constitutional majority.

Bill ordered enrolled.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 41.

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

Motion carried.

Assembly Bill No. 376.

Senator Lange moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 403.

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

Motion carried.

Assembly Bill No. 404.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 448.

Bill read second time and ordered to third reading.

Senate Bill No. 453.

Bill read second time and ordered to third reading.

Senate Bill No. 455.

Bill read second time and ordered to third reading.

Senate Bill No. 456.
Bill read second time and ordered to third reading.

Senate Bill No. 457.
Bill read second time and ordered to third reading.

Senate Bill No. 458.
Bill read second time and ordered to third reading.

Senate Bill No. 459.
Bill read second time and ordered to third reading.

Senate Bill No. 460.
Bill read second time and ordered to third reading.

Senate Bill No. 461.
Bill read second time and ordered to third reading.

Senate Bill No. 462.
Bill read second time and ordered to third reading.

Senate Bill No. 463.
Bill read second time and ordered to third reading.

Senate Bill No. 464.
Bill read second time and ordered to third reading.

Senate Bill No. 465.
Bill read second time and ordered to third reading.

Senate Bill No. 466.
Bill read second time and ordered to third reading.

Senate Bill No. 468.
Bill read second time and ordered to third reading.

Senate Bill No. 470.
Bill read second time and ordered to third reading.

Senate Bill No. 471.
Bill read second time and ordered to third reading.

Senate Bill No. 472.
Bill read second time and ordered to third reading.

Senate Bill No. 473.
Bill read second time and ordered to third reading.

Senate Bill No. 474.
Bill read second time and ordered to third reading.

Senate Bill No. 476.
Bill read second time and ordered to third reading.

Senate Bill No. 477.
Bill read second time and ordered to third reading.

Senate Bill No. 478.
Bill read second time and ordered to third reading.

Senate Bill No. 479.
Bill read second time and ordered to third reading.

Senate Bill No. 482.
Bill read second time and ordered to third reading.

Senate Bill No. 483.
Bill read second time and ordered to third reading.

Senate Bill No. 484.
Bill read second time and ordered to third reading.

Senate Bill No. 485.
Bill read second time and ordered to third reading.

Senate Bill No. 486.
Bill read second time and ordered to third reading.

Senate Bill No. 487.
Bill read second time and ordered to third reading.

Senate Bill No. 488.
Bill read second time and ordered to third reading.

Senate Bill No. 489.
Bill read second time and ordered to third reading.

Senate Bill No. 491.
Bill read second time and ordered to third reading.

Senate Bill No. 493.
Bill read second time and ordered to third reading.

Senate Bill No. 494.
Bill read second time and ordered to third reading.

Senate Bill No. 497.
Bill read second time and ordered to third reading.

Senate Bill No. 499.
Bill read second time and ordered to third reading.

Senate Bill No. 500.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 36.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 749.

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

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

Legislative Counsel's Digest:

Existing law provides that a person who solicits a child for prostitution is guilty of a felony. (NRS 201.354) Existing law: (1) requires a defendant convicted of certain sexual offenses punished as a felony to undergo a psychosexual evaluation as part of the presentence investigation and report to the court prepared by the Division of Parole and Probation of the Department of Public Safety; (2) requires the Division to arrange for the psychosexual evaluation of the defendant; and (3) prohibits the court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the psychosexual evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.133, 176.135, 176.139, 176A.110) Sections 1 and 4 of this bill add solicitation of a child for prostitution to the list of sexual offenses which require a psychosexual evaluation and a certification that the person convicted does not represent a high risk to reoffend. Sections 2 and 3 of this bill require the Division to arrange for a psychosexual evaluation of the defendant and make a presentence investigation and report to the court that includes the evaluation if: (1) the defendant is convicted of a felony other than a sexual offense or a gross misdemeanor; (2) the defendant and prosecuting attorney submit to the court a joint request for a presentence investigation and report to the court that includes a psychosexual evaluation; and (3) the original charge against the defendant in the complaint, information or indictment was for a sexual offense. Section 4.5 of this bill makes an appropriation to the Division for the costs of conducting psychosexual evaluations.

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

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

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

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

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

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

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

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

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

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

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

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

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

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

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

(f) Incest pursuant to NRS 201.180;

(g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(i) Lewdness with a child pursuant to NRS 201.230;

(j) *Soliciting a child for prostitution pursuant to NRS 201.354;*

(k) Sexual penetration of a dead human body pursuant to NRS 201.450;

~~[(k)]~~ *(l)* Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

~~[(l)]~~ *(m)* Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

~~[(m)]~~ *(n)* Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~[(n)]~~ *(o)* An attempt to commit an offense listed in paragraphs (a) to ~~[(m),]~~ *(n),* inclusive, if punished as a felony; or

~~[(o)]~~ *(p)* An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

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

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

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

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

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

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

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

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

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

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

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

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

176.139 1. If a defendant is convicted of a sexual offense for which the suspension of sentence or the granting of probation is permitted ~~[,]~~ *or if a joint request is submitted to the Division pursuant to subsection 5 of NRS 176.135,*

the Division shall arrange for a psychosexual evaluation of the defendant as part of the Division's presentence investigation and report to the court.

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

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

(a) A comprehensive clinical interview with the defendant; and

(b) A review of all investigative reports relating to the defendant's sexual offense *or other offense* and all statements made by victims of that offense.

4. The psychosexual evaluation of the defendant may include:

(a) A review of records relating to previous criminal offenses committed by the defendant;

(b) A review of records relating to previous evaluations and treatment of the defendant;

(c) A review of the defendant's records from school;

(d) Interviews with the defendant's parents, the defendant's spouse or other persons who may be significantly involved with the defendant or who may have relevant information relating to the defendant's background; and

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

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

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

(a) Prepare a comprehensive written report of the results of the evaluation;

(b) Include in the report all information that is necessary to carry out the provisions of NRS 176A.110; and

(c) Provide a copy of the report to the Division.

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

(a) Order the defendant, to the extent of the defendant's financial ability, to pay for the cost of the psychosexual evaluation; or

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

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

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

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

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

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

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

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

(b) Statutory sexual seduction pursuant to NRS 200.368.

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

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

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

(f) Incest pursuant to NRS 201.180.

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

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

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

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

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

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

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

~~[(m)]~~ *(n)* A violation of NRS 207.180.

~~[(n)]~~ *(o)* An attempt to commit an offense listed in paragraphs (b) to ~~[(m),]~~ *(n),* inclusive.

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

Sec. 4.5. 1. There is hereby appropriated from the State General Fund to the Division of Parole and Probation of the Department of Public Safety for the costs of conducting psychosexual evaluations the following sums:

For the Fiscal Year 2023-2024 ..... $41,400

For the Fiscal Year 2024-2025 ..... $41,400

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

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

Sec. 6. 1. This section and section 4.5 of this act become effective on July 1, 2023.

2. Sections 1 to 4, inclusive, and 5 of this act become effective on October 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 749 to Senate Bill No. 36 provides General Fund appropriations to the Department of Public Safety, Division of Parole and Probation of $41,400 in Fiscal Year (FY) 2024 and $41,400 in FY 2025 to cover the increased costs for psychosexual evaluations.

Amendment adopted.

Bill read third time.

Remarks by Senator Titus.

Senate Bill No. 36, as amended, adds the solicitation of a child for prostitution to the list of sexual offenses which require a psychosexual evaluation and certification that the person convicted of the offense does not represent a high-risk to reoffend. If a defendant is convicted of a felony other than a sexual offense or of a gross misdemeanor for which the sentence may be suspended or probation granted, the Division of Parole and Probation is required to arrange for a psychosexual evaluation of the defendant in certain cases. Additionally, they must provide a presentence investigation and report to the court regarding the evaluation if the defendant and prosecuting attorney jointly request a presentence investigation and report that includes a psychosexual evaluation.

Senate Bill No. 36, as amended, includes a General Fund appropriation of $41,400 in each Fiscal Year of the 2023-2025 biennium to the Division of Parole and Probation of the Department of Public Safety to fund the cost of additional psychosexual evaluations.

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

Senate Bill No. 36, as amended, becomes effective on July 1, 2023, for purposes of funding and on October 1, 2023, for all other provisions.

Roll call on Senate Bill No. 36:
YEAS—18.
NAYS—None.
EXCUSED—Buck, Pazina, Stone—3.

Senate Bill No. 36 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 45.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 756.

SUMMARY—Establishes the amount for the personal needs allowance provided to certain recipients of Medicaid. (BDR 38-295)

AN ACT relating to Medicaid; establishing the amount of the personal needs allowance provided to certain recipients of Medicaid who reside in facilities for skilled nursing; authorizing certain expenditures; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal and state law requires the Department of Health and Human Services to develop and administer a State Plan for Medicaid which includes a list of specific medical and medically related services that are required to be provided to Medicaid recipients. (42 U.S.C. § 1396a; NRS 422.063, 422.270) Existing federal law requires that the State Plan for Medicaid provide for an institutionalized person to retain a personal needs allowance of at least $30 per month for clothing and other personal needs. (42 U.S.C. § 1396a(q)) Sections 1 and 3 of this bill require that beginning on January 1, 2024, the monthly personal needs allowance for a resident of a facility for skilled nursing be not less than the similar monthly personal needs allowance provided to certain recipients of Medicaid who reside in residential facilities for groups. Section 2 of this bill makes a conforming change to indicate that the provisions of section 1 will be administered in the same manner as the provisions of existing law governing the State Plan for Medicaid. Section 2.5 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department and authorizes certain expenditures for the costs of increasing the monthly personal needs allowance for recipients of Medicaid who reside in facilities for skilled nursing pursuant to section 1.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid a requirement that the monthly personal needs allowance described in 42 U.S.C. § 1396a(q) for each institutionalized person who resides in a facility for skilled nursing must be not less than the monthly personal needs allowance provided for

residents of residential facilities for groups who, under the State Plan for Medicaid, receive home and community-based services.

2. As used in this section:

(a) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(b) "Institutionalized person" has the meaning ascribed to the term "institutionalized individual or couple" in 42 U.S.C. § 1396a(q)(1)(B).

(c) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the costs of increasing the monthly personal needs allowance provided to institutionalized persons who are recipients of Medicaid and reside in a facility for skilled nursing the following sums:

For the Fiscal Year 2023-2024 ..... $309,374

For the Fiscal Year 2024-2025 ..... $635,388

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

3. Expenditure of the following sums not appropriated from the State General Fund or State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024 ..... $975,792

For the Fiscal Year 2024-2025 .....$1,948,139

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Section 2.5 of this act becomes effective on July 1, 2023.

3. Sections 1 and 2 of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 756 to Senate Bill No. 45 appropriates $309,374 in Fiscal Year (FY) 2024 and $635,388 in FY 2025 from the General Fund and authorizes federal funding of $975,792 in FY 2024 and $1,948,139 in FY 2025 to support increased costs related to increasing the personal needs allowance for affected Medicaid participants.

Amendment adopted.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 45 requires that, beginning January 1, 2024, the monthly personal needs allowance for a resident of a facility for skilled nursing be not less than the similar monthly personal needs allowance provided to certain recipients of Medicaid who reside in residential facilities for groups.

Roll call on Senate Bill No. 45:

YEAS—18.

NAYS—None.

EXCUSED—Buck, Pazina, Stone—3.

Senate Bill No. 45 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 54.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 757.

SUMMARY—Revises provisions relating to elections. (BDR 24-409)

AN ACT relating to elections; requiring the Secretary of State to prepare, maintain and publish an elections procedures manual; requiring county and city clerks to comply with the most recent version of such a manual; requiring the Secretary of State to provide training to certain elections officials related to election procedures; providing for the attendance of certain election officials at such training; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Secretary of State is the Chief Officer of Elections for this State and is responsible for the execution and enforcement of the provisions of state and federal law relating to elections in this State. (NRS 293.124)

Section 2 of this bill requires: (1) the Secretary of State to, at least once every 2 years, prepare, maintain and publish an elections procedures manual to ensure correctness, impartiality, uniformity and efficiency in elections procedures; and (2) county and city clerks to comply with the procedures set

forth in the most current version of the elections procedures manual. Section 2 further requires the Secretary of State to submit the most recent version of the elections procedures manual to the Legislative Commission for approval not less frequently than every 4 years and prohibits the inclusion in the election procedures manual of any provision that conflicts with any provision of state or federal law or regulation.

Section 3 of this bill requires the Secretary of State to develop and provide a training course related to elections procedures to each county and city clerk. Section 3: (1) requires each county and city clerk to attend the training course; and (2) authorizes a county or city clerk to require any deputy or employee of the clerk's office whose duties relate to elections to attend the training course. Under section 3, the Secretary of State: (1) is required to reimburse each county and city for the per diem allowance and travel expenses of a county or city clerk who attends the training course and any such reimbursement must be paid from the Reserve for Statutory Contingency Account upon the recommendation of the Secretary of State and the approval of the State Board of Examiners; and (2) is authorized to reimburse a county or city for the per diem allowance and travel expenses of a deputy or employee of the clerk's office who attends the training course, and any such reimbursement must be paid from the Reserve for Statutory Contingency Account upon the recommendation of the Secretary of State and the approval of the State Board of Examiners. Section 4.5 of this bill makes a conforming change to provide for these reimbursements from the Reserve for Statutory Contingency Account.

Section 4.7 of this bill makes an appropriation to the Secretary of State for the costs of preparing, maintaining and publishing an elections procedural manual.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. At least once every 2 years, the Secretary of State shall prepare, maintain and publish an elections procedures manual to ensure correctness, impartiality, uniformity and efficiency in the elections procedures of this State. Each county clerk and city clerk is required to comply with the procedures set forth in the most current version of the elections procedures manual.*

2. The elections procedures manual required pursuant to subsection 1 must include, without limitation, guidance and standards for administering an election that are consistent with the provisions of this title and any regulations adopted by the Secretary of State pursuant thereto.

3. The most recent version of the elections procedures manual prepared pursuant to subsection 1 must be submitted by the Secretary of State to the Legislative Commission for approval not less frequently than every 4 years. The Secretary of State may make any change to the elections procedures

manual that is not substantively related to administering an election without the approval of the Legislative Commission.

4. Nothing in this section authorizes the Secretary of State to include any provision in the elections procedures manual that amends or conflicts with any provision of state or federal law or regulations.

Sec. 3. *1. The Secretary of State shall develop and provide a training course to each county clerk and city clerk related to elections procedures, including, without limitation, the procedures set forth in the elections procedures manual required pursuant to section 2 of this act.*

2. Each county clerk and city clerk shall attend the training course provided by the Secretary of State.

3. A county clerk or city clerk may require any deputy or employee of the office of the county or city clerk whose duties relate to elections to attend a training course provided by the Secretary of State pursuant to this section.

4. The Secretary of State:

(a) Shall provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of the county clerk or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

(b) May provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of any deputy or employee of the office of the county or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253, 293.405, 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235 ~~[.]~~ *and section 3 of this act;*

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 4.7. 1. There is hereby appropriated from the State General Fund to the Secretary of State for the costs of preparing, maintaining and publishing an elections procedural manual the following sums:

For the Fiscal Year 2023-2024 ..... $8,104

For the Fiscal Year 2024-2025 ..... $3,242

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

Sec. 5. 1. This section and sections 1 to 4.5, inclusive, of this act ~~[becomes]~~ become effective upon passage and approval.

2. Section 4.7 of this act becomes effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 757 to Senate Bill No. 54 adds section 4.7 to add General Fund appropriations of $8,104 in Fiscal Year (FY) 2024 and $3,242 in FY 2025 to the Secretary of State for the costs of preparing, maintaining and publishing an elections procedural manual.

Amendment adopted.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 54 requires the Secretary of State to, at least once every 2 years, prepare, maintain and publish an elections procedures manual to ensure correctness, impartiality, uniformity and efficiency in elections procedures throughout the State and that county and city

clerks comply with the procedures set forth in the most current version of the Secretary of State's elections procedures manual.

Senate Bill No. 54 also requires the Secretary of State to develop and provide a training course related to elections procedures to each county and city clerk and requires each county and city clerk to attend the training course and authorizes a county or city clerk to require any deputy or employee of the clerk's office whose duties relate to elections to attend the training course. The bill requires the Secretary of State to reimburse each county and city the per diem allowance and travel expenses of a county or city clerk and other authorized county or city staff who attends the training course, which is to be paid from the State's Reserve for Statutory Contingency Account upon the recommendation of the Secretary of State and the approval of the State Board of Examiners.

Finally, Senate Bill No. 54 includes General Fund appropriations of $8,104 in Fiscal Year (FY) 2024 and $3,242 in FY 2025 to the Office of the Secretary of State for the costs of preparing, maintaining and publishing the elections procedures manual.

Sections 1 through 4.5, inclusive, and section 5 become effective upon passage and approval. Section 4.7 becomes effective on July 1, 2023.

Roll call on Senate Bill No. 54:

YEAS—15.

NAYS—Hammond, Krasner, Titus—3.

EXCUSED—Buck, Pazina, Stone—3.

Senate Bill No. 54 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 71.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 750.

SUMMARY—Revises provisions relating to the recruitment and retention of school staff. (BDR 34-439)

AN ACT relating to education; renaming the Nevada State Teacher Recruitment and Retention Advisory Task Force; revising the membership of the Task Force to include education support professionals; revising the powers and duties of the Task Force; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada State Teacher Recruitment and Retention Advisory Task Force for the purpose of evaluating and addressing the challenges in attracting and retaining teachers throughout this State. (NRS 391.490-391.496) Under existing law, the Task Force is composed of 20 teachers from various school districts in this State. (NRS 391.492) Section 3 of this bill defines the term "education support professional" for the purpose of the Task Force to include paraprofessionals, security officers, school nurses, counselors, psychologists and social workers, school bus drivers and clerical, food service, custodial and maintenance staff. Sections 7.2 and 7.4 of this bill revise the name of the Task Force to the Nevada State Teacher and Education Support Professional Recruitment and Retention Advisory Task Force. Section 7.4 requires the Task Force be composed of 20 members

employed by a school district in this State. To the extent practicable, section 7.4 requires 10 of those members to be teachers and 10 to be education support professionals. Section 7.6 of this bill establishes: (1) the qualifications for membership on the Task Force; and (2) the procedure for appointment to the Task Force. Section 7.8 of this bill expands the duties of the Task Force to include evaluating and addressing the challenges throughout the State in attracting and retaining education support professionals. Section 7.85 of this bill makes an appropriation to the Department of Education for travel costs for the members of and staff costs for the Task Force.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in NRS 391.490 to 391.496, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 391.490 and section 3 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Education support professional" means a person, other than a teacher or administrator, who is employed to work at a public school. The term incudes, without limitation:*

1. Paraprofessionals;

2. School police officers, school resource officers and other providers of security services at a school;

3. School nurses;

4. School counselors;

5. School psychologists;

6. School social workers;

7. Drivers of school buses;

8. Secretaries;

9. Members of the custodial or maintenance staff; and

10. Workers in food services.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.2. NRS 391.490 is hereby amended to read as follows:

391.490 ~~[As used in NRS 391.490 to 391.496, inclusive,]~~ "Task Force" means the Nevada State Teacher *and Education Support Professional* Recruitment and Retention Advisory Task Force created by NRS 391.492.

Sec. 7.4. NRS 391.492 is hereby amended to read as follows:

391.492 1. There is hereby created the Nevada State Teacher *and Education Support Professional* Recruitment and Retention Advisory Task Force consisting of the following *20* members:

(a) One licensed teacher *or education support professional* employed by each school district located in a county whose population is less than 100,000, appointed by the Joint Interim Standing Committee on Education;

(b) Two licensed teachers *or education support professionals* employed by each school district located in a county whose population is 100,000 or more but less than 700,000, appointed by the Joint Interim Standing Committee on Education; and

(c) Three licensed teachers *or education support professionals* employed by each school district located in a county whose population is 700,000 or more, appointed by the Joint Interim Standing Committee on Education.

➥ *To the extent practicable, the Joint Interim Standing Committee shall appoint 10 licensed teachers and 10 education support professionals to the Task Force.*

2. After the initial terms, each member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following his or her initial term. If any member of the Task Force ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the Joint Interim Standing Committee on Education shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least quarterly and may meet at other times upon the call of the Chair or a majority of the members of the Task Force. In even-numbered years, the Task Force shall have three meetings before the final meeting of the Joint Interim Standing Committee on Education. In even-numbered years, the fourth meeting of the Task Force must be a presentation to the Joint Interim Standing Committee on Education of the findings and recommendations of the Task Force made pursuant to NRS 391.496.

5. Ten members of the Task Force constitute a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from

work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The Department shall provide administrative support to the Task Force.

Sec. 7.6. NRS 391.494 is hereby amended to read as follows:

391.494 1. Each member of the Task Force must:

(a) Be a licensed teacher *or an education support professional* with at least 5 consecutive years of experience teaching *or serving as an education support professional, as applicable,* in a public school in this State;

(b) Be currently employed as a teacher *or an education support professional* and actively teaching *or serving as an education support professional, as applicable,* in a public school in this State, and remain employed as a teacher *or an education support professional, as applicable,* in a public school in this State for the duration of the member's term; and

(c) Not be currently serving on any other education-related board, commission, council, task force or similar governmental entity.

2. On or before December 1, ~~[2019,]~~ *2023,* the Department shall prescribe a uniform application for a teacher *or an education support professional* to use to apply to serve on the Task Force.

3. A teacher *or an education support professional* who wishes to serve on the Task Force must submit an application prescribed pursuant to subsection 2 to the Joint Interim Standing Committee on Education on or before January 15 of an even-numbered year. On or before February ~~[1]~~ *15* of each even-numbered year, the Joint Interim Standing Committee on Education shall select one or more teachers ~~[,]~~ *or education support professionals,* as applicable, to serve as a member of the Task Force.

Sec. 7.8. NRS 391.496 is hereby amended to read as follows:

391.496 The Task Force shall:

1. Evaluate the challenges in attracting and retaining teachers *and education support professionals* throughout this State;

2. Make recommendations to the Joint Interim Standing Committee on Education to address the challenges in attracting and retaining teachers *and education support professionals* throughout this State, including, without limitation, providing incentives to attract and retain teachers ~~[;]~~ *and education support professionals;* and

3. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature describing the findings and recommendations of the Task Force.

Sec. 7.85. 1. There is hereby appropriated from the State General Fund to the Department of Education for travel costs for members of and staff costs for the Nevada State Teacher and Education Support Professional Recruitment and Retention Advisory Task Force created by NRS 391.492 as amended by section 7.4 of this act the following sums:

For the Fiscal Year 2023-2024 ..... $5,998

For the Fiscal Year 2024-2025 ..... $5,998

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

Sec. 7.9. The amendatory provisions of this act do not affect the current term of appointment of any person who, on June 30, 2023, is a member of the Nevada State Teacher Recruitment and Retention Advisory Task Force created by NRS 391.492, as that section existed on June 30, 2023, and each such 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 February 15, 2024, the Joint Interim Standing Committee on Education shall make appointments to the Nevada State Teacher and Education Support Professional Recruitment and Retention Advisory Task Force in accordance with NRS 391.492, as amended by section 7.4 of this act.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

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

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 750 to Senate Bill No. 71, as amended, provides General Fund appropriations of $5,998 in each year of the 2023-2025 biennium to the Nevada Department of Education for travel expenditures associated with the Nevada State Teacher and Education Support Professional Recruitment and Retention Advisory Task Force.

Amendment adopted.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 71, as amended, renames the Nevada State Teacher Recruitment and Retention Advisory Task Force as the Nevada State Teacher and Education Support Professional Recruitment and Retention Advisory Task Force, revises the membership of the task force to include education support professionals and revises the powers and duties of the task force.

The bill, as amended, requires the task force to be composed of, to the extent practicable, ten licensed teachers and ten education support professionals. This bill, as amended, also establishes member qualifications and appointment procedures and expands the duties of the task force to include evaluating the challenges in attracting and retaining both teachers and education support professionals.

Senate Bill No. 71, as amended, provides General Fund appropriations of $5,998 in each year of the 2023-2025 biennium to support Nevada Department of Education travel expenditures associated with the task force.

Roll call on Senate Bill No. 71:
YEAS—18.
NAYS—None.
EXCUSED—Buck, Pazina, Stone—3.

Senate Bill No. 71 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 145.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 759.

SUMMARY—Revises provisions related to employee misclassification. (BDR 53-159)

AN ACT relating to employee misclassification; authorizing the Labor Commissioner to ~~[use certain money to pay for additional staff for the Office of the Labor Commissioner;]~~ collect investigative costs; revising provisions relating to the communication between offices of certain state agencies of information relating to employee misclassification; revising the administrative penalties that may be imposed for certain conduct relating to employee misclassification; eliminating the Task Force on Employee Misclassification; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner to enforce all labor laws of the State of Nevada. If the Labor Commissioner has reason to believe that a person is violating or has violated a labor law or regulation, the Labor Commissioner may take any appropriate action and, under certain circumstances, impose an administrative penalty against the person. All money collected by the Labor Commissioner as an administrative penalty must be deposited in the State General Fund. (NRS 607.160) Section 1 of this bill requires the Labor Commissioner to ~~[instead]~~ deposit all money collected as an administrative penalty or as an investigative cost ~~[into a separate account]~~ in the State General Fund. ~~[Section 1 further authorizes the Labor Commissioner to use the money in the account to pay for additional staff for the Office of the Labor Commissioner.]~~

Existing law: (1) requires the offices of the Labor Commissioner, the Division of Industrial Relations of the Department of Business and Industry, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the Department of Taxation and the Attorney General to share between their respective offices information relating to suspected employee misclassification which is received in the performance of their official duties and which is not otherwise declared by law to be confidential; and (2) authorizes such offices to communicate information relating to employee misclassification which is received in the performance of their official duties and which is otherwise declared by law to be confidential,

if the confidentiality of the information is otherwise maintained under the terms and conditions required by law. (NRS 607.217) Section 2 of this bill instead requires these offices to communicate between their respective offices information relating to suspected or actual employee misclassification which is received in the performance of their official duties, regardless of whether the information is otherwise declared by law to be confidential. Section 2 further provides that any such information communicated between their respective offices which is otherwise declared by law to be confidential must otherwise be maintained under the terms and conditions required by law. Section 4 of this bill makes a conforming change to require the Department of Taxation to share such information.

Existing law authorizes the Labor Commissioner to impose certain administrative penalties against an employer who misclassifies a person as an independent contractor or otherwise fails to properly classify an employee including: (1) for a first offense committed by an employer who unintentionally misclassifies or otherwise fails to properly classify a person as an employee, a warning; (2) for a first offense committed by an employer who willfully fails to properly classify a person as an employee, a fine of $2,500 for the first incident of willfully misclassifying one or more persons; and (3) for a second or subsequent offense, a fine of $5,000 for each employee who was willfully misclassified. (NRS 608.400) Section 3 of this bill provides instead that: (1) for the first offense committed by an employer who misclassifies or otherwise fails to properly classify a person as an employee, a warning; and (2) for a second or subsequent offense, a fine of $5,000 for each employee who was willfully misclassified.

Existing law creates the Task Force on Employee Misclassification, consisting of certain persons appointed by the Governor. The Task Force has various duties, including: (1) evaluating the policies and practices of certain state agencies relating to employee misclassification; (2) evaluating any existing fines, penalties or other disciplinary action relating to employee misclassification; (3) developing certain recommendations to reduce the occurrence of employee misclassification; and (4) submitting an annual report to the Legislative Commission that includes a summary of the Task Force's work and recommendations. (NRS 607.218, 607.219, 607.2195) Section 5 of this bill eliminates the Task Force and its duties. Section 2 makes a conforming change to reorganize the definition of "employee misclassification" into NRS 607.217, which is the only section to which that definition applies after the elimination of the provisions in the Nevada Revised Statutes relating to the Task Force.

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

Section 1. NRS 607.160 is hereby amended to read as follows:

607.160 1. The Labor Commissioner:

(a) Shall enforce all labor laws of the State of Nevada:

(1) Without regard to whether an employee or worker is lawfully or unlawfully employed; and

(2) The enforcement of which is not specifically and exclusively vested in any other officer, board or commission.

(b) May adopt regulations to carry out the provisions of paragraph (a).

2. If the Labor Commissioner has reason to believe that a person is violating or has violated a labor law or regulation, the Labor Commissioner may take any appropriate action against the person to enforce the labor law or regulation whether or not a claim or complaint has been made to the Labor Commissioner concerning the violation.

3. Before the Labor Commissioner may enforce an administrative penalty against a person who violates a labor law or regulation, the Labor Commissioner must provide the person with notice and an opportunity for a hearing as set forth in NRS 607.207.

4. In determining the amount of any administrative penalty to be imposed against a person who violates a labor law or regulation, the Labor Commissioner shall consider the person's previous record of compliance with the labor laws and regulations and the severity of the violation.

5. All money collected by the Labor Commissioner as an administrative penalty *or as an investigative cost* must be deposited in ~~*[a separate account in]*~~ the State General Fund. ~~*[The Labor Commissioner may use the money in the account to pay for additional staff for the Office of the Labor Commissioner.]*~~

6. The actions and remedies authorized by the labor laws are cumulative. If a person violates a labor law or regulation, the Labor Commissioner may seek a civil remedy, impose an administrative penalty or take other administrative action against the person whether or not the person is prosecuted, convicted or punished for the violation in a criminal proceeding. The imposition of a civil remedy, an administrative penalty or other administrative action against the person does not operate as a defense in any criminal proceeding brought against the person.

7. If, after due inquiry, the Labor Commissioner believes that a person who is financially unable to employ counsel has a valid and enforceable claim for wages, commissions or other demands, the Labor Commissioner may present the facts to the Attorney General. The Attorney General shall prosecute the claim if the Attorney General determines that the claim is valid and enforceable.

Sec. 2. NRS 607.217 is hereby amended to read as follows:

607.217 *1.* The offices of the Labor Commissioner, Division of Industrial Relations of the Department of Business and Industry, Employment Security Division of the Department of Employment, Training and Rehabilitation, Department of Taxation and Attorney General ~~[:~~

~~1. Shall]~~ *shall* communicate between their respective offices information relating to suspected *or actual* employee misclassification which is received

in the performance of their official duties ~~[and which]~~ *, regardless of whether the information* is ~~[not]~~ otherwise declared by law to be confidential.

~~[2. May communicate]~~ *Any information that is communicated* between their respective offices ~~[information]~~ relating to *suspected or actual* employee misclassification ~~[which is received in the performance of their official duties and]~~ *pursuant to this section* which is otherwise declared by law to be confidential ~~[, if the confidentiality of the information is]~~ *must* otherwise *be* maintained under the terms and conditions required by law.

2. As used in this section, unless the context otherwise requires, "employee misclassification" means the practice by an employer of improperly classifying employees as independent contractors to avoid any legal obligation under state labor, employment and tax laws, including, without limitation, the laws governing minimum wage, overtime, unemployment insurance, workers' compensation insurance, temporary disability insurance, the payment of wages and payroll taxes.

Sec. 3. NRS 608.400 is hereby amended to read as follows:

608.400 1. An employer shall not:

(a) Through means of coercion, misrepresentation or fraud, require a person to be classified as an independent contractor or form any business entity in order to classify the person as an independent contractor; or

(b) Willfully misclassify or otherwise willfully fail to properly classify a person as an independent contractor.

2. In addition to any other remedy or penalty provided by law, the Labor Commissioner may impose an administrative penalty against an employer who misclassifies a person as an independent contractor or otherwise fails to properly classify a person as an employee of the employer. An administrative penalty imposed pursuant to this section must be:

(a) For a first offense committed by an employer who ~~[unintentionally]~~ misclassifies or otherwise fails to properly classify a person as an employee of the employer, a warning issued to the employer by the Labor Commissioner.

(b) ~~[For a first offense committed by an employer who willfully misclassifies or otherwise willfully fails to properly classify a person as an employee of the employer, a fine of $2,500 for the first incident of willfully misclassifying or willfully failing to properly classify one or more persons as an employee of the employer imposed by the Labor Commissioner.~~

~~(c)]~~ For a second or subsequent offense, a fine of $5,000 for each employee who was willfully misclassified imposed by the Labor Commissioner.

3. Before the Labor Commissioner may enforce an administrative penalty against an employer for misclassifying or otherwise failing to properly classify an employee of the employer pursuant to this section, the Labor Commissioner must provide the employer with notice and an opportunity for a hearing as set forth in NRS 607.207. The Labor Commissioner may impose ~~[an]~~ *the* administrative penalty as set forth in subsection 2 if the Labor Commissioner finds that:

(a) The employer misclassified a person as an independent contractor; or

(b) The employer otherwise failed to properly classify a person as an employee of the employer.

Sec. 4. NRS 360.255 is hereby amended to read as follows:

360.255 1. Except as otherwise provided in this section and NRS 239.0115 , ~~[and]~~ 360.250 ~~[,]~~ *and 607.217,* the records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are confidential and privileged. The Department, an employee of the Department and any other person engaged in the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action or charged with the custody of any such records or files:

(a) Shall not disclose any information obtained from those records or files; and

(b) May not be required to produce any of the records or files for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files of the Department concerning the administration and collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding before the Nevada Tax Commission, the State Board of Equalization, the Department, a grand jury or any court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to the provisions of any law of this State.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases, or disclosure to any federal agency, state or local law enforcement agency, including, without limitation, the Cannabis Compliance Board, or local regulatory agency that requests the information for the use of the agency in a federal, state or local prosecution or criminal, civil or regulatory investigation.

(e) Disclosure in confidence to:

(1) The Governor or his or her agent in the exercise of the Governor's general supervisory powers;

(2) The Budget Division of the Office of Finance for use in the projection of revenue;

(3) Any person authorized to audit the accounts of the Department in pursuance of an audit;

(4) The Attorney General or other legal representative of the State in connection with an action or proceeding relating to a taxpayer or licensee; or

(5) Any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to an agreement between the Nevada Tax Commission and any county fair and recreation board or the governing body of any county, city or town.

(g) Upon written request made by a public officer of a local government, disclosure of the name and address of a taxpayer or licensee who must file a return with the Department. The request must set forth the social security number of the taxpayer or licensee about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and privileged and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

(h) Disclosure of information as to amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties to successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested.

(i) Disclosure of relevant information as evidence in an appeal by the taxpayer from a determination of tax due if the Nevada Tax Commission has determined the information is not proprietary or confidential in a hearing conducted pursuant to NRS 360.247.

(j) Disclosure of the identity of a person and the amount of tax assessed and penalties imposed against the person at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the person a penalty for fraud or intent to evade a tax imposed by law becomes final or is affirmed by the Nevada Tax Commission.

(k) Disclosure of the identity of a licensee against whom disciplinary action has been taken and the type of disciplinary action imposed against the licensee at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the licensee disciplinary action becomes final or is affirmed by the Nevada Tax Commission.

(l) Disclosure of information pursuant to subsection 2 of NRS 370.257.

(m) With respect to an application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS, as that chapter existed on June 30, 2020, or a license to operate a marijuana establishment pursuant to chapter 453D of NRS, as that chapter existed on June 30, 2020, which was submitted on or after May 1, 2017, and on or before

June 30, 2020, and regardless of whether the application was ultimately approved, disclosure of the following information:

(1) The identity of an applicant, including, without limitation, any owner, officer or board member of an applicant;

(2) The contents of any tool used by the Department to evaluate an applicant;

(3) The methodology used by the Department to score and rank applicants and any documentation or other evidence showing how that methodology was applied; and

(4) The final ranking and scores of an applicant, including, without limitation, the score assigned to each criterion in the application that composes a part of the total score of an applicant.

(n) Disclosure of the name of a licensee and the jurisdiction of that licensee pursuant to chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020, and any regulations adopted pursuant thereto.

3. The Executive Director shall periodically, as he or she deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which the Executive Director has a record. The list must include the mailing address of the business as reported to the Department.

4. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out his or her duties with respect to the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

5. As used in this section:

(a) "Applicant" means any person listed on the application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS, as that chapter existed on June 30, 2020, or a license to operate a marijuana establishment pursuant to chapter 453D of NRS, as that chapter existed on June 30, 2020.

(b) "Disciplinary action" means any suspension or revocation of a license, registration, permit or certificate issued by the Department pursuant to this title or chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020, or any other disciplinary action against the holder of such a license, registration, permit or certificate.

(c) "Licensee" means a person to whom the Department has issued a license, registration, permit or certificate pursuant to this title or chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020. The term

includes, without limitation, any owner, officer or board member of an entity to whom the Department has issued a license.

(d) "Records" or "files" means any records and files related to an investigation or audit or a disciplinary action, financial information, correspondence, advisory opinions, decisions of a hearing officer in an administrative hearing and any other information specifically related to a taxpayer or licensee.

(e) "Taxpayer" means a person who pays any tax, fee, assessment or other amount required by law to the Department.

Sec. 5. NRS 607.216, 607.218, 607.219 and 607.2195 are hereby repealed.

Sec. 6. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

607.216 "Employee misclassification" defined. As used in NRS 607.216 to 607.2195, inclusive, unless the context otherwise requires, "employee misclassification" means the practice by an employer of improperly classifying employees as independent contractors to avoid any legal obligation under state labor, employment and tax laws, including, without limitation, the laws governing minimum wage, overtime, unemployment insurance, workers' compensation insurance, temporary disability insurance, wage payment and payroll taxes.

607.218 Task Force on Employee Misclassification: Creation; appointment, qualifications and terms of members; vacancies; meetings; Chair and Vice Chair; quorum; compensation; administrative support.

1. The Task Force on Employee Misclassification is hereby created.

2. The Governor shall appoint to serve on the Task Force:

(a) One person who represents an employer located in this State that employs more than 500 full-time or part-time employees.

(b) One person who represents an employer located in this State that employs 500 or fewer full-time or part-time employees.

(c) One person who is an independent contractor in this State.

(d) Two persons who represent organized labor in this State.

(e) One person who represents a trade or business association in this State.

(f) One person who represents a governmental agency that administers laws governing employee misclassification.

3. The Governor may appoint up to two additional members to serve on the Task Force as the Governor deems appropriate.

4. After the initial terms, the members of the Task Force serve a term of 2 years and until their respective successors are appointed. A member may be reappointed in the same manner as the original appointments.

5. Any vacancy occurring in the membership of the Task Force must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

6. The Task Force shall meet at least twice each fiscal year and may meet at such additional times as deemed necessary by the Chair.

7. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and a Vice Chair.

8. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Task Force.

9. The Task Force shall comply with the provisions of chapter 241 of NRS, and all meetings of the Task Force must be conducted in accordance with that chapter.

10. Members of the Task Force serve without compensation.

11. The Labor Commissioner shall provide the personnel, facilities, equipment and supplies required by the Task Force to carry out its duties.

607.219 Task Force on Employee Misclassification: Duties; annual report. The Task Force on Employee Misclassification created by NRS 607.218 shall:

1. Evaluate the policies and practices of the Labor Commissioner, Division of Industrial Relations of the Department of Business and Industry, Employment Security Division of the Department of Employment, Training and Rehabilitation, Department of Taxation and Attorney General relating to employee misclassification.

2. Evaluate any existing fines, penalties or other disciplinary action relating to employee misclassification that are authorized to be imposed by a state agency.

3. Develop recommendations for policies, practices or proposed legislation to reduce the occurrence of employee misclassification.

4. On or before July 1, 2020, and on or before July 1 of each subsequent year, submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and recommendations for legislation concerning employee misclassification.

607.2195 Task Force on Employee Misclassification: Authority to appoint subcommittee.

1. The Task Force on Employee Misclassification created by NRS 607.218 may create a subcommittee to the Task Force for any purpose that is consistent with NRS 607.216 to 607.2195, inclusive.

2. The Task Force shall appoint the members of the subcommittee and designate one of the members of the subcommittee as chair of the subcommittee. The chair of the subcommittee must be a member of the Task Force.

3. The subcommittee shall meet at the times and places specified by a call of the chair of the subcommittee. A majority of the members of the subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the subcommittee.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 759 to Senate Bill No. 145, as amended, revises section 1, which removes the requirement that all administrative penalties and investigative cost recovery monies collected by

the Labor Commissioner to be deposited in a separate account in the State General Fund to be utilized to pay for additional positions and instead maintains that the Labor Commissioner deposit the monies in the State General Fund. Additionally, the amendment clarifies section 3 to indicate that for a second or subsequent offense by an employer who misclassifies or otherwise fails to properly classify a person as an employee, a fine of $5,000 for each employee who was willfully misclassified.

Amendment adopted.

Bill read third time.

Remarks by Senator Lange.

Senate Bill No. 145, as amended, maintains the existing treatment of administrative penalties and investigative cost recovery monies by requiring the monies to be deposited to the State General Fund and revises the administrative penalties that may be imposed in instances of employee misclassification. Additionally, Senate Bill No. 145, as amended, revises and clarifies provisions relating to the sharing of otherwise confidential information between the offices of the Labor Commissioner, the Division of Industrial Relations of the Department of Business and Industry, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the Department of Taxation and the Attorney General offices pertaining to employee misclassification. Lastly, this bill, as amended, eliminates the Task Force on Employee Misclassification.

Roll call on Senate Bill No. 145:

YEAS—18.

NAYS—None.

EXCUSED—Buck, Pazina, Stone—3.

Senate Bill No. 145 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 216.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 752.

SUMMARY—Establishes provisions relating to elections. (BDR 24-364)

AN ACT relating to elections; requiring each county and city clerk to ~~[establish and maintain a working relationship]~~ schedule certain meetings with each Indian tribe located in whole or in part within the county or city; requiring the Secretary of State to allow a member of an Indian tribe who resides on an Indian reservation or Indian colony to use the system of approved electronic transmission to register to vote and request and cast a ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an Indian tribe to submit a request to a county or city clerk to establish a polling place or ballot drop box within the boundaries of an Indian reservation or Indian colony on the day of an election or for early voting. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) Sections 2 and 4 of this bill require each county and city clerk to ~~[establish and maintain a working relationship]~~ schedule certain meetings with each Indian tribe located in whole or in part within the county or city ~~[.~~

~~. Sections 2 and 4 require, as part of such a working relationship, each county and city clerk to schedule meetings with each Indian tribe~~] to discuss certain ~~[~~topics~~]~~ details relating to ~~[~~an~~]~~ the next regularly scheduled election ~~[~~and the establishment of a polling place, temporary branch polling place or ballot drop box within the boundaries of an Indian reservation or Indian colony.~~]~~ cycle.

Existing law requires the Secretary of State to establish a system of approved electronic transmission through which certain military and overseas voters and electors and registered voters with a disability may register to vote, apply for a ballot and cast a ballot. (NRS 293.269951, 293D.200) Section 3.5 of this bill requires the Secretary of State to allow electors and registered voters who are tribal members and who reside on an Indian reservation or Indian colony to register to vote and apply for and cast a ballot using the system of approved electronic transmission.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Each county clerk shall ~~[establish and maintain]~~ schedule a ~~[working relationship]~~ meeting with each Indian tribe located in whole or in part within the county ~~[. Such a working relationship must include, without limitation, scheduling a meeting with each Indian tribe:]~~ for, to the extent practicable:*

(a) ~~[Between June and December]~~ Not later than August 1 of each odd-numbered year to ~~[prepare for the election in the following year and to]~~ discuss ~~[,]~~ the details for the next regularly scheduled election cycle. Such a meeting may address, without limitation:

(1) The establishment and operation of polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The dates and times of the upcoming elections ~~[;]~~ for which polling places, temporary branch polling places or ballot drop boxes may be established;

(3) The deadlines relating to the next regularly scheduled election cycle for the Indian tribe to submit a request pursuant to NRS 293.2733 and 293.3572 for the establishment of polling places, temporary branch polling places or ballot drop boxes;

(4) Responsibilities for the recruitment of election board officers; and

~~[(4)]~~ (5) Any other information relating to the establishment and operation of polling places, temporary branch polling places and ballot drop boxes;

(b) ~~[During the first quarter of the year of an election]~~ Not later than September 1 of each odd-numbered year to ~~[discuss,]~~ confirm any details relating to the establishment and operation of a polling place, temporary

branch polling places or ballot drop boxes. Such a meeting may address, without limitation:

(1) Whether the Indian tribe will request or has requested to establish any polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The days and hours of any polling place or temporary branch polling place established within an Indian reservation or Indian colony;

(3) Election board officers for any polling place or temporary branch polling place established within an Indian reservation or Indian colony; and

(4) The deadlines relating to the next regularly scheduled election cycle for ~~[an]~~ the Indian tribe to submit a request pursuant to NRS 293.2733 and 293.3572; and

(c) On an ongoing basis during the year of an election if an Indian tribe elects to establish any polling places or temporary branch polling places within an Indian reservation or Indian colony.

2. If a county clerk:

(a) Is unable to make contact with an Indian tribe to carry out the requirements of subsection 1, the county clerk shall contact the Secretary of State to facilitate contact; or

(b) Has not contacted an Indian tribe, a representative of the Indian tribe may contact the Secretary of State to facilitate contact.

3. The tribal liaison designated by the Office of the Secretary Of State pursuant to NRS 233A.260 may assist the county clerk or an Indian tribe to facilitate any contact required pursuant to this section.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. NRS 293.269951 is hereby amended to read as follows:

293.269951 1. The Secretary of State shall allow:

(a) ~~[An elector with a disability]~~ *The following electors* to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote ~~[. The deadline for an elector with a disability to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.]~~ *:*

(1) An elector with a disability; and

(2) An elector who is a tribal member and who resides on an Indian reservation or Indian colony.

(b) ~~[A]~~ *The following* registered ~~[voter with a disability]~~ *voters* to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot ~~[. The deadlines for a registered voter with a disability to use the system of approved electronic transmission to request~~

~~and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to request and cast a military-overseas ballot.]~~ *:*

(1) A registered voter with a disability; and

(2) A registered voter who is a tribal member and who resides on an Indian reservation or Indian colony.

2. *The deadline to use the system of approved electronic transmission:*

(a) To register to vote for an elector pursuant to paragraph (a) of subsection 1 is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.

(b) To apply for ballot for a registered voter pursuant to paragraph (b) of subsection 1, is the same as the deadline set forth in NRS 293D.310 for a covered voter to request and cast a military-overseas ballot.

(c) To cast a ballot for a registered voter pursuant to paragraph (b) of subsection 1, is the same as the deadline set forth in NRS 293D.400 for a covered voter to request and cast a military-overseas ballot.

3. Upon receipt of an application and ballot cast by a person ~~[with a disability using]~~ *authorized pursuant to subsection 1 to use* the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

~~[3.]~~ *4.* The Secretary of State shall ensure that ~~[an elector with a disability or a registered voter with a disability]~~ *a person who is authorized pursuant to subsection 1* may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for a ballot or cast a ballot, as applicable.

~~[4.]~~ *5.* The Secretary of State shall prescribe the form and content of a declaration for use by ~~[an elector with a disability or a registered voter with a disability]~~ *a person authorized pursuant to subsection 1* to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of a ballot.

~~[5.]~~ *6.* The Secretary of State shall prescribe the duties of the county clerk upon receipt of a ballot sent by a registered voter ~~[with a disability using]~~ *authorized pursuant to subsection 1 to use* the system of approved electronic transmission, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.

~~[6.]~~ *7.* The Secretary of State shall make available to ~~[an elector with a disability or a registered voter with a disability]~~ *a person authorized pursuant to subsection 1* information regarding instructions on using the system for approved electronic transmission to register to vote and apply for and cast a ballot.

~~[7.]~~ *8.* The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.

~~[8.]~~ *9.* As used in this section:

(a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.

(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.

(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.

(d) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

Sec. 4. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each city clerk shall ~~[establish and maintain a working relationship]~~ schedule a meeting with each Indian tribe located in whole or in part within the city ~~[. Such a working relationship must include, without limitation, scheduling a meeting with each Indian tribe:]~~ for, to the extent practicable:

(a) ~~[Between June and December]~~ Not later than August 1 of each odd-numbered year to ~~[prepare for the election in the following year and to]~~ discuss ~~[,]~~ the details for the next regularly scheduled election cycle. Such a meeting may address, without limitation:

(1) The establishment and operation of polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The dates and times of the upcoming elections ~~[,]~~ for which polling places, temporary branch polling places or ballot drop boxes may be established;

(3) The deadlines relating to the next regularly scheduled election cycle for the Indian tribe to submit a request pursuant to NRS 293C.2675 and 293C.3572 for the establishment of polling places, temporary branch polling places or ballot drop boxes;

(4) Responsibilities for the recruitment of election board officers; and

~~[(4)]~~ (5) Any other information relating to the establishment and operation of polling places, temporary branch polling places and ballot drop boxes;

(b) ~~[During the first quarter of the year of an election]~~ Not later than September 1 of each odd-numbered year to ~~[discuss,]~~ confirm any details relating to the establishment and operation of polling places, temporary branch polling places or ballot drop boxes. Such a meeting may address, without limitation:

(1) Whether the Indian tribe will request or has requested to establish any polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The days and hours of any polling place or temporary branch polling place established within an Indian reservation or Indian colony;

(3) Election board officers for any polling place or temporary branch polling place established within an Indian reservation or Indian colony; and

(4) The deadlines relating to the next regularly scheduled election cycle for ~~[an]~~ the Indian tribe to submit a request pursuant to NRS 293C.2675 and 293C.3572; and

(c) On an ongoing basis during the year of an election if an Indian tribe elects to establish any polling places or temporary branch polling places within an Indian reservation or Indian colony.

2. If a city clerk:

(a) Is unable to make contact with an Indian tribe to carry out the requirements of subsection 1, the city clerk shall contact the Secretary of State to facilitate contact; or

(b) Has not contacted an Indian tribe, a representative of the Indian tribe may contact the Secretary of State to facilitate contact.

3. The tribal liaison designated by the Office of the Secretary Of State pursuant to NRS 233A.260 may assist a city clerk or an Indian tribe to facilitate any contact required pursuant to this section.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks; and

(b) On January 1, 2024, for all other purposes.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 752 to Senate Bill No. 216 amends sections 2 and 4 to require each county and city clerk to schedule certain meetings with each Indian tribe located in whole or in part within the county or city to discuss certain details relating to the next regularly scheduled election cycle.

Amendment adopted.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 216, as amended, requires county and city clerks to schedule certain meetings with each Indian tribe located in whole or in part within the county or city to discuss certain details relating to the next regularly scheduled election cycle. The bill requires the Secretary of State to allow electors and registered voters who are tribal members and who reside on an Indian reservation or Indian colony to register to vote and apply for and cast a ballot using the system of approved electronic transmission through which certain military and overseas voters and electors and registered voters with a disability may register to vote, apply for a ballot and cast a ballot.

Roll call on Senate Bill No. 216:

YEAS—18.

NAYS—None.

EXCUSED—Buck, Pazina, Stone—3.

Senate Bill No. 216 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 226.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 753.

SUMMARY—Revises provisions governing public works. (BDR 28-494)

AN ACT relating to public works; providing a declaration of legislative intent regarding the payment of prevailing wages on public works projects; providing that certain projects require the payment of prevailing wages; revising the definition of "public work"; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Section 2 of this bill makes a declaration of legislative intent finding that: (1) the payment of prevailing wages to workers on public works projects that are funded in whole or in part by public money is essential to the economic well-being of this State, increasing the number of skilled construction workers in this State, enhancing the workforce of the State and increasing redevelopment opportunities in the State; and (2) careful scrutiny of novel leasing and financial arrangements entered into and incentives offered by a public body is necessary to ensure workers are paid the prevailing wage. Section 8 of this bill provides that any regulation adopted by the Labor Commissioner relating to public works must be consistent with the declaration of legislative intent set forth in section 2.

Existing law makes the prevailing wage requirements applicable to certain, specific construction projects. (NRS 244.286, 244A.058, 244A.763, 268.568, 271.710, 271.800, 278C.240, 279.500, 318.140, 318.144, 321.416, 332.390, 333A.120, 349.670, 349.956, 349.981, 388A.635, 408.3886, 543.545, 701B.265, 701B.625) Section 3 of this bill requires, with certain exceptions, the payment of prevailing wages on any project if, pursuant to certain agreements or partnerships between a developer and a public body: (1) the property or premises on which the project will be constructed or developed is owned by a public body; (2) the property or premises on which a project will be constructed or developed is, in whole or in part, subject to a lease or lease-purchase agreement by a public body; (3) a public body pays money or other compensation directly to or on behalf of the developer or contractor of the project or any subcontractor who performs any work on the project; (4) a public body pays, credits, reduces, forgives or waives any fee, cost, rent, insurance premium, bond premium, obligation or expense, including, without limitation, an incidental expense, in relation to the project that is normally required in the execution of a contract for a public work on which the estimated cost exceeds $100,000; (5) a public body loans money in relation to the project that is required to be repaid to the public body; (6) a public body retains any right to ownership of the property or premises after construction work begins

on the project; (7) in relation to the project, a public body sells, leases or otherwise transfers for less than fair market value any developed or undeveloped real property or any other property or asset; or (8) in relation to the project, a public body transfers property of the State or political subdivision for less than fair market value. Section 3 exempts from these provisions airport authorities, single-family residential housing and certain projects relating to affordable housing.

Existing law defines the term "public work" to mean any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for certain publicly owned works and property. (NRS 338.010) Section 5 of this bill amends the definition of "public work" to include a project financed in whole or in part from public money.

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

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

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

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

(a) The economic well-being of this State;

(b) Increasing the number of skilled construction workers in this State;

(c) Enhancing the workforce in this State; and

(d) Increasing redevelopment opportunities in this State.

2. To ensure the intentions set forth in subsection 1 are upheld, careful scrutiny of novel leasing and financing arrangements entered into or incentives offered by public bodies for the construction of public works is necessary to ensure that workers on public works projects are paid prevailing wages.

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

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

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

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

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

(1) Pays, credits, reduces, forgives or waives any fee, cost, rent, insurance premium, bond premium, obligation or expense, including, without limitation, an incidental expense, in relation to the project that is normally

required in the execution of a contract for a public work on which the estimated cost exceeds $100,000;

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

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

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

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

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

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

(1) Single-family residential housing; or

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

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

3. As used in this section:

(a) "Affordable housing" means ~~[:~~

~~*(1) Multifamily]*~~ *multifamily housing that is:*

~~*[(I)]*~~ *(1) Tier one affordable housing or tier two affordable housing; and*

~~*[(II)]*~~ *(2) Subject to a legally binding agreement or other instrument that includes restrictions for the resale of the property to require that such property continue to be used as tier one affordable housing , ~~[or]~~ tier two affordable housing ~~[; or*~~

~~*(2) Single-family residential housing that is:*~~

~~*(I) Built on property that the homeowner leases under an agreement that includes restrictions for the resale of the property to require that such property continue to be used as tier two affordable housing]*~~ *or tier three affordable housing . ~~[:~~*

~~*(II) Owned by a household that qualifies for tier two affordable housing or tier three affordable housing; and*~~

~~*(III) Subject to a legally binding agreement or other instrument that includes restrictions for the resale of the property to require that such property continue to be used as tier two affordable housing or tier three affordable housing.]*~~

(b) "Improvement district" has the meaning ascribed to it in NRS 271.130.

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

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

(e) "Tier two affordable housing" has the meaning ascribed to it in NRS 278.01906.

Sec. 4. (Deleted by amendment.)

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

338.010 As used in this chapter:

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

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

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

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

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

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

4. "Contractor" means:

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

(b) A design-build team.

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

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

7. "Design-build team" means an entity that consists of:

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

(b) For a public work that consists of:

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

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of

NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

8. "Design professional" means:

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

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

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

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

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

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

10. "Division" means the State Public Works Division of the Department of Administration.

11. "Eligible bidder" means a person who is:

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

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

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

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

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

14. "Horizontal construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and any other work incidental

thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

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

16. "Offense" means:

(a) Failing to:

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

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

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

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

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

17. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

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

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

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

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

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

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

(a) Public buildings;

(b) Jails and prisons;

(c) Public roads;

(d) Public highways;

(e) Public streets and alleys;

(f) Public utilities;

(g) Publicly owned water mains and sewers;

(h) Public parks and playgrounds;

(i) Public convention facilities which are financed at least in part ~~[with]~~ *from* public money; and

(j) All other publicly owned works and property.

20. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

21. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

22. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

23. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

24. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

25. "Vertical construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work for any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any other work or improvement appurtenant thereto.

26. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other bona fide fringe benefits which are a benefit to the worker.

27. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship,

express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

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

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

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

Sec. 9. (Deleted by amendment.)

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

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

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

338.070 1. Any public body awarding a contract shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The name of the worker;

(2) The occupation of the worker;

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

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

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

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

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

(1) The name of the worker;

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

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

6. The records maintained pursuant to subsection 5 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 5 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of

subsection 5 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work. The Labor Commissioner shall adopt regulations authorizing and prescribing the procedures for the electronic filing of the copies of the records required to be provided monthly by a contractor or subcontractor to a public body pursuant to this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this

chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

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

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

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

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 753 to Senate Bill No. 226, as amended, revises section 3, which adds airport authorities operating in the State or a department of aviation which is operated by a political subdivision of the State and single-family residential housing or affordable housing that has four floors or less to be exempt from payment of prevailing wages on any projects. The amendment further clarifies the definition of affordable housing to exclude certain single-family residential housing.

Amendment adopted.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 226, as amended, makes a declaration of legislative intent regarding the payment of prevailing wages to workers on public works projects and requires that any regulation adopted by the Labor Commissioner must be consistent with the declaration of legislative intent. The bill, as amended, revises the definition of "public work" to include a project financed in whole or in part from public money and provides that certain projects require the payment of prevailing wages under certain circumstances.

Senate Bill No. 226, as amended, exempts airport authorities operating in the State or a department of aviation which is operated by a political subdivision of the State and single-family residential housing or affordable housing that has four or fewer floors from payment of prevailing wages on any projects.

Roll call on Senate Bill No. 226:

YEAS—12.

NAYS—Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Titus—6.

EXCUSED—Buck, Pazina, Stone—3.

Senate Bill No. 226 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 266.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 754.

SUMMARY—~~[Excludes certain portions of]~~ Revises provisions relating to the inclusion of entry fees for participation in certain contests or tournaments ~~[from the]~~ as gross revenue of gaming licensees ~~[for certain purposes.]~~ and the reports required by gaming licensees participating in foreign gaming. (BDR 41-943)

AN ACT relating to gaming; excluding certain portions of entry fees paid to participate in certain contests or tournaments from the gross revenue of certain gaming licensees for the purpose of calculating gaming license fees and for certain other purposes; revising requirements relating to the filing of certain information concerning foreign gaming with the Nevada Gaming Control Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Gaming Commission to charge and collect from each licensee a monthly license fee in an amount equal to a certain percentage of the gross revenue of the licensee. (NRS 463.370) Under existing law, the gross revenue on which the monthly license fee is imposed includes entry fees for the right to participate in contests and tournaments, minus certain enumerated deductions. (NRS 463.0161) ~~[This]~~ Section 1 of this bill excludes from the gross revenue on which the monthly license fee is imposed any portion of entry fees for the right to participate in contests and tournaments conducted on the premises of a licensed gaming establishment with the participants physically present at those premises when participating if the portion of those fees is designated as: (1) employee compensation and used to pay an employee of a licensee additional compensation for being involved in the organization or operation of the contest or tournament; (2) a donation and remitted to certain tax-exempt organizations; (3) an addition to a payoff schedule of the contest or tournament that is paid as a prize to a participant in a present or future contest or tournament; or (4) an addition to an account to pay guaranteed payouts of future contests or tournaments. ~~[This bill]~~ Section 1 also clarifies that cash from an entry fee excluded from gross revenue: (1) may not be deducted from gross revenue when paid out or distributed for a purpose other than the purpose for which an exclusion is authorized; and (2) must be included in the calculation of gross revenue for the month in which it is paid out or distributed for a purpose other than the purpose for which an exclusion is authorized.

For the purposes of the regulation of gaming in this State, a nonrestricted licensee is a licensee who is licensed to operate: (1) 16 or more slot machines; (2) any number of slot machines together with any other game, gaming device, race book or sports pool at one establishment; or (3) a slot machine route. (NRS 463.0177) Under existing law, the Commission is: (1) authorized to require nonrestricted licensees with an annual gross revenue of $1,000,000 or

more to report and keep records of all transactions involving cash; and (2) required to adopt regulations requiring audits of the financial statements of nonrestricted licensees whose annual gross revenue is $5,000,000 or more, as adjusted annually based on the Consumer Price Index (All Items) for the preceding year. (NRS 463.125, 463.159) Because ~~[this bill]~~ section 1 excludes from gross revenue certain portions of the entry fee for the right to participate in contests or tournaments, that revenue would be excluded for the purposes of these calculations.

Existing law requires certain persons licensed to operate gaming establishments in this State who also conduct gaming operations outside this State to file certain documents with the Nevada Gaming Control Board as soon as the licensee begins participating in gaming outside this State. Thereafter, the licensee is required to file annual and quarterly reports containing certain information concerning the gaming operations outside this State. (NRS 463.710) Section 1.5 of this bill revises those filing requirements to: (1) require a notice to be filed when participation in gaming outside this State begins and terminates; (2) eliminate the requirement to file certain annual reports; and (3) revise the content that is required to be included in the required quarterly reports.

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

Section 1. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;

(b) ~~[Cash]~~ *Except as otherwise provided in paragraph (g) of subsection 2, cash* received as entry fees for the right to participate in contests and tournaments;

(c) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(d) Compensation received for conducting any game in which the licensee is not party to a wager,

➥ less the total of all cash paid out as losses to patrons, all cash and the cost of any noncash prizes paid out to participants in contests or tournaments not to exceed the total cash or cash equivalents received for the right to participate in the contests or tournaments, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Uncollected baccarat commissions; ~~[or]~~

(f) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed ~~[.]~~ *; or*

(g) Cash received as entry fees for the right to participate in a contest or tournament conducted on the premises of a licensed gaming establishment with the participants physically present at those premises when participating, if the cash is designated:

(1) As employee compensation and paid as compensation to an employee of a licensee who is involved in the organization or operation of the contest or tournament, in addition to the regular compensation of the employee;

(2) As a donation to a nonprofit, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) or a nonprofit corporation organized or existing pursuant to chapter 82 of NRS and the amount is remitted to the designated organization;

(3) As an addition to a payoff schedule of the contest or tournament that is fixed, or increases automatically over time or as the contest or tournament is played, and that is paid as a prize to a patron participating in the present or a future contest or tournament; or

(4) As an addition to an account to fund guaranteed payouts of future contests or tournaments and the disbursement of funds from the account are used to fund guaranteed payouts of future contests or tournaments.

➥ The Commission may adopt regulations authorizing the exclusion from gross revenue set forth in paragraph (g) to apply to cash received as entry fees for the right to participate in a contest or tournament other than a contest or tournament conducted on the premises of a licensed gaming establishment with contestants physically present at those premises when participating.

3. *The amount of cash received as entry fees for the right to participate in a contest or tournament that is excluded from gross revenue pursuant to paragraph (g) of subsection 2:*

(a) May not be deducted from the amount of the entry fees included in gross revenue pursuant to subsection 1 if the amount is paid or distributed for any purpose other than a purpose set forth in paragraph (g) of subsection 2;

(b) Must be included in gross revenue for the month in which the amount is paid out or distributed for a purpose other than a purpose set forth in paragraph (g) of subsection 2.

4. As used in this section, "baccarat commission" means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Sec. 1.5. NRS 463.710 is hereby amended to read as follows:

463.710 Unless otherwise ordered by the Board or Commission, a licensee who participates in foreign gaming shall file with the Board:

1. As soon as participation in foreign gaming begins, ~~[all documents filed by the licensee or by an affiliate with the foreign jurisdiction.]~~ *a notice indicating that fact.*

2. ~~[Annual operational and regulatory reports describing compliance with regulations, procedures for audit, and procedures for surveillance relating to the foreign gaming operation.~~

~~3.]~~ Quarterly reports regarding any of the following information which is within the knowledge of the licensee:

(a) Any changes in ownership or control of any interest in the foreign gaming operation;

(b) Any changes in officers, directors or key employees *;* ~~[of the foreign gaming operation;]~~

(c) All complaints, disputes, orders to show cause and disciplinary actions, related to gaming, instituted or presided over by an entity of the United States, a state or any other governmental jurisdiction ~~[concerning the foreign gaming operation;]~~ *outside this State;*

(d) Any arrest of an employee ~~[of the foreign gaming operation]~~ involving cheating or theft, related to gaming, in the foreign jurisdiction; and

(e) Any arrest or conviction of an officer, director, key employee or owner of equity in the foreign gaming operation for an offense that would constitute a gross misdemeanor or felony in this state.

3. As soon as participation in foreign gaming has entirely ceased, a notice indicating that fact.

4. Such other information as the Commission requires by regulation.

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

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 754 to Senate Bill No. 266 requires the filing of notices when participation in gaming outside the State begins and ends, removes the requirement to file certain annual reports and modifies the content requirements for required quarterly reports.

Amendment adopted.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 266, as amended, proposes changes to exclude specific portions of entry fees for contests and tournaments from the gross revenue used for calculating monthly license fees. These exclusions apply to events held at licensed gaming establishments with physical participant presence. The excluded portions are allocated for employee compensation, donations to tax exempt organizations, additions to prize payouts and guaranteed future payouts. Senate Bill No. 266 also excludes cash from being deducted from gross gaming revenue for nondesignated purposes and must be included in the revenue calculation for the month it is paid out.

Roll call on Senate Bill No. 266:

YEAS—18.

NAYS—None.

EXCUSED—Buck, Pazina, Stone—3.

Senate Bill No. 266 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 307.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 760.

SUMMARY—Revises provisions relating to human rights. (BDR 16-881)

AN ACT relating to offenders; defining certain terms relating to the housing of offenders; requiring the Director of the Department of Corrections to adopt certain regulations relating to solitary confinement; prohibiting the Department from placing an offender in solitary confinement under certain circumstances; providing that an offender is entitled to certain privileges while placed in solitary confinement; requiring the Department to ensure that an offender placed in solitary confinement receives a daily health and wellness check; providing procedures for the removal of an offender from solitary confinement; requiring certain training for staff who work in units used for solitary confinement; requiring the Department to submit a report concerning the use of solitary confinement to the Joint Interim Standing Committee on the Judiciary or the Legislature; limiting the number of days that an offender may be placed in disciplinary segregation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the Department of Corrections and private facilities and institutions from placing an offender in disciplinary segregation or subjecting or assigning an offender to solitary confinement unless certain procedures are followed. (NRS 209.369) Sections 5-7 and 10 of this bill define certain terms, including "solitary confinement," for purposes relating to the housing of offenders. Section 13 of this bill makes a conforming change to indicate the proper placement of sections 5-7 and 10 in the Nevada Revised Statutes. Section 13.5 of this bill makes a conforming change relating to the application of the definitions in sections 5-7 and 10 to the entire chapter of NRS.

Section 12 of this bill requires the Director of the Department to adopt regulations governing the use of solitary confinement to provide that solitary confinement may only be used as a last resort, in the least restrictive manner and for the shortest period of time safely possible.

Section 12.3 of this bill prohibits, with certain exceptions, the Department from placing an offender in solitary confinement: (1) for a period which exceeds 15 consecutive days; (2) within 90 days of the date on which the offender is projected to be released from the custody of the Department; or (3) if the offender has a serious mental illness or other significant mental impairment, unless a provider of health care orders such confinement. Section 12.3 authorizes the Department to remove an offender from solitary

confinement at any time if the offender has demonstrated good behavior. Section 12.3 requires that an offender placed in solitary confinement: (1) is afforded certain privileges; and (2) receives a health and welfare check at his or her cell by a provider of health care at least once each day. Section 14 of this bill makes a conforming change by removing duplicative language relating to the placement of an offender who has a serious mental illness or other significant mental impairment in solitary confinement under certain circumstances and the requirement that a health and welfare check is made for each offender placed in solitary confinement.

Section 12.5 of this bill requires a multidisciplinary team to submit a report to the Director within 24 hours after making the determination to continue solitary confinement if an offender is kept in solitary confinement for more than 15 days. Section 12.5 additionally requires any meetings or discussions regarding the review of an offender pursuant to section 12.5 to be recorded in writing or otherwise documented and kept by the Department for at least 1 year. Section 12.5 also prescribes certain procedures relating to the removal of an offender from solitary confinement, including, without limitation, a requirement for a multidisciplinary team, before an offender is removed from solitary confinement, to conduct a review of each offender and develop an individualized treatment plan for the offender. Section 12.5 defines a "multidisciplinary team" as a team that consists of: (1) a correctional officer who works in the housing unit to which the offender is assigned; (2) a ~~[psychologist;]~~ mental health clinician; (3) a case worker; (4) a correctional supervisor; (5) an associate warden; and (6) any other staff member deemed necessary by the Director.

Existing law authorizes the Director to develop and implement, in each institution or facility of the Department, a program of facility training for correctional staff. (NRS 209.1315) Section 13.3 of this bill requires the Director to develop and implement certain training for staff who work in units used for solitary confinement.

Section 14 of this bill requires the Department to submit a report on or before December 31 of each year concerning the use of solitary confinement by the Department and private facilities and institutions to the Joint Interim Standing Committee on the Judiciary, if the report is submitted in an odd-numbered year, or to the Legislature, if the report is submitted in an even-numbered year. The report must contain, without limitation: (1) the number of offenders placed in solitary confinement; (2) the periods of time, and the number of offenders for each such period, for which offenders were placed in solitary confinement; and (3) the number of offenders who were placed in solitary confinement for a period of more than 15 days and a summary of the reasons for such placement. Section 14 additionally requires that an offender, while subject to disciplinary segregation, be allowed either visitation or access to a telephone. Section 14 also removes certain provisions relating to the length of stay of offenders placed in disciplinary segregation and, instead, with certain

exceptions, limits the maximum number of days that an offender may be placed in disciplinary segregation to not more than 15 consecutive days.

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 to 12.5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. *"Disciplinary segregation" means the separation of an offender from the general population for a specified period of time when an offender has committed a serious violation of the rules of a facility or institution.*

Sec. 6. *"General population" means the status of offenders who are incarcerated and do not have a special status, including, without limitation, a status of solitary confinement.*

Sec. 7. *1. "Serious mental illness or other significant mental impairment" means:*

~~[1.]~~ (a) A ~~[substantial]~~ mental, behavioral or emotional disorder ~~[of thought or mood]~~ that ~~[significantly impairs judgment, behavior or the capacity to recognize reality, which may include, without limitation, having current symptoms of, or currently receiving treatment based on a type of diagnosis found]~~ results in ~~[the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association;]~~ serious functional impairment, which substantially interferes with or limits one or more major life activities; or

~~[2.]~~ (b) A diagnosis of an intellectual disability, as defined in NRS 435.007.

2. The term includes, without limitation, a diagnosis of major depression, schizophrenia, bipolar disorder, obsessive-compulsive disorder, panic disorder, post-traumatic stress disorder or borderline personality disorder.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. *"Solitary confinement" means the housing of an offender in a location where the offender is restricted to a cell for at least 22 hours per day for the purpose of separating the offender from the general population for the:*

1. Protection of:

(a) The health or safety of the offender from other offenders; or

(b) The life or property of the staff or other offenders; or

2. Security or orderly operation of the facility or institution.

Sec. 11. (Deleted by amendment.)

Sec. 12. *The Director shall adopt, with the approval of the Board, such regulations as are necessary to ensure that solitary confinement may only be used:*

1. As a last resort, when the offender must be separated from the general population in a secure environment;

2. In the least restrictive manner; and

3. For the shortest period of time safely possible.

Sec. 12.3. *1. Except as otherwise provided in NRS 209.369 or section 12.5 of this act, the Department or a private facility or institution shall not place an offender in solitary confinement:*

(a) For a period which exceeds 15 consecutive days;

(b) Within 90 days of the date on which the offender is projected to be released from the custody of the Department; or

(c) If the offender has a serious mental illness or other significant mental impairment, unless a provider of health care orders the solitary confinement for the safety of the offender, staff or any other person.

2. Except as otherwise provided in NRS 209.369, the Department may remove an offender from solitary confinement at any time if the offender has demonstrated good behavior.

3. If an offender is placed in solitary confinement, the offender must, while placed in solitary confinement, be afforded the same privileges identified in paragraph (b) of subsection 5 of NRS 209.369 as are afforded to an offender placed in disciplinary segregation.

4. The Department shall ensure that each offender placed in solitary confinement receives a health and welfare check conducted at least once each day by a provider of health care at his or her cell.

Sec. 12.5. *1. The Department may continue to keep an offender placed in solitary confinement for more than 15 days if:*

(a) The offender refuses to be removed from solitary confinement at the end of the 15-day period;

(b) A provider of health care recommends that the offender be kept in solitary confinement due to medical necessity; or

(c) A multidisciplinary team recommends a continuation of solitary confinement for the offender after a determination from the review conducted pursuant to subsection 3 that the offender presents a threat to the safety or health of other offenders or correctional staff.

2. The continuation of solitary confinement of an offender pursuant to paragraph (c) of subsection 1 must not exceed an additional period of 15 consecutive days, after which the offender must be removed from solitary confinement and the multidisciplinary team shall determine whether a return to solitary confinement is necessary.

3. A multidisciplinary team shall conduct a review of each offender placed in solitary confinement and shall develop an individualized treatment plan for the offender before the offender is removed from solitary confinement. The treatment plan may contain, without limitation, recommendations relating to staff intervention, housing placement in the facility or institution and any other recommendations that the multidisciplinary team deems appropriate. If required by exigent circumstances, a member of the multidisciplinary team who is unable to be present for the review may, through remote communication:

(a) Attend the review; and

(b) Participate in any discussion concerning the review of the offender.

4. If an offender is kept in solitary confinement pursuant to paragraph (a) of subsection 1 and, at any time, requests removal from solitary confinement, the offender must be removed from solitary confinement within 24 hours after the request for removal.

5. If an offender is kept in solitary confinement for a period of more than 15 consecutive days pursuant to this section, the multidisciplinary team must submit a report to the Director within 24 hours after the determination to continue solitary confinement, and every 15 days thereafter during which the offender remains in solitary confinement, which must include, without limitation:

(a) The name of the offender;

(b) A description of the reasons for the continuation of solitary confinement; and

(c) Any plan developed for the removal of the offender from solitary confinement.

6. Any meeting or discussion concerning the review conducted pursuant to subsection 3 or a determination to continue solitary confinement for an offender pursuant to this section must be:

(a) Recorded in writing or otherwise documented; and

(b) Kept by the Department for at least 1 year.

7. As used in this section ~~*[, "multidisciplinary]*~~ *:*

(a) "Mental health clinician" means:

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

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

(3) A social worker who:

(I) Is licensed in this State as a clinical social worker;

(II) Holds a master's degree in social work; and

(III) Is employed by the Department;

(4) A registered nurse who:

(I) Is licensed to practice professional nursing in this State;

(II) Holds a master's degree in the field of psychiatric nursing; and

(III) Is employed by the Department;

(5) A marriage and family therapist licensed pursuant to chapter 641A of NRS; or

(6) A clinical professional counselor licensed pursuant to chapter 641A of NRS.

(b) "Multidisciplinary team" means a team which must consist of the following persons:

~~*[(a)]*~~ *(1) A correctional officer who works in the housing unit to which the offender is assigned;*

~~*[(b)]*~~ *(2) A* ~~*[psychologist;]*~~ *mental health clinician;*

~~*[(c)]*~~ *(3) A case worker;*

~~[(d)]~~ *(4) A correctional supervisor;*

~~[(e)]~~ *(5) An associate warden; and*

~~[(f)]~~ *(6) Any other staff member deemed necessary by the Director.*

Sec. 13. NRS 209.011 is hereby amended to read as follows:

209.011 As used in this chapter, unless the context otherwise requires, the *words and* terms defined in NRS 209.021 to 209.085, inclusive, *and sections 2 to 11, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 13.3. NRS 209.1315 is hereby amended to read as follows:

209.1315 *1.* The Director may continue to develop and implement, in each institution and facility of the Department, a program of facility training for the correctional staff. Such training must include:

~~[1.]~~ *(a)* Training in evidence-based practices, including, without limitation, principles of effective intervention, effective case management and core correctional practices; and

~~[2.]~~ *(b)* Courses on interacting with victims of domestic violence and trauma and people with behavioral health needs and both physical and intellectual disabilities.

2. The Director shall develop and implement, in each institution and facility of the Department in which an offender may be placed in solitary confinement, a program of training for any correctional staff of the facility or institution who interact with offenders placed in solitary confinement. Such training must include, without limitation, training in effective communication, crisis intervention and de-escalation techniques. Any training required to be completed pursuant to a program of training adopted pursuant to this subsection is in addition to any other training required to be completed by correctional staff.

Sec. 13.5. NRS 209.249 is hereby amended to read as follows:

209.249 1. Except as otherwise provided in subsections 2 and 3, the Director shall establish and maintain a package program for offenders.

2. The Director may prohibit an offender from participating in the package program if the offender is in:

(a) Disciplinary segregation; or

(b) Administrative segregation and the prohibition is necessary to ensure the safety of other offenders in administrative segregation.

3. The Medical Director may prohibit an offender from participating in the package program if:

(a) The offender is receiving medical care from the Medical Director; and

(b) The prohibition is necessary to ensure the health of the offender.

4. The contents of a package received by an offender participating in the package program are not subject to any deduction described in NRS 209.247.

5. As used in this section:

(a) "Administrative segregation" means the separation of an offender from the general population which is imposed by classification when the continued presence of the offender in the general population or protective segregation

would pose a serious threat to life, property, self, staff, other offenders or to the security or orderly operation of the facility or institution.

(b) ~~["Disciplinary segregation" means the separation of an offender from the general population for a specified period when an offender has committed a serious violation of the rules of a facility or an institution.~~

~~(c) "General population" means the status of offenders who are incarcerated and do not have a special status.~~

~~(d)]~~ "Package program" means a program which authorizes an offender to order at least one clothing package and one food package, respectively, per quarter.

~~[(e)]~~ *(c)* "Protective segregation" means the separation of an offender from the general population when the offender requests or requires protection from other offenders for reasons relating to health or safety.

Sec. 14. NRS 209.369 is hereby amended to read as follows:

209.369 1. The Department or a private facility or institution shall not ~~[:~~

~~(a) Place]~~ *place* an offender in disciplinary segregation unless the offender is found guilty of an infraction after:

~~[(1)]~~ *(a)* Notice and a hearing pursuant to subsection 3; and

~~[(2)]~~ *(b)* If applicable, a psychological evaluation pursuant to subsection 4.

~~[(b) Subject an offender with a serious mental illness or other significant mental impairment to solitary confinement solely on the basis of such mental illness or impairment, but may subject such an offender to solitary confinement if it is necessary for the safety of the offender, staff or any other person. If such an offender is subjected to solitary confinement, the offender must receive a health and welfare check at his or her cell by a provider of health care at least once each day.]~~

2. An offender who is confined in an institution or facility of the Department or a private facility or institution may request placement in solitary confinement to protect his or her safety. The Department or private facility or institution ~~[may]~~ *shall* not ~~[assign the]~~ *place such an* offender ~~[to]~~ *in* solitary confinement unless ~~[the]~~ *:*

(a) The Department or private facility or institution performs an independent assessment of the threat to the offender ~~[,]~~ *and* determines that the placement in solitary confinement is necessary to protect the safety of the offender *;* and ~~[the]~~

(b) The offender is placed in solitary confinement only for the duration of the threat.

3. Upon the filing of a disciplinary action against an offender that may result in the sanction of disciplinary segregation of the offender, the Department or private facility or institution shall:

(a) Serve written notice of the charges against the offender which sets forth the reasons for the filing of the disciplinary action against the offender and a notice that the offender may appeal any discipline or punishment imposed on

the offender as a result of a hearing unless the offender has agreed to a bargained plea.

(b) Hold a hearing concerning the charges against the offender not later than 15 days after the alleged violation or not later than 15 days after the completion of the investigation of the alleged violation, whichever is later. A hearing held pursuant to this paragraph must be presided over by an officer or employee of the Department or private facility or institution who has no direct involvement in the incident constituting an alleged violation. At the hearing, the offender must be allowed to present documentary evidence germane to the alleged violation and to call one or more witnesses with substantive, relevant knowledge of the issues involved in the alleged violation except for a witness who has been discharged, who is not located at the facility or institution where the hearing is being conducted or who poses a threat to safety or security at the hearing. The presiding officer or employee may find that the offender committed an infraction of the rules of the institution or facility only if he or she finds, based on the evidence presented at the hearing, that there is evidence that the infraction occurred and that the offender more likely than not committed the infraction. The presiding officer or employee must provide to the offender a written statement of the evidence supporting the determination of the presiding officer or employee unless providing such a written statement would jeopardize the safety or security of the institution or facility or the safety of the staff or offenders in the institution or facility. *That presiding officer or employee shall not sanction an offender to disciplinary segregation for a fixed period. Any period for which the offender is sanctioned to disciplinary segregation must be expressed in terms of the maximum number of days the offender may be subjected to disciplinary segregation.*

4. The Department or private facility or institution must refer the offender for a psychological evaluation before holding a hearing pursuant to subsection 3 if, at any stage of the disciplinary process set forth in subsection 3:

(a) It is known or suspected that a mental health condition or medical condition of the offender was a substantial cause of the alleged violation;

(b) The offender is assigned to a mental health program of the Department or private facility or institution; or

(c) The offender has been diagnosed as seriously mentally ill.

➥ If, during the psychological evaluation, the staff of the Department or private facility or institution has reason to believe that the alleged violation by the offender may have been the result of a medical condition of the offender, including, without limitation, dementia, Alzheimer's disease, post-traumatic stress disorder or traumatic brain injury, the staff of the Department or private facility or institution must refer the offender to the medical staff of the institution or facility for a medical review and recommendation before holding a hearing pursuant to subsection 3.

5. If the sanction of disciplinary segregation is imposed on an offender, the offender:

(a) May, after serving one-half of the period for which the offender is sanctioned to disciplinary segregation, petition the warden of the institution or facility for ~~[release]~~ *removal* from disciplinary segregation if the offender has demonstrated good behavior. The offender must be advised that he or she may petition the warden pursuant to this paragraph.

(b) Must, while subject to disciplinary segregation, be:

(1) Allowed to wear his or her personal clothing issued by the Department;

(2) Served the same meal and ration as is provided to offenders in general population unless the offender is placed on a special diet for health or religious reasons;

(3) Allowed visitation ~~[,]~~ *or access to a telephone;*

(4) Allowed all first-class and legal mail addressed to the offender;

(5) Permitted a minimum of at least 5 hours of exercise per week, unless doing so would present a threat to the safety or security of the institution or facility;

(6) Given access to reading materials; and

(7) Given access to materials from the law library in the institution or facility.

6. The period for which an offender may be held in disciplinary segregation must be the minimum time required to address the disciplinary sanction or threat of harm to the offender, staff or any other person or to the security of the institution or facility, as defined by the regulations adopted by the Board. Such a period must not exceed ~~[:~~

~~(a) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category C felony by the laws of this State, 10 days.~~

~~(b) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category B felony by the laws of this State, 30 days.~~

~~(c) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category A felony by the laws of this State, 60 days.~~

~~(d) If the offender, while in the custody of the Department or private facility or institution, commits an assault or battery against an employee or contractor of the Department or a private facility or institution, 180 days.~~

~~(e) If the offender, while in the custody of the Department or private facility or institution, commits murder, 365]~~ *15 consecutive* days ~~[.]~~ *, unless a determination is made to keep an offender placed in solitary confinement pursuant to subsection 1 of section 12.5 of this act.*

7. *On or before December 31 of each year, the Department shall submit a report concerning the use of solitary confinement by the Department and private facilities and institutions to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature, if the report is submitted during an even-numbered year, or the Joint Interim Standing*

Committee on the Judiciary, if the report is submitted in an odd-numbered year. The report must include, without limitation, the following information, provided in the aggregate and without any personally identifiable information:

(a) The number of offenders placed in solitary confinement, in total and disaggregated by race, ethnicity, sexual orientation, age and gender identity or expression.

(b) The periods of time, and the number of offenders for each such period, for which offenders were placed in solitary confinement.

(c) The number of offenders who were placed in solitary confinement for a period of more than 15 days and a summary of the reasons for such placement.

8. As used in this section, "offender with serious mental illness or other significant mental impairment" means an offender:

(a) With a substantial disorder of thought or mood that significantly impairs judgment, behavior or capacity to recognize reality, which may include, without limitation, a person who is found to have current symptoms of, or who is currently receiving treatment based on a type of diagnosis found in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association; or

(b) Who is diagnosed with an intellectual disability, as defined in NRS 435.007.

Sec. 15. Notwithstanding any other provision of this act, the initial report submitted by the Department of Corrections pursuant to NRS 209.369, as amended by section 14 of this act, must be submitted on or before July 1, 2024.

Sec. 16. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 760 to Senate Bill No. 307 aligns the definition of mental disorder with the veteran affairs definition and replaces the job classification of psychologist with mental health clinician for purposes of the composition of a multidisciplinary team.

Amendment adopted.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 307, as amended, amends existing law regarding the placement of offenders in disciplinary segregation or solitary confinement. It requires the Department of Corrections to establish regulations for the use of solitary confinement as a last resort and for the shortest duration possible. Exceptions apply for offenders with serious mental illness or impairment, as ordered by healthcare providers. The bill outlines procedures for reviewing and removing offenders from solitary confinement involving a multidisciplinary team and staff training. The department must

submit an annual report on the use of solitary confinement including the number of offenders and reasons for confinement to the Joint Interim Standing Committee on the Judiciary or the Legislature. The bill also imposes a maximum limit of 15 consecutive days for disciplinary segregation with exceptions.

Mr. President, I have a quick shoutout to my colleague from Senate District 1, who has been working on this for several sessions now. Well done, Senator.

Roll call on Senate Bill No. 307:

YEAS—18.

NAYS—None.

EXCUSED—Buck, Pazina, Stone—3.

Senate Bill No. 307 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 389.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 761.

SUMMARY—Revises provisions relating to crimes. (BDR 15-133)

AN ACT relating to crimes; revising provisions governing crimes relating to facilitating sex trafficking; requiring ~~[certain entities to work collaboratively to prepare and submit]~~ the preparation and submission of a comprehensive biennial report concerning human trafficking in this State; revising certain requirements for compensation from the Fund for the Compensation of Victims of Crime; revising provisions governing the Contingency Account for Victims of Human Trafficking; making an appropriation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person commits the crime of facilitating sex trafficking if the person: (1) facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of inducing that person to engage in unlawful sexual conduct or prostitution or, if that person is a child, certain acts relating to pornography involving minors; (2) sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking, soliciting a child who is a victim of sex trafficking or engaging in certain acts relating to pornography involving minors; or (3) travels to or within this State by any means with the intent of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim has been induced to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors. A person who commits the crime of facilitating sex trafficking is guilty of a category B felony and is subject to certain minimum and maximum terms of imprisonment depending on whether the victim is an adult or child. (NRS 201.301)

Sections 1-3 of this bill provide that a person who commits the crime of facilitating sex trafficking is subject to the same penalties that apply under existing law for committing the crime against a child if the person commits the crime against a peace officer who is posing as a child or a person who is assisting in an investigation on behalf of a peace officer by posing as a child. Sections 3.5 and 7 of this bill make conforming changes to provisions of existing law that contain references to the crime of facilitating sex trafficking of a child to reflect the changes made in sections 1-3.

Existing law requires the payment of compensation from the Fund for the Compensation of Victims of Crime to certain victims of criminal acts and requires an application for such compensation from the Fund to be filed not later than 24 months after the injury or death for which compensation is claimed. (NRS 217.100, 217.180, 217.260) Section 5 of this bill creates an exception to this time limit by authorizing a person who is a victim of sex trafficking or facilitating sex trafficking to file an application for compensation from the Fund not later than 60 months after the injury or death for which compensation is claimed.

Existing law creates the Contingency Account for Victims of Human Trafficking in the State General Fund and requires the Director of the Department of Health and Human Services to administer the Contingency Account. (NRS 217.530) Existing law requires a recipient of an allocation of money from the Contingency Account to use the money only for establishing or providing programs or services to victims of human trafficking. (NRS 217.540) Section 6.5 of this bill specifies that a recipient of an allocation of money from the Contingency Account may use the money for establishing pilot programs for alternatives to law enforcement response to victims of human trafficking. Section 7.5 of this bill makes an appropriation to the Contingency Account for Victims of Human Trafficking created by NRS 217.530.

Existing law establishes the Center for the Analysis of Crime Statistics within the Department of Criminal Justice at the University of Nevada, Las Vegas. (NRS 396.792) Section 4 of this bill requires certain entities and agencies to ~~[work collaboratively]~~ submit certain information biennially to the Center and requires the Center to prepare and submit a comprehensive biennial report on human trafficking in this State. Section 6 of this bill makes a conforming change to indicate the proper placement of section 4 in the Nevada Revised Statutes.

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

Section 1. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.

2. *"Adult posing as a child" means an adult who is:*

(a) A peace officer who is posing as a child; or

(b) A person who is assisting in an investigation on behalf of a peace officer by posing as a child.

3. "Child" means a person less than 18 years of age.

~~[3.]~~ *4.* "Induce" means to persuade, encourage, inveigle or entice.

~~[4.]~~ *5. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

6. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

~~[5.]~~ *7.* "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.

~~[6.]~~ *8.* "Sexual conduct" means any of the acts enumerated in subsection ~~[4.~~ ~~7.]~~ *6.*

9. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 2. NRS 201.301 is hereby amended to read as follows:

201.301 1. A person is guilty of facilitating sex trafficking if the person:

(a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:

(1) Inducing the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Inducing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or

(3) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720 ~~[;]~~ *or, if the person is an adult posing as a child, using the person for any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child;*

(b) Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:

(1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Soliciting a child *or an adult posing as a child* who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or

(3) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720 ~~[;]~~ *or, if the person is an adult posing as a child,*

engaging in any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child; or

(c) Travels to or within this State by any means with the intent of engaging in:

(1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution; or

(2) Any act involving a child that is prohibited by NRS 200.710 or 200.720 ~~[.]~~ *or, if the person is an adult posing as a child, any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child.*

2. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:

(a) ~~[If]~~ *Except as otherwise provided in paragraph (b), if* the victim is ~~[18 years of age or older,]~~ *an adult,* 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.

(b) If the victim is ~~[less than 18 years of age,]~~ *a child or an adult posing as a child,* shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years.

Sec. 3. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the violation is a child *or an adult posing as a child* when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the child ~~[,]~~ *or an adult posing as a child,* the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $500,000.

2. If a person is convicted of a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the offense is a child *or an adult posing as a child* when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395 and any fine imposed pursuant to subsection 1, impose a fine of not more than $500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 3.5. NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. Any person who violates subsection 1 by soliciting for prostitution:

(a) A child; *or*

(b) ~~[A peace officer who is posing as a child; or~~

~~(c) A person who is assisting in an investigation on behalf of a peace officer by]~~ *an adult* posing as a child,

➥ is guilty of soliciting a child for prostitution.

3. Except as otherwise provided in subsection 5, a person who violates this section:

(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than $400.

(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than $800.

(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than $1,300.

4. In addition to any other penalty imposed, the court shall order a person who violates subsection 3 to pay a civil penalty of not less than $200 per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:

(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.

(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.

5. A person who ~~[violates this section]~~ *is guilty of soliciting a child for prostitution pursuant to subsection 2* by soliciting *for prostitution* a child ~~[for prostitution:]~~ *or an adult posing as a child:*

(a) For a first offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and by a fine of not more than $5,000.

(b) For a second offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, 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 maximum term of not more than 6 years, and may be further punished by a fine of not more than $15,000. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury, as applicable, to be used for:

(a) The enforcement of this section; and

(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

➥ Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.

7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

8. Except as limited by subsection 9, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 7, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

Sec. 4. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before July 1 of each even-numbered year, each entity designated pursuant to subsection ~~[4]~~ 3 shall ~~[work collaboratively to prepare a comprehensive report concerning human trafficking in this State and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.~~

~~2. Except]~~ , except as otherwise provided in subsection ~~[3, the report required by subsection 1 must include, without limitation:]~~ 2, submit to the Center for the Analysis of Crime Statistics established by NRS 396.792:

(a) The annual operating budget of ~~[each]~~ the entity ; ~~[designated pursuant to subsection 4;]~~

(b) A copy of any written policy adopted by ~~[an]~~ the entity ~~[designated pursuant to subsection 4]~~ concerning:

(1) The identification of victims of human trafficking;

(2) Referrals to resources for victims of human trafficking; and

(3) The detention or citation of victims of human trafficking;

(c) Information concerning the delivery of services for victims of human trafficking, which must include, without limitation:

(1) A description of the services that were provided by ~~[each]~~ the entity during the immediately preceding biennium;

(2) A description of the efforts made by ~~[each]~~ the entity during the immediately preceding biennium to locate victims in need of such services and provide such services to those victims;

(3) The number of victims served by ~~[each]~~ the entity during the immediately preceding biennium; and

(4) The number of victims who were:

(I) Served by ~~[an]~~ the entity during the immediately preceding biennium; and

(II) Arrested or issued a citation during the immediately preceding biennium for conduct related to human trafficking; and

(d) ~~[Information relating to the prosecution of human trafficking in this State, including, without limitation:~~

~~(1) The number of arrests made concerning human trafficking during the immediately preceding biennium; and~~

~~(2) The number of charges filed concerning human trafficking and the disposition of those cases; and~~

~~(e)]~~ Policy recommendations for decreasing human trafficking in this State.

~~[3.]~~ 2. The requirements prescribed by subsection ~~[2]~~ 1 do not apply to any written policy, the disclosure of which would, in the determination of the adopting entity, compromise, jeopardize or otherwise threaten the safety or privacy of victims of human trafficking.

~~[4.]~~ 3. The following entities ~~[must work collaboratively to prepare and]~~ shall submit the ~~[report]~~ information required by subsection 1 ~~[:]~~ to the Center:

(a) The State of Nevada Human Trafficking Coalition;

(b) The Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children;

(c) The Nevada Policy Council on Human Trafficking, or its successor organization;

(d) Each local human trafficking task force;

(e) Each recipient of an allocation of money from the Contingency Account; and

(f) Any other entity designated by the Chair of the Joint Interim Standing Committee on the Judiciary on or before January 1 of an even-numbered year.

~~*[5. Each]*~~

4. On or before July 1 of each even-numbered year, each law enforcement agency in this State shall ~~*[collaborate with the entities designated pursuant to subsection 4 to carry out the duties prescribed in this section.*~~

~~*6.]*~~ *submit to the Center the number of arrests made or citations issued by the agency for a violation of NRS 201.353 or 201.354 or conduct related to human trafficking during the immediately preceding biennium and the disposition of those cases.*

5. On or before July 1 of each odd-numbered year, the Center shall:

(a) Compile the information submitted pursuant to subsections 1 and 4 and prepare a comprehensive report concerning human trafficking in this State; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Judiciary.

6. As used in this section:

(a) "Contingency Account" means the Contingency Account for Victims of Human Trafficking created by NRS 217.530.

(b) "Local human trafficking task force" includes, without limitation:

(1) The Northern Nevada Human Trafficking Task Force, or its successor organization; and

(2) The Southern Nevada Human Trafficking Task Force, or its successor organization.

(c) "Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children" means the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children established by the Governor pursuant to Executive Order 2016-14, issued on May 31, 2016.

(d) "State of Nevada Human Trafficking Coalition" means the State of Nevada Human Trafficking Coalition formed pursuant to NRS 217.098.

Sec. 5. NRS 217.100 is hereby amended to read as follows:

217.100 1. Except as otherwise provided in subsection 5, any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, may apply to the Director for such compensation not later than 24 months after the injury or death for which compensation is claimed ~~[.]~~ *or, for a person who is a victim of sex trafficking or facilitating sex trafficking, not later than 60 months after the injury or death for which compensation is claimed,* unless waived by the Director or a person designated by the Director

for good cause shown, and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made.

2. An order for the payment of compensation must not be made unless the application is made within the time set forth in subsection 1.

3. Where the person entitled to make application is:

(a) A minor, the application may be made on his or her behalf by a parent or guardian.

(b) Mentally incapacitated, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.

4. The applicant must submit with his or her application the reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim's injury or death, treated or examined the victim in relation to the injury for which compensation is claimed.

5. The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of pornography. Such a minor must apply for compensation before reaching 21 years of age.

6. As used in this section:

(a) "Facilitating sex trafficking" means a violation of NRS 201.301.

(b) "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

Sec. 6. NRS 217.500 is hereby amended to read as follows:

217.500 As used in NRS 217.500 to 217.540, inclusive, *and section 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 217.510 and 217.520 have the meanings ascribed to them in those sections.

Sec. 6.5. NRS 217.540 is hereby amended to read as follows:

217.540 1. A nonprofit organization or any agency or political subdivision of this State may apply to the Director of the Department of Health and Human Services for an allocation of money from the Contingency Account.

2. ~~[Except as otherwise provided in this subsection, the]~~ *The* Grants Management Advisory Committee created by NRS 232.383 shall review applications received by the Director pursuant to subsection 1 and make recommendations to the Director concerning allocations of money from the Contingency Account to applicants. ~~[If the Director, in his or her discretion, determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately, the Director may make an allocation of money from the Contingency Account pursuant to this section without the review of the application or the making of recommendations by the Grants Management Advisory Committee.]~~

3. The Director may make allocations of money from the Contingency Account to applicants and may place such conditions on the acceptance of such

an allocation as the Director determines are necessary, including, without limitation, requiring the recipient of an allocation to submit periodic reports concerning the recipient's use of the allocation.

4. The recipient of an allocation of money from the Contingency Account may use the money only for the purposes of establishing or providing programs or services to victims of human trafficking ~~[.]~~ *, including, without limitation, establishing pilot programs for alternatives to law enforcement response to victims of human trafficking*.

Sec. 7. NRS 432C.150 is hereby amended to read as follows:

432C.150 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

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

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe is a commercially sexually exploited child;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe is a commercially sexually exploited child and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the commercial sexual exploitation of a child;

(e) A court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(g) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(h) Except as otherwise provided in subsection 4, a federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from commercial sexual exploitation;

(i) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments

or services and that has been trained to make such assessments or provide such services;

(j) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the commercial sexual exploitation of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(k) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons; or

(l) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency.

3. Before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports that a child is a commercially sexually exploited child and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged commercial sexual exploitation of a child or the life or safety of any person.

4. An agency which provides child welfare services shall not provide information maintained by the agency which provides child welfare services to a juvenile court only to facilitate a determination by the court related to the adjudication of a child who is accused of:

(a) Sex trafficking a child in violation of NRS 201.300; or

(b) Facilitating sex trafficking of a child *or an adult posing as a child, as defined in NRS 201.295,* in violation of NRS 201.301.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

7. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

8. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to a district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings against any person alleged to be the perpetrator of the commercial sexual exploitation of a child.

9. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

10. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

11. As used in this section, "parent" has the meaning ascribed to it in NRS 432B.080.

Sec. 7.5. There is hereby appropriated from the State General Fund to the Contingency Account for Victims of Human Trafficking created by NRS 217.530 the sum of $1,000,000.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. 1. This section and section 7.5 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, and 8 of this act become effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 761 to Senate Bill No. 389 requires certain entities to each prepare and submit a biennial report to the Center for the Analysis of Crime Statistics within the Department of Criminal Justice at the University of Nevada, Las Vegas, and based upon the reports submitted, the Center for the Analysis of Crime Statistics shall submit a comprehensive biennial report on human trafficking in this State to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

Amendment adopted.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 389, as amended, revises sex trafficking laws and requires certain entities to prepare and submit a biennial report to the Center for the Analysis of Crime Statistics with the Department of Criminal Justice at the University of Nevada, Las Vegas, and for the Center for the Analysis of Crime Statistics to submit a comprehensive report to the Joint Interim Standing Committee on the Judiciary by July 1 of each odd-numbered year. The report must include the annual budgets, policies on victim identification, resource referrals, victim detention or citation, victim services information, trafficking prosecutions in Nevada and policy recommendations to combat human trafficking. Additionally, this bill makes a General Fund appropriation of $1 million from the State General Fund to the Contingency Account for Victims of Trafficking.

Roll call on Senate Bill No. 389:
YEAS—18.
NAYS—None.
EXCUSED—Buck, Pazina, Stone—3.

Senate Bill No. 389 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 109.

The following Assembly amendment was read:

Amendment No. 646.

SUMMARY—Revises provisions governing anatomical gifts. (BDR 40-453)

AN ACT relating to anatomical gifts; authorizing a coroner or medical examiner to release a body or part of a body that is the subject of an anatomical gift under certain circumstances; prescribing a procedure for a court to appoint a person to make an anatomical gift of part or all of a decedent's body under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Revised Uniform Anatomical Gift Act establishes the rights of donors and other persons to affirmatively make anatomical gifts of human bodies and parts for the purpose of transplantation, therapy, research or education. The Uniform Act also sets forth various requirements and procedures for making, amending, revoking and refusing to make anatomical gifts. (NRS 451.500-451.598) The Uniform Act authorizes: (1) a donor, an agent or guardian of a donor or the parent or guardian of a donor who is a minor to make an anatomical gift of the donor's body while the donor is still alive; and (2) certain classes of persons to make an anatomical gift of a decedent's body or part, in order of priority and subject to certain limitations. (NRS 451.556, 451.566) Section 1 of this bill authorizes a coroner or medical examiner to release and authorize the removal of part or all of a body in his or her custody for the purpose of transplantation upon the request of a procurement organization if: (1) the part or body is the subject of a valid anatomical gift; (2) the coroner or medical examiner has no evidence of the decedent having communicated a desire that his or her body or part not become anatomical gifts; (3) the procurement organization demonstrates it has made a reasonable effort to determine whether any other person in a class authorized to make an anatomical gift of the decedent's body or part is reasonably available; and ~~[(3)]~~ (4) no person in a class authorized to make an anatomical gift of the decedent's body or part who is reasonably available objects to the making of an anatomical gift. Section 1 immunizes a coroner or medical examiner from civil or criminal liability for any act or omission in accordance with the provisions of section 1. Sections 2-4, 6 and 7 of this bill make conforming changes to indicate the proper placement of section 1 in the Nevada Revised Statutes.

If no other person authorized to make an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education is reasonably available, the Uniform Act authorizes any other person having the authority to dispose of the decedent's body to make an anatomical gift. (NRS 451.566) Section 5 of this bill removes this provision and instead authorizes a procurement organization to petition a district court to appoint a person to make an anatomical gift of a decedent's body or part if no other person authorized to make such an anatomical gift is reasonably available. Section 5 prohibits the court from granting such a petition unless the procurement organization : ~~[has determined that:]~~ (1) demonstrates that it has made a reasonable effort to determine whether any other person in a class authorized to make an anatomical gift of the decedent's body or part is reasonably available; (2) has determined that no person who is otherwise authorized to make an anatomical gift and is reasonably available objects to the anatomical gift; and ~~[(2)]~~ (3) has determined that no evidence exists of the decedent having communicated a desire that his or her body or part not become anatomical gifts.

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

Section 1. Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purpose of transplantation only, upon a determination of brain death pursuant to paragraph (b) of subsection 1 of NRS 451.007, the coroner or medical examiner may release and authorize the removal of a decedent's body or part that is in the custody of the coroner or medical examiner if:

(a) The coroner or medical examiner has received a request from a procurement organization;

(b) The body or part is the subject of a valid anatomical gift;

(c) The coroner or medical examiner has no evidence of the decedent having communicated a desire that his or her body or part not become anatomical gifts, including, without limitation, through a refusal that has not been revoked; ~~[and]~~

(d) The procurement organization demonstrates to the satisfaction of the coroner or medical examiner that the procurement organization has made a reasonable effort pursuant to subsection 3 to determine whether any person described in subsection 1 of NRS 451.566 is reasonably available; and

(e) No person described in subsection 1 of NRS 451.566 who is reasonably available objects to the making of an anatomical gift.

2. A coroner or medical examiner is immune from civil or criminal liability for any act or omission performed in accordance with the provisions of this section.

3. Except in the case where the useful life of the body or part does not permit, a reasonable effort shall be deemed to have been made to determine whether any person described in subsection 1 of NRS 451.566 is reasonably

available if a search for such persons has been underway for at least 12 hours. Such a search must include, without limitation:

(a) A check of any records of missing persons maintained by local law enforcement agencies and the National Crime Information Center;

(b) An examination of any personal effects of the decedent; and

(c) In order to obtain information that might lead to the location of any persons described in subsection 1 of NRS 451.566, the questioning of any persons known to have:

(1) Visited the decedent:

(I) Within the month before his or her death; or

(II) In a medical facility where the decedent was receiving care for the condition that caused his or her death;

(2) Accompanied the body of the decedent; or

(3) Reported the death.

4. As used in this section:

(a) "Local law enforcement agency" means the sheriff's office of a county, a metropolitan police department or a police department of an incorporated city.

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

Sec. 2. NRS 451.010 is hereby amended to read as follows:

451.010 1. The right to dissect the dead body of a human being is limited to cases:

(a) Specially provided by statute or by the direction or will of the deceased.

(b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as the coroner may authorize dissection.

(c) Where the spouse or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.

(d) Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.

(e) Where authorized by the provisions of NRS 451.500 to 451.598, inclusive ~~[.]~~ *, and section 1 of this act.*

2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.

Sec. 3. NRS 451.503 is hereby amended to read as follows:

451.503 NRS 451.500 to 451.598, inclusive, *and section 1 of this act* apply to an anatomical gift or amendment to, revocation of or refusal to make an anatomical gift, whenever made.

Sec. 4. NRS 451.510 is hereby amended to read as follows:

451.510 As used in NRS 451.500 to 451.598, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 451.511 to 451.5545, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 451.566 is hereby amended to read as follows:

451.566 1. Subject to subsections 2 , ~~[and]~~ 3 *and 4* and unless barred by NRS 451.561 or 451.562, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(a) An agent of the decedent at the time of death who could have made an anatomical gift under subsection 2 of NRS 451.556 immediately before the decedent's death;

(b) The spouse of the decedent;

(c) Adult children of the decedent;

(d) Parents of the decedent;

(e) Adult siblings of the decedent;

(f) Adult grandchildren of the decedent;

(g) Grandparents of the decedent;

(h) An adult who exhibited special care and concern for the decedent;

(i) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(j) ~~[Any other person having the authority to dispose of the decedent's body.]~~ *A person appointed by a district court pursuant to subsection 4.*

2. If there is more than one member of a class listed in paragraphs (a), (c), (d), (e), (f), (g) or (i) of subsection 1 entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under NRS 451.571 knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

3. A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection 1 is reasonably available to make or to object to the making of an anatomical gift.

4. If a person described in paragraphs (a) to (i), inclusive, of subsection 1 is not available to make an anatomical gift at the time of the decedent's death, a procurement organization may petition a district court to appoint a person to make an anatomical gift pursuant to paragraph (j) of subsection 1. The district court may hear the petition ex parte and grant the petition without a hearing. The district court shall not grant such a petition unless the procurement organization has : ~~*[determined that:]*~~

(a) ~~*[No]*~~ *Demonstrated to the satisfaction of the district court that the procurement organization has made a reasonable effort pursuant to subsection 5 to determine whether any person described in paragraphs (a) to (i), inclusive, of subsection 1 is reasonably available;*

(b) Determined that no person in a prior class under subsection 1 who is reasonably available objects to the making of an anatomical gift; and

~~*[(b) No]*~~

(c) Determined that no evidence exists of the decedent having communicated a desire that his or her body or part not become anatomical

gifts, including, without limitation, through a refusal that has not been revoked.

5. Except in the case where the useful life of the body or part does not permit, a reasonable effort shall be deemed to have been made to determine whether any person described in paragraphs (a) to (i), inclusive, of subsection 1 is reasonably available if a search for such persons has been underway for at least 12 hours. Such a search must include, without limitation:

(a) A check of any records of missing persons maintained by local law enforcement agencies and the National Crime Information Center;

(b) An examination of any personal effects of the decedent; and

(c) In order to obtain information that might lead to the location of any persons described in paragraphs (a) to (i), inclusive, of subsection 1, the questioning of any persons known to have:

(1) Visited the decedent:

(I) Within the month before his or her death; or

(II) In a medical facility where the decedent was receiving care for the condition that caused his or her death;

(2) Accompanied the body of the decedent; or

(3) Reported the death.

6. As used in this section:

(a) "Local law enforcement agency" means the sheriff's office of a county, a metropolitan police department or a police department of an incorporated city.

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

Sec. 6. NRS 451.592 is hereby amended to read as follows:

451.592 1. A person that acts in accordance with NRS 451.500 to 451.598, inclusive, *and section 1 of this act* or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution or administrative proceeding.

2. Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

3. In determining whether an anatomical gift has been made, amended or revoked under NRS 451.500 to 451.598, inclusive, *and section 1 of this act,* a person may rely upon representations of a natural person listed in paragraph (b), (c), (d), (e), (f), (g) or (h) of subsection 1 of NRS 451.566 relating to the natural person's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

Sec. 7. NRS 451.593 is hereby amended to read as follows:

451.593 1. A document of gift is valid if executed in accordance with:

(a) The provisions of NRS 451.500 to 451.598, inclusive ~~[,]~~ *, and section 1 of this act;*

(b) The laws of the state or country where it was executed; or

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence or was a national at the time the document of gift was executed.

2. If a document of gift is valid under this section, the law of this State governs the interpretation of the document of gift.

3. A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

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

Senator Doñate moved that the Senate concur in Assembly Amendment No. 646 to Senate Bill No. 109.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 280.

The following Assembly amendment was read:

Amendment No. 651.

SUMMARY—Revises provisions governing contraception. (BDR 40-40)

AN ACT relating to health care; requiring a hospital to provide for the insertion or injection of certain long-acting reversible contraception if requested by a patient giving birth at a hospital; limiting the amount a hospital or provider of health care may require an insurer to pay for long-acting reversible contraception under such circumstances; prohibiting an insurer from refusing to cover a contraceptive injection or the insertion of certain contraceptive devices at a hospital immediately after an insured gives birth; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements governing the operation of hospitals and other medical facilities. (NRS 449.029-449.2488) Section 1 of this bill requires a hospital, upon the request of a patient giving birth at the hospital, to provide for the insertion or injection of long-acting reversible contraception unless: (1) the contraception is contraindicated for the patient; (2) a physician, physician assistant or advanced practice registered nurse determines that inserting or injecting the contraception would create an unreasonable risk of harm to the patient; or (3) the hospital is a religiously affiliated institution that objects to the insertion or injection of such contraception on religious grounds. Section 1 requires a religiously affiliated hospital that objects to the insertion or injection of such contraception on religious grounds to notify maternity patients of that objection. Section 1 also prohibits a hospital from requiring a provider of health care who objects to the insertion or injection of such contraception on religious grounds to participate in the insertion or injection of such contraception. Section 1 requires such a provider at a hospital to refer a patient who requests the insertion or injection of such contraception to a provider who is willing to provide that service. Section 1 restricts the amount that a provider of health care or hospital is authorized to require a third party insurer to pay for such contraception, the insertion or injection of such contraception or testing associated with such contraception. Sections 2-7 and 9 of this bill make conforming changes to

provide for the administration and enforcement of the requirements of section 1 in the same manner as other requirements imposed by existing law on medical facilities.

Existing law requires certain public and private insurers, including, without limitation, Medicaid, to cover certain types of contraception, including certain implantable rods and intrauterine contraceptive devices. (NRS 287.010, 287.04335, 422.27172, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) Sections 8 and 10-16 of this bill prohibit such an insurer from refusing to cover the insertion of such a device or a contraceptive injection at a hospital immediately after an insured gives birth.

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

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

1. Except as otherwise provided in subsection 2, if a patient giving birth at a hospital requests the insertion or injection of long-acting reversible contraception, the hospital shall provide for the insertion or injection of the long-acting reversible contraception immediately after the birth unless:

(a) The use of the long-acting reversible contraception is contraindicated for the patient; or

(b) A physician, physician assistant or advanced practice registered nurse determines that inserting or injecting the long-acting reversible contraception would create an unreasonable risk of harm to the patient.

2. A hospital that is affiliated with a religious organization is not required to provide the service described in subsection 1 if the hospital objects on religious grounds. Before scheduling a patient for maternity care or, if such scheduling does not occur, upon admitting a patient to the hospital for maternity care, the hospital shall provide to the patient written notice that the hospital refuses to provide the service required by subsection 1.

3. A hospital shall not require a provider of health care who objects to the service described in subsection 1 on religious grounds to participate in the provision of that service. If such a provider of health care at a hospital, other than a hospital described in subsection 2, receives a request for that service, the provider shall refer the patient to a provider of health care who is willing to provide the service.

4. A hospital or provider of health care may not require a third party to pay more for:

(a) Long-acting reversible contraception inserted or injected pursuant to subsection 1 than the lowest rate prescribed in a contract between the third party and a hospital or a provider of the same type as the provider of health care, as applicable, for the same type of long-acting reversible contraception.

(b) The insertion or injection of long-acting reversible contraception pursuant to subsection 1 than the lowest rate prescribed in a contract between the third party and a hospital or a provider of the same type as the provider of

health care, as applicable, for insertion or injection of the same type of long acting reversible contraception.

(c) Any testing associated with the insertion or injection of long-acting reversible contraception pursuant to subsection 1 than the lowest rate prescribed in a contract between the third party and a hospital or a provider of health care of the same type as the provider of health care, as applicable, for the same test.

5. As used in this section:

(a) "Long-acting reversible contraception" means a method of contraception that requires administration less than once per month, including, without limitation:

(1) An intrauterine device; ~~[and]~~

(2) A contraceptive implant ~~[.]~~ ; and

(3) An injectable contraceptive.

(b) "Third party" means:

(1) An insurer, as that term is defined in NRS 679B.540;

(2) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for prescription drugs;

(3) A participating public agency, as that term is defined in NRS 287.*04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or*

(4) Any other insurer or organization that provides health coverage or benefits in accordance with state or federal law.

Sec. 2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 1 of this act,* unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 4. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, *and section 1 of this act* and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~[.]~~ , *and section 1 of this act.*

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for

administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor

organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 5. NRS 449.160 is hereby amended to read as follows:

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

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and section 1 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 1 of this act* and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

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

(g) Violation of the provisions of NRS 458.112.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 1 of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 1 of this act* or

any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 1 of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 7. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ *, and section 1 of this act.*

Sec. 8. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion or removal of a device for contraception ~~[,]~~ *, including, without limitation, the insertion of such a device at a hospital immediately after a person gives birth;*

(e) *A contraceptive injection, including, without limitation, such an injection immediately after a person gives birth;*

(f) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

~~[(f)]~~ *(g)* Management of side effects relating to contraception; and

~~[(g)]~~ *(h)* Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 9. NRS 654.190 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

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

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

Sec. 10. NRS 689A.0418 is hereby amended to read as follows:

689A.0418 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 8, 9 and 11, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2022,~~]~~ *2024,* has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not ~~[use]~~ *:*

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ *; or*

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

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

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 11. NRS 689B.0378 is hereby amended to read as follows:

689B.0378 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ *2024*, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not ~~[use]~~ *:*

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ *; or*

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 11 at a hospital immediately after an insured gives birth.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

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

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 12. NRS 689C.1676 is hereby amended to read as follows:

689C.1676 1. Except as otherwise provided in subsection 7, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

4. Except as otherwise provided in subsections 8, 9 and 11, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ *2024,* has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not ~~[use]~~ *:*

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ *; or*

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

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

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 13. NRS 695A.1865 is hereby amended to read as follows:

695A.1865 1. Except as otherwise provided in subsection 7, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

4. Except as otherwise provided in subsections 8, 9 and 11, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ *2024,* has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not ~~[use]~~ *:*

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ *; or*

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

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

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 14. NRS 695B.1919 is hereby amended to read as follows:

695B.1919 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ *2024*, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not ~~[use]~~ *:*

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ *; or*

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 11 at a hospital immediately after an insured gives birth.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

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

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 695C.1696 is hereby amended to read as follows:

695C.1696 1. Except as otherwise provided in subsection 7, a health

maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

4. Except as otherwise provided in subsections 9, 10 and 12, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ *2024,* has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

8. If a health maintenance organization refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not ~~[use]~~ *:*

(a) Use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ *; or*

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 11 at a hospital immediately after an enrollee gives birth.

14. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

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

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 16. NRS 695G.1715 is hereby amended to read as follows:

695G.1715 1. Except as otherwise provided in subsection 7, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispenses by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

4. Except as otherwise provided in subsections 8, 9 and 11, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ *2024,* has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not ~~[use]~~ *:*

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ *; or*

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

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

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7, inclusive, and 9 of this act become effective on October 1, 2023.

3. Sections 8 and 10 to 17, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Doñate moved that the Senate concur in Assembly Amendment No. 651 to Senate Bill No. 280.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 289.

The following Assembly amendment was read:

Amendment No. 635.

SUMMARY—Revises provisions relating to crimes against providers of health care. (BDR 15-996)

AN ACT relating to crimes; expanding the applicability of enhanced penalties for assault or battery against a provider of health care under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an assault without a deadly weapon or battery without a deadly weapon or without substantial harm to the victim is generally punishable as a misdemeanor. (NRS 200.471, 200.481) A person who commits assault without a deadly weapon against a provider of health care in the performance of his or her duties where the perpetrator knows or should know that the victim is a provider of health care is instead guilty of: (1) a category D felony, if the perpetrator is a probationer, a prisoner who is in lawful custody or confinement or a parolee; and (2) in all other cases, a gross misdemeanor. (NRS 200.471) Additionally, a person who commits a battery against a provider of health care performing his or her duty is guilty of: (1) a gross misdemeanor, if the perpetrator knows or should know that the victim is a provider of health care; or (2) category B felony if the perpetrator knows or should know that the victim is a provider of health care and the battery involves substantial bodily harm or strangulation. (NRS 200.481) Sections 1 and 2 of this bill provide that, for those purposes, the term "provider of health care" includes: (1) a behavior analyst, assistant behavior analyst, registered behavior technician, mental health technician, public safety officer at a health care facility or participant in a program of training to provide emergency medical services; (2) a person who provides health care services in the home for compensation; or ~~[(2)]~~ (3) any person who is employed by or volunteers at a health care facility and meets certain other requirements. Sections 1 and 2 additionally provide that the enhanced penalties for an assault or a battery

against a provider of health care apply any time the provider of health care is assaulted or battered on the premises of a health care facility where the provider of health care performs his or her duty and the perpetrator knows or should know that the victim is a provider of health care, whether or not the provider of health care was performing his or her duty.

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

Section 1. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) *"Health care facility" means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.*

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(d)]~~ *(e)* "Provider of health care" means ~~[a]~~ *:*

(1) A physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, *a person who provides health care services in the home for compensation*, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, *a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician,* a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, *a public safety officer at a health care facility,* an emergency medical technician, an advanced emergency medical technician , ~~[and]~~ a paramedic ~~[.~~ ~~(e)]~~ *or a participant in a program of training to provide emergency medical services; or*

(2) An employee of or volunteer for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(f)]~~ *(g)* "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(g)]~~ *(h)* "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ *(i)* "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(i)]~~ *(j)* "Taxicab driver" means a person who operates a taxicab.

~~[(j)]~~ *(k)* "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault ~~[is]~~ *:*

(1) Is committed upon ~~[an]~~ *:*

(I) An officer, ~~[a provider of health care,]~~ a school employee, a taxicab driver or a transit operator who is performing his or her duty *;*

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) A sports official based on the performance of his or her duties at a sporting event *;* and ~~[the]~~

(2) The person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official,

➥ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault ~~[is]~~ *:*

(1) Is committed *by a probationer, a prisoner who is in lawful custody or confinement or a parolee* upon ~~[an]~~ *:*

(I) An officer, ~~[a provider of health care,]~~ a school employee, a taxicab driver or a transit operator who is performing his or her duty *;*

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) A sports official based on the performance of his or her duties at a sporting event *;* ~~[by a probationer, a prisoner who is in lawful custody or confinement or a parolee,]~~ and ~~[the]~~

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official,

➥ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly

weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 2. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) *"Health care facility" has the meaning ascribed to it in NRS 200.471.*

(e) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(e)]~~ *(f)* "Provider of health care" has the meaning ascribed to it in NRS 200.471.

~~[(f)]~~ *(g)* "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(g)]~~ *(h)* "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ *(i)* "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(i)]~~ *(j)* "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

~~[(j)]~~ *(k)* "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(k)]~~ *(l)* "Taxicab driver" means a person who operates a taxicab.

~~[(l)]~~ *(m)* "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon ~~[an]~~ *:*

(I) An officer, ~~[provider of health care,]~~ school employee, taxicab driver or transit operator who was performing his or her duty *;*

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) A sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery ~~[is]~~ *:*

(1) Is committed upon ~~[an]~~ *:*

(I) An officer, ~~[provider of health care,]~~ school employee, taxicab driver or transit operator who is performing his or her duty *;*

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) A sports official based on the performance of his or her duties at a sporting event *;* and ~~[the]~~

(2) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➥ for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 635 to Senate Bill No. 289.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 251, 302 and 429 and Assembly Bill No. 291.

Senator Cannizzaro moved that the Senate adjourn until Monday, May 29, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 4:57 p.m.

Approved: STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY
Secretary of the Senate